



Wayne County Public Defender

26 Church St.

Lyons, NY 14489

2015

Annual Report

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MISSION STATEMENT:

The Wayne County Public Defender's Office is a Wayne County Department that has been in existence since 1965. Our mission is to provide high-quality, client-centered, legal representation to people facing charges for crimes and violations of the Penal Law who are unable to afford an attorney.

When appropriate, we strive to address not only a client's case, but the issues underlying the client's situation. With the goal of avoiding future entanglements in the criminal justice system, we often refer clients to appropriate treatment and other community resources and undertake collateral representation when needed.

We also attempt to improve the efficiency and fairness of the criminal justice system as a whole by participating in the work of relevant professional organizations such as the New York State Defenders Association, the New York State Criminal Defense Lawyers Association, the Chief Defenders Association of New York, the National Association of Public Defenders and the New York State Bar Association.

STAFF:

The Wayne County Public Defender's Office legal staff is comprised of one full-time public defender, two full-time assistant public defenders and six part-time assistant public defenders. The support staff for this office includes one criminal investigator, one Sentencing Specialist, one confidential secretary, and three senior clerk typists. Weekly staff meetings are held for all attorneys, our Sentencing Specialist, our investigator and one senior clerk typist on Tuesday mornings so that we can interface about the clients we have in common, review evolving legal issues and discuss office procedures.

Full-time Attorneys:

JAMES S. KERNAN, Public Defender, was First Assistant to the Wayne County Public Defender from 1992 – 2011. The Wayne County Board of Supervisors made the Public Defender position full-time as of January 1, 2011. Mr. Kernan's current term expires December 31, 2017. He has practiced law since 1980.

ANDREW D. CORREIA, First Assistant Public Defender, has worked for this office since 2001 with a short vacancy in 2010. Mr. Correia accepted the position of First Assistant Public Defender and returned to the staff in March 2011. He has practiced law since 1997.

HEATHER MAURE, Assistant Public Defender, was hired in 2013. Ms. Maure previously worked at the Monroe County Public Defender's office and more recently in private practice. She has practiced law in a variety of capacities since 1984.

Part-time Attorneys:

The part-time attorneys in this office have extensive experience practicing law and many years of service in our office. They now average over 18 years' employment here. Overall, they average more than 28 years of experience in the practice of law.

Support Staff:

DAVID P. PHILLIPS, Criminal Investigator, was hired in 2011 upon the retirement of our prior Investigator. Mr. Phillips served as an Investigator in the Inspector General's Office of the New York Army National Guard for ten years. He has received additional investigative training from NYSDA and the National Defender Investigator Association.

KIMBERLY GOLDING, Sentencing Specialist, was hired in 2014 pursuant to a grant applied for by this office through the State's Office of Indigent Legal Services ongoing distribution of Indigent Legal Services funds to counties. Ms. Golding holds a Masters in Social Work, and through the ILS grant has been specifically trained to be a sentencing advocate for our clients. Her work includes arranging and monitoring appropriate treatment and writing thoroughly documented pieces of advocacy that our lawyers use to attain the best possible outcomes for our clients in court.

KATHY FOX-GROAT, Confidential Secretary, was hired in 1992 with 12 years of legal secretary experience with a private law office. In addition to secretarial work for Mr. Kernan, Ms. Fox-Groat handles purchasing, payroll, vouchers and assists Mr. Kernan with administrative responsibilities. She also administers all grants from the Office of Indigent Legal Services described below.

NATALIE YATES, Senior Clerk Typist was hired in 2007 with 10 years prior experience in a private law office.

DEBRA SEARS, Senior Clerk Typist was hired in 2008. Ms. Sears oversees the data system and does initial client interviews at the jail along with numerous other duties related to cases pending in the Wayne County Court.

MARY ANN POWELL, Senior Clerk Typist was hired in 2013. Ms. Powell and Ms. Yates share the many and varied front office responsibilities.

COURT JURISDICTIONS:

During 2015, the Public Defender's Office defended individuals in three County Courts, one Treatment Court, thirty-four Justice Courts and handled parole revocations as well as criminal and parole appeals.

Wayne County Court:

There are three Wayne County Court judges who have court calendars that are comprised of individuals charged with felonies. Mr. Kernan, Mr. Correia and Robert W. Zimmerman each covered one of these courts in 2015 and will continue to do so in 2016. Mr. Zimmerman is a part-time attorney with over 30 years of experience in County Court including numerous felony criminal trials.

Wayne County Treatment Court:

One Wayne County Judge, Hon. Daniel G. Barrett, is assigned to this court which meets on a weekly basis. Ms. Maure and Mr. Correia share in the coverage of the cases assigned to the Wayne County Treatment Court with primary responsibility residing with Ms. Maure. Our Sentencing Specialist Kimberly Golding is also a member of the Treatment Court team and appears weekly in court both in support of our clients and to assist our lawyers with treatment related issues that arise from time to time. Successful cases in Treatment Court typically last from one to two years, depending on the client's progress.

Justice Courts:

Each of the four Village Courts and thirty Town Courts in Wayne County was covered by one of our nine attorneys. (Two of the Village Courts ceased operation at the end of 2015) The number of cases in these courts varies from year to year, therefore, the caseload of each court and attorney assignments are reviewed on an annual basis by the Public Defender with an eye at keeping the same in balance. Our attorneys appear in most Justice Courts for a criminal calendar once a month, with hearings and trials scheduled as needed. In Newark and Lyons Village Courts, we appeared weekly.

Parole Violations:

Seventy-nine parole violators were represented in 2015 by Ms. Maure. Four of those are pending into 2016. These proceedings have no involvement of the Wayne County District Attorney's Office as they occur only with parole personnel and witnesses before an Administrative Law Judge at the Wayne County Jail.

Appeals:

Assistant Public Defender Richard W. Youngman handles all misdemeanor appeals. Appeals of felony cases and Sex Offender Registration Level hearings are contracted out to lawyers who specialize in those areas. In 2015 Mr. Youngman handled two new appellate matters.

Partial Vertical Representation Program:

Mr. Correia is responsible for our Partial Vertical Representation Program. This program is designed to enhance our representation of indigent clients charged with one of a list of particularly serious crimes no matter where in the County the charges are filed. Having a full time person handle these cases until they are either resolved or proceed to Grand Jury for transfer to County Court allows our office to have quicker and

more detailed client contact and creates an opportunity for early investigation which is invariably more effective for the client. Mr. Correia handled a total of 19 Partial Vertical Representation matters in 2015.

SUPPORT STAFF WORKLOAD:

Investigations:

David Phillips is our full-time investigator. He carried out duties including interviewing clients and witnesses, preparing statements for witness signature, service of subpoenas, taking photographs of places of interest to our clients' cases, conducting electronic investigations, consulting with local law enforcement agencies, reviewing and collecting surveillance recordings as well as testifying in Court as needed regarding his work. In many instances, Mr. Phillips' work was indispensable to providing high quality representation to our clients, and was instrumental in allowing us to meet our ethical obligations of achieving the best possible outcomes for every client, in every case.

In 2015 Mr. Phillips worked on a total of 120 cases. Eleven of those cases were carried over from 2014 to 2015. Eleven cases will carry over from 2015 into 2016.

Sentencing Specialist:

In 2014, in conjunction with an Indigent Legal Services grant, we were authorized by the County to create a Sentencing Specialist position. We filled that position with Kimberly Golding, who holds a Masters in Social Work and had previous experience with the Court system. We built into that grant specific training for Ms. Golding that occurred over a three day period in 2014. In addition, our lawyers were trained in how to maximize our collaboration with our new Specialist so as to most benefit our clients.

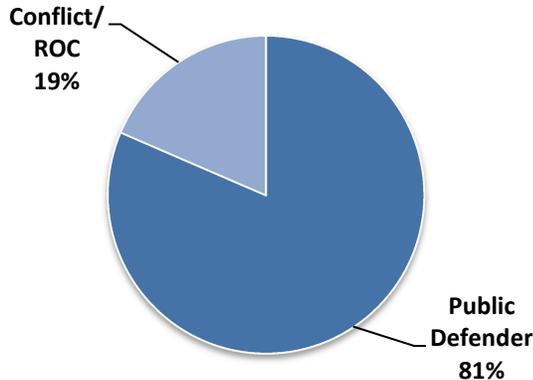
Ms. Golding fielded a total of 62 attorney requests for assistance in 2015. Fifteen of these cases will carry over into 2016. She has also done specific work for at least 22 Treatment Court clients, although her work in Treatment Court is difficult to quantify numerically as she is always present to assist both the clients and our lawyers on an ongoing basis.

Her work entails not only direct client and family contact, but determining what would be appropriate treatment- then arranging it, reviewing stacks of medical, mental health and military records and summarizing them for the attorneys, and collaborating with existing resources outside the office. This often culminates in writing detailed pieces of evidence-based advocacy, in collaboration with the lawyers, for submission to the Judges on behalf of the clients. Ms. Golding's work has influenced the outcome of cases for many of our clients this year, resulting in less needless incarceration and more appropriate treatment, hopefully leading to a reduction in recidivism.

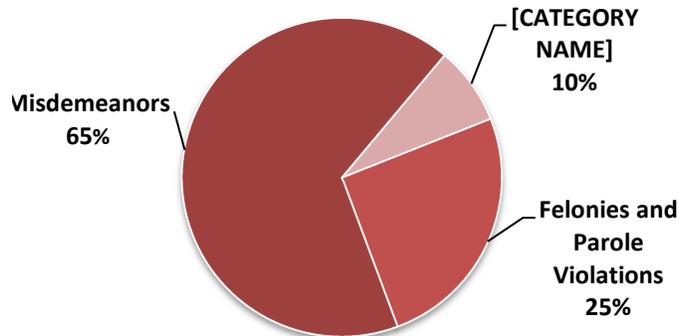
OVERALL CASELOAD:

In 2015 the Public Defender’s Office opened 2,026 cases of which 378 were handled by privately retained lawyers or assigned out of the office due to conflicts of interest. Of the 1,650 cases we defended, 418 were felonies or parole violations, 1,102 were misdemeanors and 130 were violations.

2,026 Cases Opened



1,650 Cases Defended



ANNUAL BUDGET:

The Public Defender’s expenses for 2015 were \$1,144,493, with revenues of \$151,060. This revenue came from the Grants discussed below.

GRANTS:

The Public Defender’s Office currently receives three grants from the New York State Office of Indigent Legal Services. Each of these grants is for a three year term: one running from June 1, 2013 through May 31, 2016, the second running from January 1, 2014 through December 31, 2016 and the third running from January 1, 2015 through December 31, 2017. Grant payments are received based on quarterly financial reports filed by Ms. Fox-Groat.

The first grant provides funds for the updating of computer equipment in the office and the salary and benefits for our full-time Sentencing Specialist. The second grant provides funding for attorneys to cover arraignments, plus funds for a new vehicle for our investigator, continuing educational training, minor office improvements, storage equipment and a summer legal intern. The third grant provides revenue of approximately \$40,000 per year to offset a part of the salary and benefits of one of the full-time Public Defenders. It also contains funding of over \$222,000 for renovation of the Public Defender Office.

UPCOMING ISSUES:

Counsel at arraignment:

We will continue to work with the County and the Office of Indigent Legal Services to find innovative and cost effective ways to meet our obligations under the New York State and United States Constitution to provide counsel for those being arraigned on criminal charges. We plan to begin coverage of a portion of those arraignments by using grant money to pay local attorneys to provide this service. We expect to expand that coverage over time.

Respectfully submitted,



James S. Kernan, Esq.
Wayne County Public Defender