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July 22, 2015

Mr. Jeffrey McKoy  
Deputy Commissioner for Program Services  
Bldg. 2, State Campus  
Albany, New York 12226-2050

RE: *New York State Department of Corrections and Community Supervision  
Directive 4423*

Dear Mr. McKoy:

I write on behalf of the Chief Defenders Association of New York (CDANY) to raise a concern regarding the recent revisions to Directive #4423.

CDANY is a membership organization of the appointed public defenders, conflict defenders, executive directors of non-profit indigent defense offices, and administrators of assigned counsel panels throughout New York State. Our organizations represent the vast majority of people prosecuted in New York State. Collectively, our members supervised indigent defense programs that represented over 400,000 individuals in the criminal, family, and appellate courts of New York in 2014.

CDANY applauds the Department of Corrections and Community Supervision's efforts to facilitate communication between inmates and their attorneys. We believe that the new provisions allowing attorneys to schedule "attorney legal calls" (Section IX) will increase access to clients and reduce attorney visits to incarcerated clients.

However, CDANY has a significant concern regarding the Directive's limit of only one attorney legal call during a 30 day period.

As you know, many of our members provide direct representation to inmates pursuant to corrections law § 606. Often these inmates, having been charged with committing a crime in a correctional facility, are moved out of the county where they are being prosecuted to another facility. A legal visit with these inmates to discuss every issue that may arise during the course of the representation is unduly burdensome. Furthermore, during the

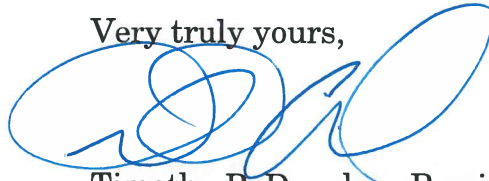
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course of the representation (e.g., when an inmate is considering a plea offer, or when the attorney and inmate are preparing for trial) there are often instances where communication between an inmate and their attorney must be frequent. It is not unusual for an attorney to have to contact a client (either in person or by telephone) several times in one day to discuss issues that may have arisen as an inmate considers a plea offer or as a trial approaches. Requiring multiple, out-of-county legal visits by an attorney to apprise the inmate of necessary information would be unduly burdensome. Like all government agencies these days, our members and their organizations are under-resourced.

We would respectfully request that the Directive be modified to remove any restriction on the number of attorney legal calls that can be placed between an attorney and inmate. We believe that should the Department of Corrections and Community Supervision do so, this will reduce the number of attorney legal visits.

Thank you for your consideration of this request. Should you have the need for any additional information, please do not hesitate to contact me directly.

Very truly yours,



Timothy P. Donaher, President  
Chief Defenders Association of New York  
and Monroe County Public Defender  
(585) 753-4531; [tdonaher@monroecounty.gov](mailto:tdonaher@monroecounty.gov)