

## Legal Aid to Get State Boost to Zealously Defend the Accused

By Kevin Stadelmaier, Chief Attorney, Criminal Defense Unit

Doing more with less has long been a mantra of public defenders the world over. Cash and resource strapped, indigent defense attorneys nevertheless soldier on in pursuit of justice for their clients. Facing crushing caseloads, persistent time pressure, and a fraction of the tools available to private defense counsel and district attorneys, attorneys for the Legal Aid Bureau of Buffalo's Criminal Defense Unit have long seen it as a badge of honor to be able to provide their clients with superior representation in spite of these pressures.

Now, however, the paradigm is changing in a substantial way. On the heels of the historic settlement of *Hurrell-Harring v. New York State*, the New York State Office of Indigent Legal Services (ILS) has been provided by the State with available funding sufficient to dramatically reduce caseloads, increase resources and promote quality enhancements in indigent defense for all of Upstate New York. Armed with hundreds of millions of state dollars to be provisioned to counties over the next five years (2023), ILS will assist in transforming the landscape of public defense in New York State for generations to come.

The Legal Aid Bureau of Buffalo's Criminal Defense Unit will be a direct beneficiary of this support and the effect of this infusion of capital will be dramatic. Between now and 2023, the Criminal Defense Unit attorney and support staff will double in size. As a result, our per attorney caseloads will be nearly halved in order to come into compliance with ILS mandated caseload standards. A bevy of new support staff including investigators, social workers and mitigation experts will be added. Our business and the way we provide representation will be fundamentally altered to the benefit of our staff and, most importantly, the clients we serve.

Lower caseloads will enable Legal Aid Attorneys to devote the full amount of time that each case warrants and each client deserves.

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"Legal Aid to Get Boost to Zealously Defend the Accused")*

While we have always done as well as we could, moving forward we will be able to do as well as we have wanted. Every issue will be explored, every prosecutorial weakness exploited, every collateral consequence tackled, and every client provided with the peace of mind that everything possible was done to relieve them of the burden of a criminal charge during and after their case has concluded.

Legal Aid continues to be at the forefront of the fight for Criminal Justice reform in New York State. Management and Attorneys from the Criminal Defense Unit have traveled both locally and downstate promoting bail reform and discovery reform. They have spoken at forums, listening sessions and have engaged legislators in Buffalo and Albany on these issues.\*

Freeing minor offenders from the shackles of bail, and ensuring that our clients aren't imprisoned simply due their inability to pay even the most modest bail, has long been a goal of this office. While we fight diligently at arraignment for our clients' freedom, current bail laws, and long standing fallacious prejudices have conspired to ensure that far too many of our clients remain in custody far too long on minor charges.

However, the groundswell of support for reform in the bail system has reached its nadir. We are now poised to fundamentally change the bail system as we know it. We hope to achieve a reality where nearly 100% of misdemeanor offenders, and a high percentage of felony offenders, are released at arraignment sparing them the indignity and damage of poverty induced pre-trial jail stays.

In addition, tackling discovery reform has been a major thrust of the reform movement. Ensuring that both attorneys and clients have the clearest picture possible of the evidence against them at the earliest possible time is an issue of fundamental fairness that the Criminal Defense Unit has been proud to fight for. Early and complete discovery and prohibitions on the shielding of evidence until just before trial will promote better outcomes for the entire system and increase the likelihood of just verdicts.

This is the most exciting time to be a Public Defender in a generation. The reforms and increasing resources are real. The great people of the Criminal Defense Unit will be afforded the tools and time to represent our clients to the fullest. We look forward to the future with a full heart and eager anticipation. *(\*Note: since this article was written, NYS passed historic budget legislation on bail, discovery, and speedy trial reforms!)*



## Legal Aid Expands Its Team

The year 2019 began with a big change at the Bureau. For the first time since our inception we were able to hire a new class of attorneys, rather than simply hiring to replace an attorney who had left a staff position. As a result, we now have 4 newly-admitted attorneys training in our Criminal Defense Unit.

Training began days after admission to the Bar and is designed to have attorneys ready to handle a caseload within several months of beginning in our office. To that end, each attorney is connected to a mentor from our staff whom they accompany to an assigned courtroom every morning. Then on most afternoons the trainees are in the “classroom” working on the basics of the criminal defense practice with Claudia Schultz, our training instructor with many years of experience as both a defense attorney and as a teacher and mentor.



*Pictured: Samantha White, Farina Barth, Claudia Schultz, Sean Rheinheimer, and Monica Delmonte.*



*Claudia sits down with her team for a classroom-like training.*

Through our training program, we hope to give our new attorneys a basic foundation of both knowledge and skills that can be applied in every case. These include such areas as a practical knowledge of “how things work” in Erie County, and an understanding of certain cases and statutes and how they can be applied on behalf of our clients.

In addition, we cover both the laws and the practicalities of various subjects including interviewing, negotiating, search and seizure, trial skills and sentencing. We also demonstrate strategies that will allow an attorney to demand the most appropriate resolution for each client.

## Protecting Our Children



“Julie” and “Lisa” were assigned to Legal Aid for representation as children in a Family Court neglect proceeding. Their mother had significant substance abuse issues, and was charged with engaging in acts of prostitution while Julie and Lisa were in the home.

Consequently, the girls were placed in their father’s home which, unfortunately, did not improve their situation. The girls often had no food or toiletries, and their father immersed himself in illicit drugs and alcohol on a daily basis. Julie and Lisa missed several medical appointments because of their father’s addictions, and did not perform to their fullest potential in school.

Through our advocacy, Julie and Lisa are now very happy with the current living conditions in their new placement. They no longer have to worry about meeting basic necessities in life. They are grateful to get all the fruits and vegetables they desire, and they no longer have to hide toiletries for future use. They are now in counseling and have been able to attend all medical appointments. One of the girls even received straight As this past semester. Julie and Lisa are now empowered, more than ever, to pursue their goals to be successful singers/songwriters.



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*“Equal justice under law is not merely a caption on the facade of the Supreme Court building, it is perhaps the most inspiring ideal of our society. It is one of the ends for which our entire legal system exists...it is fundamental that justice should be the same, in substance and availability, without regard to economic status.”*

- Lewis Powell, Jr.,  
former US Supreme Court Justice

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**WHAT WILL YOUR LEGACY BE?**

We need your help to continue the fight for justice for low-income people in our region. Please consider making a gift to Legal Aid Bureau of Buffalo and leave your legacy of caring. You can make a bequest, a tax-free gift from your IRA or 401K or a cash gift. Legacy giving can provide you with income and/or tax savings. Call Executive Director David Schopp at 716-853-9555, ext. 450.

**HAVE ANY CHILDREN’S BOOKS TO DONATE?**

We are always looking for books that empower our young children and adolescent clients in our Attorneys for Children Unit. To make a donation, please contact Alisa Feller at 716-853-9555, ext. 532.