



New York State Office of  
**Indigent Legal Services**

80 S Swan Street, Suite 1147, Albany, NY 12210  
Tel: (518) 486-2028 Fax: (518) 474-0505  
E-Mail: [info@ils.ny.gov](mailto:info@ils.ny.gov) [www.ils.ny.gov](http://www.ils.ny.gov)

**Kathy Hochul**  
Governor

**Patricia J. Warth**  
Director

**Burton Phillips**  
Counsel

## INDIGENT LEGAL SERVICES BOARD MEETING

April 2, 2025, 11:00 am  
New York City Bar Association  
42 West 44<sup>th</sup> Street, New York, NY

This meeting will occur in-person. Members of the public who wish to observe the meeting can observe in person or remotely via this link: <https://meetny-gov.webex.com/meet/rachel.rubitski-new> (hit: Ctrl + Click to follow link or copy and paste it into your web browser).

### AGENDA

- I. Approval of Minutes of December 13, 2024 Board Meeting (attachment) (**vote**)
- II. 2024 Annual ILS Report (attachment) (Patricia Warth) (**vote**)
- III. Development and Preview of ILS' Standards for the Investigation Function on the Interdisciplinary Defense Team (attachment) (Kingston Farady, Mandy Jaramillo, and Jen Chenu)
- IV. Representation of Parents in Family Court Matters: ILS's Data Collection Work (Reilly Weinstein)
- V. FY 2025-26 State Budget Updates and ILS Office Updates (Burton Phillips)
- VI. Adjourn

Agenda I  
(Dec. 13, 2024 ILS Board Meeting Minutes)

## **Minutes for the Indigent Legal Services Board Meeting**

December 13, 2024

11 A.M.

In person at the New York City Bar Association

**Board Members Present:** Chief Judge Rowan Wilson, Diane Atkins, Hon. Carmen Ciparick, Christopher DeBolt, Lenny Noisette (virtual), Jill Paperno

**ILS Office presenters:** Patricia Warth, Burton Phillips, Nora Christenson

**Special Guest presenters:** Susan Lettis (Otsego County Public Defender), Andy Correia (Wayne County Public Defender), Mark Funk (Monroe County ACP Administrator)

**Minutes taken by:** Mindy Jeng

### **I. Approval of Minutes of September 20, 2024 Board Meeting (attachment) (vote)**

Ms. Paperno made a motion to approve the September minutes. Judge Ciparick seconded the motion. The board unanimously approved the minutes.

### **II. Updating ILS Caseload Standards for Criminal Defense Representation (attachment) (Nora Christenson)**

Nora Christenson gave a brief overview of how ILS' current caseload standards for criminal defense representation were developed in 2016. She stated that the current caseload standards are a product of the *Hurrell-Harring* (HH) settlement. Before that, ILS relied on the National Advisory Commission on Criminal Justice Standards and Goals (NAC) standards. These were national standards that were not the result of empirical evidence but based on discussions that were made among providers.

When it was time for ILS to develop standards, ILS wanted to do it in a way that was evidence driven. ILS worked with the HH settlement parties and conducted a caseload study with the RAND Corporation. The caseload study included time tracking in the five settlement counties, a time sufficiency survey, and then the convening of a Delphi panel of experts in the criminal defense field. These criminal defense experts discussed and came to a consensus on what the average amount of time it should take to complete certain case actions for seven case types. ILS was also required to consult with the parties, the counties, and various other stakeholders to ensure that whatever standards ILS was issuing could be fully funded. ILS took all the data and issued ILS' criminal caseload standards in December 2016.

Ms. Christenson shared that a lot of things have happened since then, and ILS has learned a lot in the past seven years of implementation. There is a need to continually evaluate and update the standards. There have been advances in technology, which has impacted the time people spend on cases and changed the practice of law. In 2019, New York enacted significant reforms to criminal case discovery obligations, resulting in a significant amount of information being disclosed to the defense early in the case. Defense attorneys now must spend time to review this information.

Many other jurisdictions have conducted their own caseload studies since 2016. There was also a set of new evidence-driven national standards issued in 2023. It was a product of the National Association for Public Defense, the Rand Corporation, the National Center for State Courts, and an ABA Committee. They had 33 participants in their Delphi panel and went through an iterative process. Another development that occurred was that the ABA has revised their Ten Principles of a Public Defense Delivery System. The third principle says that public defense providers should adhere to local caseload standards that do not exceed the national workload standards.

Last year, ILS worked its Chief Defender Advisory Group to take the first step of mapping the new national standards to ILS' caseload standards. It was difficult because they had different case types. ILS always knew that it needed to update the case-type categories to distinguish homicide representation and other violent felony representation. ILS also knew that it needed to update its appellate case types since the 2016 standards include only two appellate case-types.

ILS has decided this is the right time to update the 2016 caseload standards. ILS had a meeting with the Chief Defender Advisory Group this summer to come up with a plan. ILS will convene two Delphi panels: one for trial-level practice and one for appellate-level practice. ILS has also updated the case types, increasing the number of case types to ten. For each of these case types, the Delphi panels will determine how much time, on average, is needed to provide professionally competent representation. ILS is also conducting a survey of providers to see how the new discovery laws have impacted their time. The survey on the discovery laws closes on December 23. ILS is also in the process of obtaining input for Delphi panel membership. Ms. Christenson says she anticipates the trial-level update will be complete in April, for presentation to the Board in June. For the appellate level standards, they would like to keep it close to that schedule as well but will keep the Board posted.

Ms. Paperno commented that she liked the distinction between Class A felonies and other types of felonies. She asked if there will be weighted caseloads if people are handling both felonies and misdemeanors? Ms. Christenson said they do have a weighted caseload formula in place right now. The formula is that attorneys can be assigned no more than 300 misdemeanor equivalents in one year, and one violent felony is equal to six misdemeanors. Ms. Paperno asked if ILS has thought about hiring a recruitment position since hiring is a problem for many providers. Director Warth said that the New York State Defenders Association (NYSDA) has funding for a recruitment project. ILS' regional coordinators are also working with

providers on recruiting strategies. Ian Harrington in Buffalo is teaching a class at SUNY Buffalo to expose students while they are still in law school. The approach is multi-faceted.

Ms. Bryant, Executive Director of NYSDA, stated that NYSDA hired a Director of Recruitment and Retention, who started on September 23. They had a three-hour meeting with the chief defenders. A lot of providers are not used to the law school hiring schedule. Ms. Bryant said they have many plans for the new funding, and it is an exciting project that will make an impact on the future.

Ms. Atkins asked if internships are paid or unpaid. Ms. Bryant said they are hoping that they can provide something to interns. Even if they are not paid, there may be ways that they can get school credit, a housing stipend, or some other benefit. Ms. Christenson said that most counties are using ILS funding to pay interns, and ILS is urging all counties to do so.

Mr. DeBolt asked if ILS has any idea of what the new caseload standards will be. Ms. Christenson said that they expect it to be closer to the national standards. Mr. DeBolt said that the providers will run into space issues if they double the number of attorneys and support staff. There will be issues with recruitment and retention, and they won't know where they are going to put staff. There is a capital component to getting space for staff. It takes 10 years from conception to cutting the ribbon on a new building. Ms. Christenson said they have learned about the space issues, and ILS has a better understanding of how long it takes to get things done. Ms. Christenson said there will be ongoing conversation about these issues. Many counties are still facing space issues right now.

Mr. DeBolt also said that going forward, the providers will need to hire managers and mentors for young attorneys. It takes a long time to develop more senior staff. Director Warth agreed and said there needs to be strong messaging about the implications of the caseload standards. There will need to be an understanding that time is needed to implement updated standards.

### **III. Implementing Public Defense Reforms - Providers' Perspectives Special Guests:**

Director Warth invited three different Chief Defenders to speak to the Board. She asked them to be honest about their successes and the challenges. She invited them to talk to the Board about the additional support that ILS can provide them that would facilitate their efforts.

#### **a. Susan Lettis, Otsego County Public Defender**

Ms. Lettis said she began her position one year ago. Her office has 13 people: three full-time criminal defenders, three part-time criminal attorneys, three family court attorneys, one administrator, one data specialist, and some support staff. It is a large staff for a relatively rural county. Their county did not take full advantage of the state funding available at first. It took time and effort to create positions and recruit. The county board is now very supportive of the Public Defender Office department, which is in part due to the support of ILS. These positions

would not exist if not for state funding. One of the challenges is that the defenders wear many different hats. Attorneys carry a caseload and must do administrative tasks. Ms. Lettis said that the work is fun, and she has gotten a lot of support from her contact at ILS, Kathryn Murray. They have been able to make modifications of ILS grants so that it works better for their office. They have used state funding to hire private investigators, social workers, and other assistance. They hope to do more of that in the future.

Ms. Lettis said that they been lucky with hiring. They were able to fill attorney positions quickly. They have competitive salaries compared to other parts of the state. Recruitment took time and effort, but they are fully staffed now. With the new 2nd HH Statewide contracts, reimbursements are a little bit easier. Ms. Lettis recently reported to the office's parent committee that their revenue line and budget line was where they expected it to be. Ms. Lettis' office also created internships. They had three interns in the last year, two of whom said that they wanted to return. Their interns have been able to obtain a practice order, allowing them to go to court and practice as an attorney.

Ms. Lettis said that with ILS funding, they were able to have Gideon's Promise conduct a training. It was a training for the whole office to create a vision and a mission statement. It is clear now why this is important. They were able to think about what they are doing and why they are doing it. Everybody has an important role to play. Director Warth explained that she appreciated Ms. Lettis' creativity in re-purposing unspent money from a previous contract for the training. Ms. Paperno said that Ms. Lettis has done great work, considering she has only been in the position for one year.

#### **b. Andy Correia, Wayne County Public Defender**

Mr. Correia said that Wayne County has a population of 93,000 people. There are no cities, and the area is largely agriculture. There are 18 Town and Village Courts and three County Court judges that handle criminal, family, and surrogate court matters. They have about 2,000 criminal cases a year. There are about 20-24 positions in the office now, including a constant rotation of social worker interns. Mr. Correia said they are squeezed into their renovated office space and are fully staffed, though it has been a herculean effort to be fully staffed.

Mr. Correia described the accomplishments of the office by summarizing "what has the funding done?" They have added staffing and raised the pay grades and salaries for positions in the office. It took protracted political negotiations with the county to raise salaries. They are now competitive in their region. They have a mitigation team, composed of a social worker, social work assistant, and their first assistant. The first assistant in their office is a JD/MSW. They have full-time investigators, and the investigators communicated the tools that they needed. Mr. Correia said that they will have generation of lawyers on staff who will never know what it is like to go without an expert. They have money to send staff to national trainings. They can pay for organizational memberships for any staff.

Mr. Correia said that there has been an absolute revolution in how they handle appellate practice. Their first assistant has provided new information about the work associated with appeals. They have money to outsource some appellate work as well.

Mr. Correia shared two stories with the Board. In 1995, a 17-year-old young woman was charged with a misdemeanor for endangering the welfare of a child. She was supposed to keep an eye on her seven-year-old nephew. She went into court without a lawyer, and the judge accepted a guilty plea on the misdemeanor. She was sentenced with a fine. Though the court was legally required to adjudicate her a youthful offender, which would have vacated and sealed the conviction, because she was not represented by a lawyer, this was not discussed or granted. Nearly 29 years later, as a 46-year-old woman, she lost two jobs because of the outstanding conviction, and a business start-up loan was denied. When she contacted the Public Defender's Office for help, the office was able to chase down the records of the court. Mr. Correia was able to coordinate with the District Attorney to get the matter before a judge, who agreed to vacate the original conviction, dismiss the case, and seal the records.

Mr. Correia said that what happened to this woman in 1995 would never happen today, and that this case illustrates that now, thanks to ILS funding, public defenders are in the room, and there is counsel at first appearance. Judges and clerks know better, and judges will not accept guilty pleas from a person who is not represented by counsel. Ignoring youthful offender status would never happen now.

Mr. Correia shared a second story. In 2011, Chief Judge Lippman announced that as Chair of the ILS Board, he was ensuring that the newly created ILS Office would make funding available for Counsel at First Appearance (CAFA). Using this funding, the Wayne County Public Defender Office started CAFA in 2016 in about six of the 18 justice courts. In 2019, the county created a Centralized Arraignment Part, which creates regular and knowable arraignment sessions at the Wayne County Jail two times per day. In 2021, there was a problem. People were being marooned at the Wayne County jail. The office was getting about 80% of defendants released, but they didn't have transportation to go home and there was no public transportation available. The office worked with the County Department of Social Services and the Aging and Youth Department. They decided to use a ride sharing program called Go Go Grandparents. They were able to sign a contract for under \$5,000 using ILS funding. This helped to provide a service to clients who did not have their own transportation. This solution addressed an obvious problem. But even this small solution, with everyone supporting it, took three years to implement.

Mr. Correia also discussed whether their office has the independence called for by professional standards. The answer is sort of. There is an illusion of independence or constructed independence that requires a good working relationship with the county. Previous public defenders have earned the county's respect, and as a result, have used ILS funding effectively. This year, half of the County's board of supervisors turned over. Mr. Correia has had to return to the drawing board to educate them about ILS funding.

Mr. Correia also noted that managing the funding takes work, and recommended that information be provided more systematically to public defenders on how to structure a budget, how to be a fiscal good manager, etc.

Mr. Correia finished by saying that he thinks a lot about whether it is possible to meet the goals of quality public defense improvement in a county-based system.

### **c. Mark Funk, Monroe County Assigned Counsel Program**

Director Warth introduced Mark Funk, the Monroe County Assigned Counsel Program Administrator. Mr. Funk used to head the Conflict Defender Office that oversaw the Assigned Counsel Program (ACP). Mr. Funk shared that the Public Defender's Office works cooperatively with the ACP. The ACP took on some cases from the Public Defender's Office to ensure that the Public Defender Office had manageable caseloads. The ACP took about 25 of these "caseload overflow" cases a month from them. *Hurrell-Harring* funding has allowed the Conflict Defender Office to be the primary representative in Rochester City Court, which was a huge change. This also allowed the Public Defender's Office to achieve compliance with ILS caseload standards. The other huge change was the split of the Conflict Defender and ACP. For 6.5 years, Mr. Funk did both jobs. That prevented the ACP from doing new initiatives. In the last year and a half, the office has been able to focus exclusively on the ACP. Sarah Holt is the current Conflict Defender. They work cooperatively together to implement reforms to benefit their clients.

The ACP is doing many things to implement reforms, including:

- They utilize a resource attorney, who provides resources to panel attorneys and creates a more manageable work distribution within the ACP.
- They have filled a training and mentorship position. They have 100 years of criminal defense experience among the three attorneys.
- They moved into a new space in March. They have meeting rooms for attorneys to meet with clients. They have TVs so attorneys can put videos disclosed through discovery on the screen.
- They implemented a second chair program for cases homicide cases and other case types that could result in a life sentence. Two attorneys are involved. They are trying to get younger attorneys to handle second chairing.
- They are case conferencing cases with attorneys. The Supreme and County Clerk offices provide a calendar of upcoming trials. They reach out to attorneys who have upcoming trials to prepare for them. They have had complete acquittals in half of the cases.
- They have implemented Westlaw for all panel attorneys.
- A big project they have worked on is updating the website. The goal is for the website to be a one stop shop for everything that the attorneys need.
- They are working on a Giglio database (information that goes to the credibility of law enforcement witnesses) using the information the DA's Office is required to disclose



pursuant to two US Supreme Court decisions, Giglio (impeachment evidence) and Brady (exculpatory evidence), and they are compiling their own information as well.

Mr. Funk said one of the biggest challenges is that not all panel attorneys consistently listen to the ACP Administrator. The Administrator has no authority over them. Mr. Funk is trying to change the culture of the ACP. They want the attorneys to hire experts, make them aware of the different services that are available to them. They send out post cards to the panel attorneys to remind them of the trial that is coming up. They are also trying to utilize social media in a smart way.

Mr. Funk said that the Family Court attorneys are shut out of these reforms, and therefore feel neglected. At the first annual meeting of the panel, they only spent five minutes on Family Court. They try to have regular communication with the attorneys. They are also organizing monthly happy hours to get folks together.

Mr. Funk said many improvements are needed in Family Court. In 12% of proceedings where children are removed, the parents are not represented in court. Only 50% are reunited with their parents. There have been many reports on how bad the Family Court is. The Chief Defenders Association of New York (CDANY) estimated that \$220 million of State funding is needed to implement reforms in Family Court. Only \$19.5 million was received in this current year state budget. The Monroe County Public Defender's Office was one of the first to get an ILS family defense grant. With that funding, they are able to represent clients and litigate cases and to have fact finding hearings. That was unheard of prior to the grant. The Conflict Defender has been awarded ILS Family Court funding as well to hire one attorney and one social worker for Family Court. They are litigating cases, which was not possible without ILS funding. Hopefully the Governor and Legislature will give more money for parental representation.

Ms. Paperno asked ILS if there is a way to share this information from these three speakers with different counties. She said that ideas such as providing transportation to clients, conducting the training from Gideon's Promise, etc. should be shared widely. Ms. Christenson said that they will make this information more easily accessible to others and they are working on that.

Chief Judge Wilson said that the Legislature has given more Family Court judges, but that is insufficient if they do not have sufficient lawyers. Family Court needs a change in culture. Judges will give a party one hour to provide testimony, and then the matter is adjourned for a month. The trials can go on for a year, and there are only six hours of testimony total.

#### **IV. ILS Office Updates (Burton Phillips)**

Mr. Phillips discussed ILS Office staff updates. ILS has two new staff members: Julia Shaw, Special Assistant for Mitigation with the Statewide Appellate Support Center, and a new attorney with the Statewide Appellate Support Center joining in January. They have also made an offer to someone for the Assistant Counsel position in the Family Representation Unit. There

are also two other positions with offers accepted that are making their way through the approval process. One is a Grants Administrator position, and the other position is a Criminal Defense Representation Counsel who will be on Ms. Christenson's team.

ILS will be posting for new attorney positions, one in the Statewide Appellate Support Center and one in the Western New York Regional Support Center. There are also three new Grants Unit positions that will be posted.

## **V. Adjourn**

The schedule of ILS Board Meetings for 2025:

- April 4<sup>th</sup>\*\*
- June 13<sup>th</sup>
- September 19<sup>th</sup>
- December 12<sup>th</sup>

All meetings will take place at 11:00 am at the New York City Bar Association.

Chief Judge Wilson adjourned the meeting at 12:27 pm.

\*\*Note: this date has subsequently been changed to April 2, 2025

## Agenda II

### (2024 Annual ILS Report)



New York State Office of  
Indigent Legal Services

# Thirteenth Annual Report

INDIGENT LEGAL SERVICES BOARD

Calendar Year 2024



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## Director's Message

As I am writing this, there is a flurry of unsettling activity from President Trump's administration that deviates from historical and legal precedent and will significantly impact people who historically have been marginalized. Amidst this activity, it often has been challenging to remain focused. My touchstone for doing so has been my ILS colleagues and the persistence, ingenuity, expertise, and deep commitment with which they work to improve the quality of representation provided to low-income people caught up in our criminal legal and Family Court systems.

Their relentless commitment to quality representation is evident in this report. Highlights include:

- Working collaboratively with county and New York City defense providers and officials, the Criminal Defense Representation Team finalized budgets for the Second Statewide Expansion of *Hurrell-Harring* three-year contracts, which finance the quality improvement plans required under Executive Law § 832(4).
- The Family Representation Unit supported a growing number of counties that receive ILS funding to improve the quality of representation provided to parents in Family Court.
- The Statewide Appellate Support Center developed more defense resources and conducted more trainings and case consultations than in previous years while also coordinating and participating in several collaborations with other ILS units.
- The Research Team refined its work to improve the capacity of public defense providers to report data in criminal matters with its "Push the Button" campaign and developed a data collection instrument for Family Court representation providers.
- The Grants Unit significantly streamlined the process for issuing contracts while simultaneously increasing the dollar amount of claims processed and paid out by threefold since 2022.
- ILS' Administrative staff worked to on-board several new staff members and, in response to staff input, successfully updated ILS' on-boarding protocols. ILS' IT staff not only ensured that all staff – including new staff – have much-needed hardware and software, but also worked to create a new ILS website, which should launch in early 2025.

Because it is directly related to public defense, I must also acknowledge the war that President Trump is waging on efforts designed to enhance diversity, equity, and inclusion (DEI). Reflecting on this, historian Heather Cox Richardson noted in her January 22, 2025 "Letters from an American," that "breaking things is easy, but it is harder to build them." Over the last several years, the federal government had engaged in the hard but essential work of building a commitment to thoughtful and intentional policies and initiatives to foster DEI, so all people are treated fairly, with dignity, and afforded meaningful opportunities for full participation in the community as their authentic selves. President Trump is aggressively working to dismantle these efforts.

Despite President Trump's efforts to break what has been built thus far, ILS remains committed to the critically important work of promoting DEI in our workplace and in our work to improve New York's public defense system. ILS is aligned with Kobie Flowers, co-chair of the National Association of Criminal Defense Lawyers' Anti-Racism Task Force, who told the Associated Press on January 23, 2025 that diversity among public defense provider staff is necessary in the criminal legal system. He emphasized that "equal justice for all demands more than simply the absence of overt bias. DEI in the criminal defense bar isn't just about compliance; it's about cultivating a culture where every voice, regardless of background, is heard, valued, and empowered."

Toward that end, in late 2023, a professionally diverse group of ILS staff formed an Inclusive Language Working Group. In 2024, the Working Group issued Inclusive Language Guidelines to guide ILS staff on written and oral communication that strives to conscientiously use inclusive language and avoid exclusionary language that causes discrimination and injustice and is therefore anathema to ILS' mission. During the year this group met to research and discuss this guide, they also identified concerns and developed recommendations about ILS' office culture, which they shared with me and Burton Philips (Counsel). Based on their recommendations, ILS worked to improve our onboarding process for new staff. We also retained a consultant with expertise in DEI to guide our efforts to improve ILS office culture. This consultant conducted a survey of staff, with a 100% participation rate, and a listening tour to dig deeper into issues the survey identified. These efforts yielded several areas of needed attention and growth, including the need for me to work towards a leadership style that is more transparent and inclusive and resists micromanaging in a manner that makes people feel undervalued. Other areas of needed attention include identification of clear pathways for professional development, tenure-based salary increases, and the need for protocols and practices that facilitate collaboration and communication between office units.

I am grateful to the Inclusive Language Working Group and all ILS staff who had the courage to share their experiences working at ILS and to offer thoughtful recommendations. I look forward to working with ILS staff to adopt these recommendations in a manner that promotes meaningful change and works towards a truly fair and equitable office culture – and ultimately a public defense system – that hears, values, and empowers every voice.



Patricia Warth  
April 2025

## Criminal Defense Reforms and Quality Initiatives

In 2024, the Criminal Defense Representation (CDR) team continued the work to implement the historic criminal public defense reforms under the *Hurrell-Harring* Settlement and its extension statewide under Executive Law § 832(4). The team was led by Nora Christenson (Chief – Criminal Defense Representation Team) and grew in February, when Ketienne Telemaque joined the team as the first Criminal Defense Representation Counsel for Region A (New York City, Nassau and Suffolk counties). The CDR team also said goodbye to longtime team paralegal Jennifer Aguila who, after eight years of working with the *Hurrell-Harring* and statewide teams, moved on from ILS.

### *End of an Era, Continued Work with Criminal Public Defense Providers*

In March 2024, nine years after the Albany County Supreme Court certified the *Hurrell-Harring* Settlement, the Settlement period came to an end. With ILS' support, the five lawsuit counties – Onondaga, Ontario, Schuyler, Suffolk, and Washington – have led the way in increasing attorney and specialized professional staff, increasing supervision and mentor supports, enhancing access to critical resources like investigators, experts, and mitigation specialists, and developing and implementing new programs that enhance the quality of client representation and ensure defense counsel representation at arraignment. Together with ILS, they created a roadmap for successful implementation and exposed some ongoing challenges. This work laid the foundation for the ongoing efforts statewide to realize and maintain the goals of Executive Law § 832(4).

The five counties will continue their progress pursuant to Executive Law § 832(4) and, in 2024, the CDR team worked with them to formally merge three contracts that previously represented their *Hurrell-Harring* Settlement implementation plans and associated funding into one *Hurrell-Harring* Settlement (3 Years) contract. Simultaneously, the CDR team worked with the rest of the state – the “statewide counties” – to finalize their Second Statewide Expansion of *Hurrell-Harring* three-year contracts. These new contracts are critical to the flow of funding for the counties' continued progress in implementing the criminal public defense reforms under Executive Law § 832(4), and for the first time reflect the full amount of funding available to the counties for all three years of the contract period. Issuing the new contracts gave the CDR team an opportunity to work with the public defense providers to evaluate both new and continuing program needs to ensure adequate staffing, supervision, training, and support other quality improvement initiatives and access to resources. Recognizing that recruitment continues to be a challenge, the CDR team also focused on supporting initiatives to attract and retain attorney and specialized professional staff including allocating funding for internships and enhancing the funds available for competitive salaries. By the end of 2024, the CDR team finalized Second Statewide Expansion of *Hurrell-Harring* contracts and *Hurrell-Harring* Settlement (3 Years) contracts for every county in the state and New York City.



Throughout this work, the CDR team continued to meet in person and virtually with public defense providers and county officials to deepen ILS' knowledge of each provider and focus on successful implementation of the quality improvement plans required under the Settlement and Executive Law § 832(4).

In September and October 2024, ILS published annual reports on the status to implement the Counsel at Arraignment, Quality Improvement, and Caseload Relief Plans under Executive Law § 832(4). For the first time since statewide implementation of the *Hurrell-Harring* Settlement, we reported that every county in New York State has systems in place to ensure defense counsel representation at every arraignment involving a person in detention (i.e., "custodial arraignments"). We attribute this success to two factors: 1) an increase in the number of Centralized Arraignment Parts across the state, making it easier to plan for and ensure counsel is present at arraignments; and 2) an increase in criminal attorney staffing due to increased state funding. The Quality Improvement and Caseload Relief update report supported the second point – in 2023, attorney and specialized professional staffing increased despite the challenges with recruitment and retention in public defense nationwide. Though there are still obstacles to implementation, the infusion of state funding, the CDR team's work with counties, public defense providers, and other criminal legal system stakeholders, and the hard work of public defense providers have led to success in enhancing the criminal public defense system.

### *Western NY Regional Support Center Highlights*

2024 was the first full year of operation for ILS' Western New York Regional Support Center (WNY RSC) in Buffalo. The WNY RSC currently supports ILS Region H which consists of Allegany, Cattaraugus, Chautauqua, Erie, Genesee, Livingston, Niagara, Orleans, and Wyoming counties. With the addition of Carolyn Walther (Appellate Counsel) in February and Jill Crist (Administrative Assistant) in March, the office was fully staffed. Later in the year, Carolyn Walther assumed the role of Appellate Attorney, Parent Representation which is overseen by ILS' Statewide Appellate Support Center (SASC), and she now bridges the WNY RSC, Family Representation Unit, and SASC work in this area.

The WNY RSC's physical presence in Western New York has enhanced the staff's ability to meet in person with providers, attend regional and county-specific meetings, problem-solve implementation challenges, and enhance the overall quality of public defense in New York's western counties. The WNY RSC has established regular contact and good working relationships with the Region H providers and county officials which has led to opportunities to support new initiatives and brainstorm changes to public defense systems. The WNY RSC team continues to encourage and explore possible regional initiatives, and they are partnering with the University at Buffalo School of Law on strategies for encouraging law students to consider careers in public defense.

## *Structural Developments – Creating Blueprints for Success*

A foundational CDR team goal is ensuring that each county has sustainable systems of representation in criminal cases in compliance with County Law § 722, and that these systems have the independence called for by the ABA's *Ten Principles of a Public Defense Delivery System*. ILS not only allocates funding to augment existing public defense programs, but we also allocate funding where appropriate to build new programs. For example, in 2024, the CDR team worked with Columbia County to create a new Conflict Defender Office (previously, representation on conflict cases was provided by a four-tiered system of contracted attorneys) and worked with other counties to take steps to create independent public defense programs.

As the entity responsible under County Law § 722(3) for approving Bar Association Plans for Assigned Counsel Programs ("ACP Plans"), ILS also works closely with providers and county and city officials to develop ACP Plans that comport with ILS Standards for Establishing and Administering Assigned Counsel Programs. In 2024, ILS' work in this area focused on Rockland, Monroe, Sullivan, Franklin, Essex and Ulster counties, as well as New York City. CDR team attorneys provide feedback on draft plans, templates and sample plans, and coordinate with working groups and committees to achieve progress in developing and approving plans.

## *Quality Initiatives - Bringing Providers Together to Strengthen Programs*

The CDR team also works with public defense leaders and other stakeholders to support their program growth, connect them with resources and experts to assist in program development, and make connections to other leaders statewide. In 2024, ILS hosted or participated in number of such initiatives.

### *Gideon's Promise New York Leadership Training*

In May, Claire Knittel (Criminal Defense Representation Counsel – Region C) and Claire Zartarian (Deputy Chief – Criminal Defense Representation Team) led ILS' partnership with Gideon's Promise, the Legal Aid Society of Westchester County, and the Orange County Independent Office of Assigned Counsel to host an in-person three-day leadership workshop. Thirty-six defenders, including one social worker, participated from locations across the state representing offices large and small and urban and rural. The event started with an introduction to Gideon's Promise and its model for achieving a healthy public defense office culture. Other presentations focused on topics such as harnessing the diverse motivations for public defense work and establishing core values and mission statements. The workshop included several small group breakout sessions where Gideon's Promise faculty facilitated drafting of core values and a mission statement, allowing attendees to leave the workshop with a product to take back to their offices. Participants were positive about the program and spoke of being inspired and energized to begin the work of culture change in their offices and to leverage the connections they made with

other public defense leaders to assist them. Because the feedback was so positive, ILS will be hosting another Gideon's Promise Leadership Workshop in 2025.

### *2024 ACP Summit*

In June, the CDR team hosted its second annual daylong Assigned Counsel Program Summit at the New York State Bar Association. Kathryn Murray (Criminal Defense Representation Counsel – Region E) chaired the Core Planning Committee along with Ketienne Telemaque (Criminal Defense Representation Counsel – Region A) and Andy Fiske (Criminal Defense Counsel – WNY Regional Support Center). The 2024 ACP Summit brought together more than 70 ACP leaders from across the state to focus on interdisciplinary, team-based client representation. The Summit's core program featured a presentation by Kingston Farady (Special Assistant for Investigation), Beth Walker (Special Assistant for Mitigation), and Elizabeth Isaacs (Supervising Appellate Attorney), who discussed the importance of defense representation that incorporates a team of diverse specialized professionals. This interdisciplinary team approach, which centers the client's goals, is called for by the American Bar Association's *Ten Principles of a Public Defense Delivery System* as well as ILS' *Standards for Establishing and Administering Assigned Counsel Programs*. The day also included breakout sessions for leaders to discuss strategies for supporting interdisciplinary practice and for collaborating with county stakeholders, other legal service providers, and neighboring counties. Emily Galvin Almanza, founder and co-executive director of Partners for Justice, delivered an inspiring keynote address in which she discussed her "Equal Mercy" framework for collaborative defense.

### *Regional ACP Meetings*

The CDR team also participated in several regional ACP leader "meet ups." These meetings enable ACP leaders to continue strengthening their relationships with ACP leaders in other counties who often face similar challenges and provide a forum to discuss regional approaches to issues and representation.

Brendan Keller (Criminal Defense Representation Counsel – Region B) facilitated a series of meetings for ACP leaders in Region B (Dutchess, Orange, Putnam, Rockland, Sullivan, Ulster, and Westchester counties), with the first two occurring in February and July. The discussions in these meetings were wide-ranging – including implementing effective case management and e-voucher systems, websites and technology, interdisciplinary practice, and ILS' Statewide Appellate Support Center services.

ACPs in the Seventh and Eighth Judicial Districts (ILS Region G, composed of Cayuga, Monroe, Ontario, Schuyler, Thompsons, Wayne, and Yates counties, and Region H, composed of Allegany, Cattaraugus, Chautauqua, Erie, Genesee, Livingston, Niagara, Orleans, and Wyoming counties, plus Steuben County) met as a group for the first time in October for a daylong meeting in Batavia. They discussed local issues as well as possible

regional collaborations. Ian Harrington (Attorney in Charge – WNY Regional Support Center), Andy Fiske (Criminal Defense Counsel – WNY Regional Support Center), Alan McReynolds (Resource Support and Data Specialist), Enrico Purita (Criminal Defense Representation Counsel – Region G), and Jennifer Chenu (Deputy Chief – Criminal Defense Representation Team) assisted with scheduling the meet up, refining the agenda, and contributing to the discussion.

Feedback from all the regional ACP meetups has been positive – they are productive and lead to frequent communication amongst leaders throughout the year when problems arise. The CDR team will focus on planning more of these meetings in the coming years.

### Quality Enhancement: Parent Representation

Under the leadership of Lucy McCarthy (Director of Quality Enhancement for Parent Representation), the Family Representation Unit (FRU), worked with counties and public defense providers to effectively use ILS funding for improved quality representation and sponsored various forums, including a listserv for Family Defense providers moderated by Kira Schettino (Assistant Counsel, Parent Representation) for collaboration and sharing of expertise.

#### *Family Defense Grants: Ongoing Implementation and Expansion*

In 2024, ILS continued to offer and support two different types of competitive grants for mandated Family Court representation: the Upstate Model Family Representation Office (Model Office) Grants and the Family Defense Quality Improvement and Caseload Reduction (Family Defense) Grants. The Model Office Grants provide approximately \$870,000 per year over three years to build model family representation offices that represent parents in Family Court after an abuse or neglect petition has been filed as well as parents who are being investigated for alleged child abuse or neglect (investigation stage representation) via a team approach that features social workers and parent advocates as partners with attorneys. This model of quality representation has been shown to reduce the number of petitions filed in Family Court, reduce the number of children entering foster care, and keep families together.

In 2024, Westchester County, the previous recipient of a Model Office Grant, was once again awarded a Model Office Grant, securing continued funding for the Legal Services of the Hudson Valley to represent parents during child welfare investigations and Family Court Article 10 matters. The other Model Office Grant is currently held by Monroe County. Monroe County's Model Office, hosted by the Monroe County Public Defender's Office, was fully staffed by the end of 2022 and in 2024 continued to offer timely, interdisciplinary representation.

In response to an increase of funding made available in the state budget since FY 2021-22, the FRU worked to support a growing number of Family Defense Grants. These grants offer

up to \$250,000 per year over three years and allow grant recipients to determine which of the following three features of quality parent representation to prioritize: 1) attorney caseload relief; 2) utilization of an interdisciplinary approach to representation; and 3) investigation stage representation. Grantees are generally prioritizing at least two of these three features of quality representation.

With funding appropriated in the FY 2024-25 state budget, ILS was able to offer a Fourth Family Defense Grant via a competitive Request for Proposals (RFP) process. Prior to issuing the Fourth Family Defense Grant RFP, ILS' FRU and Grants Unit coordinated to host two informational webinars to inform potential applicants about the purpose of the grant and the process of applying. Burton Phillips (Counsel), Jami Blair (Assistant Counsel), and Lucy McCarthy (Director of Quality Enhancement for Parent Representation) prepared and spoke during each of these information webinars. This was the first time that ILS had offered information webinars about our funding opportunities, and the response was quite positive.

As of mid-2024, 27 counties and New York City were benefitting from the first three rounds of Family Defense Grants, including Albany, Allegany, Cattaraugus, Chautauqua, Chemung, Cortland, Dutchess, Erie, Genesee, Greene, Livingston, Madison, Monroe, Onondaga, Ontario, Putnam, Rensselaer, Saratoga, Schenectady, Schuyler, Sullivan, Steuben, Suffolk, Tompkins, Ulster, Washington, and Westchester counties. In December 2024, ILS announced the Fourth Family Defense Grant awardees: Chenango, Franklin, Lewis, Montgomery, Nassau, Niagara, Oswego, Otsego, Schoharie, St. Lawrence, Tioga, Warren, Wayne, Wyoming and Yates counties. This brings the number of counties receiving ILS funding to improve the quality of Family Court Article 10 representation to 42, in addition to New York City.

### *September Consortium for Family Defense Grant Recipients*

ILS hosted the second Family Defense Grantee Consortium on September 13, 2024 in Albany, with Kira Schettino (Assistant Counsel, Parent Representation) and Dai Nguyen (Family Court Program Associate), taking the lead in organizing this event. A full day event, the consortium served as an opportunity to connect leaders from each of the providers in the counties receiving ILS Family Defense Grant funding to identify challenges to grant implementation and brainstorm solutions. This platform allowed for networking to further promote the advantages of interdisciplinary representation, among other quality enhancement mechanisms.

Hon. Richard Rivera, newly appointed as the Statewide Coordinating Judge for Family Court Matters, delivered the opening remarks, describing the judiciary's commitment to improved quality Family Court functioning and his new role in working towards these improvements. He emphasized that he hoped to work collaboratively with the Family Defense bar to provide a more equitable, efficient, and just Family Court system.

During the rest of the day, Family Defense Grant providers in their second and third years of implementation shared strategies to promote new programming, including different community outreach initiatives to inform parents of their rights during a child protective services investigation and the availability of representation at that time. Attendees also participated in discussions involving referrals to civil legal services and community-based service providers to address the non-Family Court issues that may help to favorably resolve the child welfare investigation or Family Court matter, the nuts and bolts of establishing paid internships as an effective recruitment tool, and an exploration of the role that parent advocates play as part of the Family Defense team.

### *Parent Representation Advisory Council*

The Parent Representation Advisory Council (PRAC) continued to meet quarterly, with invited guest speakers and lively discussion of developments in Family Court practice. One highlight was a presentation by David Lansner and Carolyn Kubitschek, who argued *Jeter v. Poole* (decided November 2024 NY Slip Op 05868) before the Court of Appeals. Another topic that is generating growing interest with PRAC members is coordinating with and referring clients to civil legal service and community-based providers to help clients address the issues that may have contributed to their involvement in Family Court and to promote client-centered, holistic representation. The social worker, case manager, and parent advocate staff funded by ILS' Family Defense Grants facilitates the identification of and referral to these other service providers. ILS will continue to support Family Court defense providers in connecting with community-based partners to foster the provision of these services to promote client objectives and family integrity.

In addition to advising ILS on practitioner priorities and brainstorming solutions to common practice barriers, several volunteers from the PRAC members concluded their work to assist the FRU and Research Team's collaboration to define the data collection terms included in the PRR-195, ILS' new Family Court data collection instrument (discussed further in the Research Team section of this report).

### *Revision of ILS' Family Defense Standards*

In 2023, ILS decided to revise the ILS Standards for Parental Representation in State Intervention Matters (Family Defense Standards), which the ILS Board approved in 2015, to include all areas of representation guaranteed under County Law Article 18-b and Family Court Act §§ 261, 262. Toward that end, the FRU convened five discrete workgroups to update the 2015 standards for state intervention matters (i.e., abuse and neglect proceedings), and draft new standards for child support violation proceedings, parentage actions, custody and visitation proceedings, and family offense petitions. The workgroup members were volunteers from the PRAC and diligently worked to develop standards that focus on a timely, interdisciplinary model of representation.



These workgroups concluded their tasks in early 2024 and handed their work over to a Synergy Workgroup, comprised of three non-ILS volunteers and FRU staff. Throughout the rest of 2024, the Synergy Workgroup members reviewed, combined, refined, and cross-referenced the proposals from the five workgroups toward creation of a cohesive, accessible set of Family Defense Standards that address all types of petitions in which a person is entitled to assigned counsel in Family Court. The goal is to complete the updated and new Family Defense Standards and present them to the ILS Board for consideration in 2025.

### *Enhancing the FRU's Capacity to Support Quality Representation*

In August 2024, ILS created an additional Assistant Counsel position for the FRU; ILS also transitioned supervision of the Family Court Counsel position housed in the Western New York Regional Support Center to Lucy McCarthy (Director of Quality Enhancement for Parent Representation). In late 2024, an offer was made to a well-qualified candidate for the newly created Assistant Counsel, Parent Representation position with the goal of bringing the person on board in early 2025. FRU now has five staff positions in addition to an Appellate Attorney, Parent Representation in the Statewide Appellate Support Center and a Family Court Research Associate in the Research Team who focuses on the collection and analysis of Family Defense data. Ultimately, this staffing pattern will enhance ILS' capacity to improve the quality of representation in Family Court matters and support the growing number of counties that receive ILS Family Defense Grant funding.

## **Quality Enhancement: Appellate and Post-Conviction Representation**

2024 saw tremendous growth for ILS' Appellate and Post-Conviction Representation Unit. Under the leadership of Claudia Trupp (Director of Appellate and Post-Conviction Representation), the unit launched efforts to establish statewide investigation standards and to revamp caseload standards; expanded the Statewide Appellate Support Center's impact through trainings, resources, and case consultations; and created new initiatives with the ILS Appellate Defender Council.

### *Investigation and Revised Caseload Standards*

In 2024, Kingston Farady (Special Assistant for Investigations), Mandy Jaramillo (Supervising Appellate Attorney), and Jennifer Chenu (Deputy Chief – Criminal Defense Representation Team), convened a 16-member working group comprised of investigators and attorneys from across the state to conceptualize standards for the public defense investigation function. The working group has met monthly to create innovative standards to guide public defense teams—the first time such an effort has been undertaken nationally. The investigative standards are currently being drafted and are expected to be finalized and presented to the ILS Board for consideration in 2025.

Responsive to provider requests, the Appellate and Post-Conviction Representation unit also initiated work to revamp the appellate caseload standards, reformulating the types of cases to be counted and collecting data from appellate providers throughout New York. With this essential groundwork laid, ILS anticipates finalizing new appellate caseload standards in late 2025 for ILS Board consideration.

## *Statewide Appellate Support Center*

### *Staffing Changes*

The ILS Statewide Appellate Support Center (SASC) saw significant staffing changes throughout 2024. In April 2024, Claudia Trupp joined as the Director of Appellate and Post-Conviction Representation. Elizabeth Isaacs was promoted to Supervising Appellate Attorney in September 2024. That same month, Gracja Nowak joined as Assistant Appellate Counsel. Julia Shaw (Special Assistant for Mitigation) soon followed. Additionally, Carolyn Walther formally joined SASC as Appellate Counsel, Parent Representation. Mandy Jaramillo (Supervising Appellate Attorney), Kingston Farady (Special Assistant for Investigations), and Michelle Stroe (Paralegal), provided much needed guidance and support for our new team members. In 2025, SASC hopes to hire a Litigation Resource Attorney to help with the growing number of trial-level consultations. The newly configured team will allow SASC to continue to expand its interdisciplinary support to mitigation specialists, social workers, and investigators, in addition to criminal and family defense attorneys.

### *Trainings*

Throughout 2024, SASC conducted an extensive series of trainings for both trial and appellate providers. Beginning in February 2024, in partnership with the Appellate Defender Council, the SASC organized a second two-day CLE on Creative and Effective Appellate Brief Writing, modeled on the National Legal Aid and Defender Association's nationally renowned Appellate Defender Training. The program encompassed virtual plenary sessions on subjects such as issue-spotting and storytelling, with smaller in-person workshops allowing participants to work with experienced appellate practitioners to hone the skills covered during the virtual sessions.

The pace of trainings accelerated throughout 2024. SASC team members participated in several Domestic Violence Survivors Justice Act (DVSJA)-related trainings, including virtual sessions with the Westchester Office of the Assigned Counsel and an in-person training at the Dutchess County Public Defender's office. In September, SASC organized a hybrid panel discussion, convening prosecutors and defense attorneys, to discuss working collaboratively with prosecution Conviction Integrity Units. The SASC also offered trainings on the Benefits of Interdisciplinary Practice, Elevating the Client's Story for Mitigation Advocacy, Maximizing Early Investigations, Investigating and Pursuing 440 Motions, Interim Family Court Appeals, and Filing Notices of Appeal. With the help of the Monroe County



Public Defender's Office and the Appellate Defender Council, SASC launched a new "Lunch and Learn" statewide virtual training series. Initial offerings included instruction on how to take a case to the Court of Appeals, preservation, and Sex Offense Registration Act (SORA) practice.

### *Resources for Defenders*

Throughout 2024, SASC continued to create high-quality, innovative resources to support public defense attorneys and the people they represent. New resources included our Guilty Plea Issue Spotting Outline, Family Court Stay Application Toolkit, Advisory on Predicate Sentencing Advocacy after *Erlinger v United States*, Intake & Case Assessment for DVSJA Resentencing Guidebook, and a Resource Guide for Ineffective Assistance of Counsel Trial Errors. Additionally, SASC developed two original guides relating to mitigation: Interviewing for Mitigation and Storytelling for Mitigation.

### *Case Consultations*

In 2023, SASC provided approximately 120 consultations. That number increased dramatically in 2024, as more than 420 defense attorneys sought guidance from the SASC. There was a particular need for consultations relating to the DVSJA, an area of litigation that has evolved to become increasingly complex and resource intensive.

Additionally, SASC expanded its Court of Appeals litigation support, successfully helping defense attorneys through every step of litigating in New York's highest court, including seeking leave, preparing for leave conferences, brainstorming how to present issues, and mooted prior to arguments. SASC also consulted on CPL 440 motions, helping defense attorneys develop investigation strategies and legal theories. And trial-level defense attorneys sought guidance throughout 2024 on how best to preserve issues for appeal, argue evidentiary objections, and litigate motions of all types. Whether seeking to dismiss charges based on the facial insufficiency of an accusatory instrument or moving to set aside the verdict based on juror misconduct, at every stage of criminal and Family Court proceedings, public defense attorneys sought and found robust, individualized support from the SASC for their efforts.

## **Research Team**

In 2024, under the leadership of Melissa Mackey (Director of Research), the ILS Research Team continued to assist public defense providers in developing their data collection infrastructures to ensure timely and accurate submission of required quarterly, semi-annual, and annual data. Reilly Weinstein (Family Court Research Associate) also worked with the Family Representation Unit to create a new Parent Representation Report (PRR-195) to collect data from the public defense providers that currently receive ILS grant funding for improved quality representation of parents in Family Court matters.

## *Data Reporting*

April 2024 marked the third full submission of ILS-195 data with the aggregate data analysis serving as the basis for the data reported in both ILS' September 2024 CAFA Report and October 2024 Statewide Quality Improvement & Caseload Relief Report. The ILS Research Team coordinated with the CDR Team in the review and follow-up of providers' performance measures data submitted in April and October 2024. ILS used the April data for the June 2024 Performance Measures Report as well as the October 2024 Report referenced above. The Research Team also worked with ACPs that currently do not have case management systems on their data submissions, including conducting on-site data collection visits. The Research Team continued to work with these providers throughout the year to develop interim steps to improve their capacity to collect and report required data.

## *Family Court Representation Data Collection*

In August, 31 of the providers currently receiving ILS grant funding for parent representation submitted their first PRR-195. ILS created the PRR-195 to collect program data on the following: providers' work in representing clients during a CPS child welfare investigation; outcomes in child welfare cases; providers' use of specialized services; providers' use of grant funding for staff training; and office-wide caseload data reported pursuant to the case types in ILS' *Caseload Standards for Parents' Attorneys in NYS Family Court Mandated Representation Cases*.

The success of this new data reporting endeavor is largely attributable to the data reporting protocol Reilly Weinstein (Family Court Research Associate) developed which included multiple one-on-one virtual meetings with providers to explain the new reporting form and answer questions specific to their program's grant reporting requirements. Reilly's analysis of the PRR-195 has been useful in highlighting providers' progress toward implementing the new grant-funded initiatives (i.e., caseload relief, timely access to counsel, and interdisciplinary representation). Additionally, the results provide insight into the ways providers continue to navigate implementation challenges, such as raising public awareness about parents' rights during a child welfare investigation representation, hiring attorneys, and recruiting specialized service professionals. The next submission of PRR-195 data will be in March 2025 and will allow ILS to assess parent representation provider caseloads for the first time using ILS' Parent Representation Caseload Standards.

## *Research on Centralized Arraignment Parts (CAPs)*

The Research Team continued their second round of CAP court observations in 24 counties during this reporting period. The Team plans to work with a selected number of counties, conducting on-site data collection. This data collection along with the in-court observations and unstructured interviews of defense counsel at observed arraignments will form the basis for an assessment of defense representation at CAP court arraignments,

compared to desk appearance ticket arraignments of clients who are out-of-custody at the time of their arraignment.

### *Data Officers*

Bethany Simpson (Data Outreach Officer) continued to work directly with county data officers, providing virtual trainings about data reporting requirements for newly appointed county data officers and answering questions in advance of report submissions. Bethany co-hosted the annual data officer training on the PMF Report and assisted with the PRR-195 virtual trainings. To further assist county data officers in working with data collection efforts and based on feedback from providers that use spreadsheets to collect required data, Bethany developed a series of Excel Tips & Tricks which were distributed through the Data Officer listserv.

Most significantly, in January, Bethany launched the “Push the Button” campaign, an effort intended to get providers engaged with their data much sooner in the year and increase on-time ILS-195 submissions. The campaign began with a flyer posted on the Data Officer listserv and the distribution of each provider’s unique data reporting link in mid-January nearly two months earlier than in previous years. The Push the Button campaign resulted in an 83% ILS-195 submission rate by the April 1 reporting deadline which accelerated the data review and data analysis processes.

### *Other Activities*

In November 2024, Research Team members traveled to San Francisco, California to present at the annual meeting of the American Society of Criminology. Research Associate Ummey Tabassum’s presentation described the development of caseload target numbers to assist *Hurrell-Harring* Settlement providers in monitoring annual program-wide caseloads as had been required under the Settlement. Data Scientist Nick Watson’s presentation used Tableau data visualizations to summarize submission of county level reimbursement claims for all ILS funding sources across several years. Senior Research Associate Karlijn Kuijpers’ presentation also used Tableau data visualizations, though hers summarized provider level attorney and specialized services staffing as well as caseload and expenditure data reported on the annual ILS-195 forms. Both Nick and Karlijn’s presentations demonstrated the utility of creating data visualizations to distill large amounts of data, making it more accessible to ILS team members working with counties and providers to continually improve the quality of representation.

ILS’s graduate intern continued working with the Research Team, analyzing OCA petition data and coding assigned counsel program data for the ILS-195.

## Regional Immigration Assistance Centers

Since 2015, ILS competitive grant funding has supported a statewide network of six Regional Immigration Assistance Centers (RIACs) to ensure that attorneys representing clients in criminal and Family Court matters are able to comply with their professional responsibility, as set forth in the United States Supreme Court decision, *Padilla v. Kentucky*, 559 U.S. 356 (2010), to accurately advise their clients of the immigration consequences of their criminal or Family Court involvement. These six centers are: Western NY RIAC; Central NY RIAC; Northern NY RIAC; Hudson Valley RIAC; New York City RIAC; and Long Island RIAC.

In 2024, the work of the RIACs was supported by Luchele Chisunka (Statewide Implementation Analyst) and Brendan Keller (Criminal Defense Representation Counsel – Region B). Brendan and Luchele convened periodic meetings of staff from the six RIACs to identify common challenges and share strategies for addressing them. They also worked with the RIACs on strategies for ensuring that public defense attorneys from all part of the state are taking full advantage of the RIACs' expertise and support.

Ummey Tabassum (Research Associate) continued her efforts to collect and analyze data from the six RIACs to assess achievements and challenges. This data shows that, in the aggregate, public defense attorneys statewide are using the RIAC resources more often. For 2023, the RIACs received 4,224 requests for assistance, which is a 26% increase over the 3,362 referrals received in 2022. About 66% of the referrals came from attorneys working for an institutional provider – i.e., a Legal Aid Society or a Public Defender Office, while about 33% of the referrals were from assigned counsel program attorneys. As with last year, a large majority of the referrals – about 91% – involved criminal defense clients. In addition to the assistance requests, the six RIACs conducted 57 trainings and Continuing Legal Education (CLE) programs, which were attended by approximately 1,835 participants.

While the data collected is critical to understanding utilization of the RIAC services and areas for improvement, the stories the RIACs shared with ILS show that RIAC staff do far more than just advise attorneys of the immigration consequences their non-citizen clients face; the RIACs also assist attorneys in advocating for case outcomes that ameliorate these consequences so clients are not ripped from their homes and families. The following story, which uses a pseudonym to honor the client's confidentiality, illustrates the RIACs' real-life impact:

Staff from the Central NY RIAC assisted an attorney representing Joseph, a lawful permanent resident who was charged with Criminal Possession of a Weapon 2<sup>nd</sup> degree. Joseph had driven from Texas to Central New York with a firearm that he possessed legally in Texas. The prosecution was initially unwilling to reduce the charge against Joseph, so Central NY RIAC staff supported Joseph's attorney in presenting the prosecution with compelling

information about Joseph's personal circumstances and the vastly different gun laws in Texas versus New York. This explanation helped the prosecution understand why Joseph had no idea he was violating the law when he came to New York with his firearm. RIAC staff also drafted an advisal letter for the prosecution to explain the nuances of immigration law and why Joseph could only accept a plea to a specific subdivision of Criminal Possession of a Weapon 4<sup>th</sup> degree, and a conditional discharge sentence, to be able to return to his home in Texas without facing deportation. The prosecution ultimately agreed to the case disposition the RIAC proposed in this advisal letter. Because of the RIAC's assistance, Joseph not only avoided a lengthy prison sentence but also deportation from the United States that almost certainly would have occurred if he was convicted of the original charge. Moreover, the disposition was crafted to ensure that Joseph's criminal record can be readily explained in any future discretionary immigration applications (such as an application for citizenship), as more of a regulatory infraction than serious criminality.

In January 2025, almost immediately after being sworn in, President Trump issued more than a dozen Executive Orders that attempt to, among other things, effectively end asylum and birthright citizenship, increase deportations, and expand indefinite detention of non-citizen people. Given this flurry of activity, in 2025 the RIAC services will be more important than ever.

## Grants Unit

In its role as the fiscal backbone of ILS, the Grants Unit under the leadership of Jami Blair (Assistant Counsel) has continued to refine its capabilities with an emphasis on customer support, operational efficiencies, and internal career growth. Fundamental to this has been the development of a formal team supervision structure, which was implemented in 2024 to focus on two core functions: contract development and claims processing.

Tammy Smith (Director of Grants) supervises our team of Assistant Grants Manager 1s (AGM 1s) to oversee claims processing. Tammy's active monitoring of claims, and the efforts of the AGM 1s, have led to a significant decrease in the time it takes to process and pay out claims. For example, at the end of 2023 ILS had 184 pending claims, which would be defined as claims received, but not yet submitted for payment. In contrast, at the end of 2024 there were only 71 pending claims despite receiving approximately the same number of claims in 2024. Tammy and her team have also worked closely with the counties to adhere to our "NYS Office of Indigent Legal Services Cost Manual for Counties Outside of NYC," which has significantly reduced the amount of fiscal backup the counties are required to submit with their claims and has encouraged the counties to submit claims electronically. The active monitoring of claims combined with the more streamlined process for counties to submit claims has yielded impressive results: in calendar year 2024, ILS paid out \$262.8 million in claims, which is 3 ½ times the \$71.6 million in claims paid out in calendar year 2022.

Nate Baum (Assistant Grants Manager 2), hired in March 2024, has worked closely with Jami Blair to manage the procurement, contract development, and data tracking for the team. Nate currently supervises Wahid Attahi (Contract Manager), who has developed procedures for assembling contracts and sending them to counties as soon as they are internally approved. Prior to Wahid's involvement in this process, it took an average of 37 days to send a fully executed contract to the county once it was approved by the NYS Comptroller. In 2024, Nate and Wahid reduced this to an average of 19 days. Nate has also improved the tracking of contracts through the development and approval stages and has initiated targeted outreach to elicit quicker responses from counties and public defense providers.

The Grants Unit is also realizing benefits from the decision to assign to every county a Grants Unit "point person" who serves as the primary point of contact for that county. This ensures that county fiscal staff know who to contact at ILS regarding contract and claims questions. It has also allowed Grants Unit staff to cultivate expertise in counties about ILS contracting and claims processing. Finally, this process has also facilitated communication within ILS between the Grants Unit and ILS programmatic units about the counties' use of ILS funding. In some instances, this communication has allowed ILS to identify and timely address possible issues.

The new structure and the utilization of a Grants Unit point person for each county will be even more important in 2025 as we look to onboard three additional team members, including an AGM 1, a Contract Manager, and an Auditor. New staff will know exactly where they fit into the team and will benefit from a more hands-on onboarding and training process.

## Administrative

In 2024, ILS' Administrative staff – Christine Becker (Administrative Officer), Liah Darlington (Administrative Assistant), and Jill Crist (Administrative Assistant) – worked effectively to successfully on-board seven new employees, including:

- [Nathan Baum](#), Assistant Grants Manager 2
- [Jill Crist](#), Administrative Assistant, Western New York Regional Support Center
- [Nicole Manico](#), Assistant Director of Information Technology
- [Gracja Nowak](#), Assistant Appellate Attorney, Statewide Appellate Support Center
- [Julia Shaw](#), Special Assistant for Mitigation, Statewide Appellate Support Center
- [Ketienne Telemaque](#), Criminal Defense Representation Counsel, Region A
- [Claudia Trupp](#), Director, Appellate and Post-Conviction Representation
- [Carolyn Walther](#), Appellate Counsel, Western New York Regional Support Center

Additionally, four ILS employees were promoted or hired for new positions internally, including Kelly Egan (Senior Appellate Attorney), Elizabeth Isaacs (Supervising Appellate Attorney), Kimberly Martell (Assistant Grants Manager 1), and Rachel Rubitski (Director of Information Technology).

Early in the year, upon the recommendation of the Inclusive Language Working Group to improve our on-boarding protocols, ILS solicited feedback from employees who were onboarded in 2023 and incorporated their comments, suggestions, and critiques into an updated onboarding process. The new onboarding process ensures that prospective and incoming employees have key information about benefits, the hiring timeline, and other important details. Hiring supervisors, ILS Administrative staff, and new employees have all found the new process to be beneficial and comprehensive.

In 2024, ILS took significant steps toward improving the office's technological capabilities, starting with promoting Rachel Rubitski to Director of Information Technology and hiring Nicole Manico as Assistant Director of Information Technology. Rachel and Nicole undertook an officewide assessment and inventorying of computer equipment, replaced outdated and unsupported PCs and tablets, and upgraded the A/V equipment that ILS relies on to conduct hybrid virtual and in-person meetings with staff, counties, and public defense providers. ILS also started working with a private company, Revize, to overhaul the agency website, which will go live in 2025.

## ILS Board Members

**Hon. Rowan D. Wilson, Chair**  
*Chief Judge, New York State Court of Appeals*

**Diane Atkins**  
*Special Assistant to the County Executive, Westchester County*

**Hon. Carmen Ciparick**  
*Greenberg, Traurig LLP*  
*Former Senior Associate Judge of the New York State Court of Appeals*

**Christopher P. DeBolt**  
*Ontario County Administrator*

**Vincent E. Doyle, III**  
*Partner, Connors LLP, Buffalo*  
*Former President, New York State Bar Association*

**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*

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

**Jill Paperno**  
*Chief Strategy Officer, Empire Justice Center*  
*Former First Assistant, Monroe County Defender Office*

*\*as of December 31, 2024*



## ILS Staff

Patricia J. Warth, Director  
Burton W. Phillips, Counsel

**Wahidullah Attahi**  
*Contract Manager*

**Nathan Baum**  
*Assistant Grants Manager 2*

**Christine Becker**  
*Administrative Officer*

**Jami Blair**  
*Assistant Counsel*

**Jessica Bogan**  
*Paralegal, Criminal Defense Representation*

**Marian Bush**  
*Auditor*

**Jennifer Chenu**  
*Deputy Chief – Criminal Defense Representation Team*

**Luchele Chisunka**  
*Statewide Implementation Analyst*

**Nora Christenson**  
*Chief – Criminal Defense Representation Team*

**Alyssa Clark**  
*Senior Research Associate*

**Lisa Coleman**  
*Assistant Grants Manager 1*

**Jill Crist**  
*Administrative Assistant – WNY Regional Support Center*

**Liah Darlington**  
*Administrative Assistant*

**Kingston Farady**  
*Special Assistant for Investigations*

**Andrew Fiske**  
*Criminal Defense Counsel – WNY Regional Support Center*

**Amanda Goldfine**  
*Assistant Grants Manager 1*

**Ian Harrington**  
*Attorney in Charge – WNY Regional Support Center*

**Elizabeth Isaacs**  
*Supervising Appellate Attorney*

**Mandy Jaramillo**  
*Supervising Appellate Attorney*

**Brendan Keller**  
*Criminal Defense Representation Counsel – Region B*

**Claire Knittel**  
*Criminal Defense Representation Counsel – Region C*

**Karlijn Kuijpers**  
*Senior Research Associate*

**Melissa Mackey**  
*Director of Research*

**Nicole Manico**  
*Assistant Director of Information Technology*

**Kimberly Martell**  
*Assistant Grants Manager 1*

**Lucy McCarthy**  
*Director of Quality Enhancement, Parent Representation*

**Alan McReynolds**  
*Resource Support and Data Specialist – WNY Regional Support Center*

**Kathryn Murray**  
*Criminal Defense Representation Counsel – Region F*

**Dai Nguyen**  
*Family Court Program Associate*

**Gracja Nowak**  
*Assistant Appellate Attorney*

**Petros Papanicolaou**  
*Assistant Grants Manager 1*

**Enrico Purita**  
*Criminal Defense Representation Counsel – Region G*

**Rachel Rubitski**  
*Director of Information Technology*

**Kira Schettino**  
*Assistant Counsel, Parent Representation*

**Julia Shaw**  
*Special Assistant for Mitigation*

**Bethany Simpson**  
*Data Outreach Officer*

**Madeline Smith**  
*Criminal Defense Representation Counsel – Region E*

**Tammy Smith**  
*Director of Grants*

**Michelle Stroe**  
*Paralegal, Statewide Appellate Support Center*

**Ummey Tabassum**  
*Research Associate*

**Ketienne Telemaque**  
*Criminal Defense Representation Counsel – Region A*

**Claudia Trupp**  
*Director, Appellate & Post-Conviction Representation*

**Elizabeth Walker**  
*Special Assistant for Mitigation*

**Carolyn Walther**  
*Appellate Attorney, Parent Representation*

**Cie-Nicholas Watson**  
*Data Scientist*

**Reilly Weinstein**  
*Family Court Research Associate*

**Claire Zartarian**  
*Deputy Chief – Criminal Defense Representation Team*

*\*as of December 31, 2024*

Agenda III  
(Materials Regarding the Development of  
Standards for the Investigation Function on  
the Interdisciplinary Defense Team)



New York State Office of

# Indigent Legal Services

## Standards for the Investigation Function on the Interdisciplinary Defense Team Working Group

Jennifer Chenu, co-facilitator  
Kingston J. Farady, co-facilitator  
Mandy Jaramillo, co-facilitator

Hailey Arroyo	Leanne Lapp
Katie Carter	James McGahan
Mark Cunningham	Latanya Morse
Joshua Figura	Archana Prakash
Elizabeth Fischer	Phil Primason
Leslie Gordon	Dan Russo
David Kubiak	

### Mission Statement

Over the course of developing these standards, the Investigation Standards Working Group crafted a mission statement to help guide the process of writing these standards.

Standards are ideal ways of *being* and *acting*. They are the actions we take based on the rules of our values to accomplish our mission. They act as a north star, a guide for defense team members to reach for and follow in professional practice. The Working Group hopes that these standards will offer direction and consistency in investigations within mandated representation across New York State, and that they will foster best practices, promote excellence, and enhance the impact of defense investigations on a broader scale.

*In recognizing that investigation is an essential component of effective representation, this working group of value-driven leaders convenes to propose standards for defense team providers across New York State that will help remind, guide, and instruct them to ensure that an effective and dynamic investigation is conducted throughout the case proceedings. These standards will guide the investigators and team members to practice in a collaborative manner to achieve better legal outcomes with clients while centering the well-being of clients. Through these standards, we seek to advise defense team members on the steps necessary to provide high-quality investigations with the understanding that defense representation must seek to not only improve the outcome of the case but also to begin bridging the gaps our clients face in accessing necessary and useful resources. We hope to set aside conventional interests and individual biases to cultivate a set of standards that the defense team can rely on as they navigate the complex terrain of a case. This working group seeks to illuminate and protect the integral function of defense investigation by drawing upon the expertise of investigators, mitigation specialists, other defense team members, and counsel through an interdisciplinary approach.*



## Standards for the Investigation Function on the Interdisciplinary Defense Team

### A. Design and Duties of Defense Investigation Teams

#### *Designing an Effective and Dynamic Investigation Team*

1. Interdisciplinary Defense Team
2. Early Case Involvement
3. Hiring Investigators
4. Respecting Investigators
5. Investigator Diversity
6. Pay Parity
7. Understanding the Billing Process

#### *Collaborative Communication*

8. Case Conferencing
9. Understanding Defense Theories and Objectives
10. Memorializing Work Product
11. Timely Communication

#### *Defense Team Investigation Duties*

12. Duty to Conduct a Thorough Fact-Finding Investigation
13. Duty to Conduct Mitigation Investigation
14. Investigator-Client Relationship
15. Consulting with Specialized Investigators

### B. Special Ethical Considerations

1. Confidentiality
2. Mandated Reporting
3. Legal Advice
4. Investigator Self-Identification
5. Accurately Representing Information
6. Transporting Clients and Witnesses
7. Fostering Cultural Awareness

### C. Training

1. Defense-Specific Investigator Trainings
2. Continuing Education Trainings
3. Safety Training
4. Training on Interview Techniques
5. Expert Witness Training
6. Mitigation Investigation Training
7. Investigator Training Community
8. Attorney and Defense Team Training for Working with Investigators
9. Access to Training Funding

### D. Investigator Responsibilities

#### *Discovery*

1. Accessing discovery
2. Discovery Review
3. Discovery Software
4. Reciprocal Discovery

#### *Planning and Preparing*

5. Safety Planning
6. Background Investigations
7. Preparing for Field Investigations
8. Visiting the Scene
9. Documenting the Scene
10. Navigating Carceral Institutions

#### *Interviewing Witnesses*

11. Interview Plan
12. Right of Witness to Withdraw from or Decline Interview
13. Maintaining Professional Boundaries During Interviews
14. Interviewing Individuals who Speak Other Languages
15. Interviewing Uncooperative Witnesses
16. Interviewing Children and Witnesses Experiencing Impairment
17. Interviewing Represented Witnesses
18. Interviewing Prosecution Witnesses
19. Interviewing Individuals in Carceral Institutions

#### *Evidence*

20. Preserving Evidence
21. Reviewing Prosecution's Physical Evidence
22. Chain-of-Custody
23. Transferring Evidence to Experts

#### *Databases, Social Media, and Technology*

24. Navigating Technology
25. Access to Locating Database
26. Social Media Investigations
27. Social Media Professionalism

#### *Record Collection*

28. Familiarity with Record Availability
29. Documenting Record Collection

#### *Working with Experts*

30. Collaborating with Defense Experts
31. Background Investigation of Prosecution Experts

#### *Testifying*

32. Preparing to Testify
33. Testifying about Record Collection
34. Appropriate Courtroom Presence