

2025 Annual Report- Public Defender

Executive Brief

Key Accomplishments and Successes From 2025

- Maintained full coverage of all arraignments (initial appearances) in all courts, including off-hours appearances as is constitutionally required.
- Concluded two homicide cases.
- For yet another year in a row, no cases returned by an appellate court due to ineffective assistance of counsel by this office.

Major Challenges and Constraints in 2025

- Staffing Changes
- Increasing costs for specialized services and necessary 'infrastructure'.
- Ongoing awareness of grant fund availability for expenses

Ongoing Priorities and Goals for 2026

- Bringing the office up to full staffing for attorneys.
- Addressing budgeting issues regarding shared services, particularized expenses, the case management system and specialized services costs.
- Finding better ways to identify potential conflicts between the criminal and family court offices.

Narrative Departmental Report

Generally, the overall criminal caseload of the office continues to increase year-to-year. From 788 new cases accepted in 2023, to 811 in 2024, to approximately 873 in 2025, representing increases of 2.9% and 7.6% over 2023 and 2024, respectively. Our Family Court representation has remained stable over the last few years, but this is largely due to the fact that the number is already at the maximum one can expect a one-attorney office to handle competently.

Accomplishments and Successes

In the past year, the office has continued to meet the standard we set as one of the first defender programs in the state to provide full representation at all arraignments, including off-hours appearances. The highest court in New York has made it abundantly clear that the sixth amendment right to counsel at all stages of a criminal case includes the right to have meaningful representation at first appearances. In meeting this goal,

the office is aiding the County in avoiding liability for allegations of failure to protect important constitutional rights.

Last year, the office concluded representation in two homicide cases. One of these was the trial of the high-profile murder/kidnapping case in which the office represented the key figure in the case. Despite the large number of hours spent on the case by two attorneys in the office, the overall court coverage and quality of representation in other cases was not diminished in the least. While the County established a special fund to meet expenses in the high-profile cases, this office was able to use grant funding to meet the expenses of representation, to the tune of approximately \$133,000, without having to rely on the special fund.

Concerning the Family Court office, capably run by Assistant Public Defender Sarah Schrader, grant funding enabled the creation of a case manager position and we were able to recruit Michael Franz. His experience suits him ideally for the position. This position is intended to assist families who find themselves as the potential subjects of Abuse and Neglect proceedings in Family Court. It will connect these families with service agencies at the earliest possible time and, with the cooperation of the Department of Social Services, can make the removal of children from the home unnecessary.

Perhaps most importantly, the office continued in 2025 to provide excellent legal representation both in criminal cases and in Family Court. Not a single case was sent back by an appellate court due to ineffective assistance of counsel on the part of this office. Little more needs to be said.

Challenges and Constraints

Our success in meeting the demands of an increasing caseload has a flip side in that it becomes more and more difficult to do so given the resources available to us. In significant ways, the office is caught between the demands and restrictions imposed upon it by ILS and the County's need to be fiscally responsible to the taxpayers. Indigent Legal Services in Albany has provided the office with the financial means to go to a full-time office, enabling the office to provide the court coverage necessary. However, ILS emphasizes caseload relief (a reduction in cases handled per attorney) yet limits the ways funding can be used to augment salaries so as to attract badly needed talented attorneys.

On the other side, aside from salary and benefits, our share of the County budget has essentially been frozen in place since the office went to full-time in 2019. At the same time, expenses have increased. As we have handled more and more digital information since the discovery reforms, our shared services cost with the IT Department has jumped significantly. A looming concern is the cost of our case

management software which we obtain by a licensing contract with the New York State Defenders Association. We are anticipating a significant increase as the system prepares to move to the Cloud. This move is expected in the coming year.

Other increasing expenses, particularly in the area of specialized services, are a concern. These services consist primarily of experts and investigators. Not only are these charging more for their services, but we are under increasing pressure from ILS to make more use of them.

It is this office's sincerest hope that in the upcoming year we can work together with all the relevant departments involved in the administration and dissemination of its Hurrell-Harring grant money to afford this office a better ongoing knowledge of what grant funds are available to it for the hiring of the "Specialized Services" providers that ILS is strongly suggesting, if not requiring, be utilized on a broader scale by Public Defender offices to provide indigent clients important yet costly investigative and specialized expert involvement in the zealous defense of their matters as early as possible.

The office has experienced personnel changes and continues to do so. This is both an achievement and a challenge. Initially, the office was fortunate in January, 2025, to replace one of its part-time off-hours arraignment attorneys with a highly skilled recently retired attorney, Thomas Saitta, who is carrying a significant caseload part-time as well as meeting the off-hours responsibilities. In March, full-time Assistant James Davis resigned to take a position in another county for significantly more money and the office was able to replace him with myself, Michael Arcesi, where the last twelve of my twenty-five years in this field have been spent in the Public Defender offices of Chemung and Schuyler counties in both Family and Criminal court. Since first coming into this office Mr. Cline retired and I have now moved into the Department Head's position. Our long-time Secretary, Kathy Coyne, retired in August and we were able to fill that position by bringing Amanda Pullano over from the Family Court Office and replace her there with Nicole Post. Both replacements have been more than adequate. Stacy Reynolds has taken on additional paralegal responsibilities in addition to her data collection and reporting role. Her involvement with discovery and case management has been an asset.

Funding was provided by ILS and a new additional full-time Assistant Public Defender position was created in July. Due to a lack of applicants, the position remains vacant. At present, with the elevation of Mr. Arcesi to Public Defender, two full-time Assistant Public Defender positions remain unfilled. This means that the criminal office must try to meet its responsibilities with one full-time Public Defender, who carries an administrative load as well as a serious felony caseload, and four part-time Assistants. This is not sustainable.

The Family Court office has remained relatively stable in terms of personnel. There have been some staff changes as noted above , but these have not impacted the work of the office in any significantly negative way. As noted above, however, that office is already working at maximum capacity.

Priorities and Goals for 2026

The office priorities for 2026 are clear. We need to get to full staffing by attracting the services of two full-time attorneys. If additional part-time attorneys can be found instead, that will be a help but normally part-time attorneys cannot provide the resource that a full-time attorney can bring. Full-time attorneys are preferable.

The office must also work with the County and the IT Department to find a way to address the increased shared services cost and the migration of the case management system to the Cloud.

The office must work with the relevant departments to assure that it has an ongoing knowledge of the grant funds available to at any given time in order to fulfill the ILS directive to provide a broader spectrum of "Specialized Services" to our indigent clients.

Finally, the office must work with ILS in the preparation of the next 3-year Hurrell-Harring Grant budget to ensure that costs for specialized services are covered.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read 'Michael Arcesi', with a stylized flourish at the end.

Michael Arcesi