

April 13, 2022

Dear fellow Monroe County residents, voters, and concerned community members:

We write to you as a group of more than 30 attorneys at the Monroe County Public Defender's Office. We write anonymously out of concern for retaliation, which could result in an inexperienced and understaffed office that will struggle to serve the needs of our clients. We are committed to the practice of client-centered representation, which holds paramount the needs, circumstances, and best interests of each individual client. Quite often we are the only ones standing in the way of the incredible power of law enforcement, prosecutors, and judges to simply process clients through the criminal justice and family court system.

It is with this client-centeredness in mind that we feel compelled to cast light on the orchestrated process by which the next Public Defender is being selected - a process that has been conducted behind closed doors, tainted by political retribution, in a manner that has been designed to evade transparency and the democratic process.

**We believe that the most critical characteristic of the next Public Defender is their demonstrated commitment to indigent defense.** The best person to lead our office will be someone who has been in the trenches of indigent criminal defense: someone who has gone to trial against insurmountable odds because there was no plea offer; someone who has pushed back against a prosecutor who suggests that the client should just plead out; someone who has pored over discovery into the night to develop a defense in a complex case. The work that we do as public defenders is difficult, unique, and thankless. We believe that the clients we represent and the dozens of attorneys who have dedicated their entire careers to indigent defense deserve a leader in this office who shares this dedication and commitment.

However, the selection process for the next Monroe County Public Defender was not designed to find this person. The search committee was formed by County Legislature President Sabrina LaMar, who granted the Democratic minority and the Republican majority one committee member selection each. President LaMar then hand-selected the five remaining committee members - not one of whom has ever worked as a public defender. Two community forums have been held this week, but were not open to the public. Rather, these forums were arranged by two of President LaMar's search committee appointees, and the only community members invited were a small representation of secular community agencies and Christian church leaders, to the exclusion of other leaders of faith.

The committee has not sought input from any current or former assistant public defenders - either here or in other jurisdictions. None of us have had any input in what criteria was most important in the selection of the next leader of our office; in who would have value as a member of the search committee; in which community members' voices should be heard at the community forums. Just as concerning is that until today's announcement of an April 18th public forum, no input had been sought from the thousands of Monroe County residents who are our

clients, whom we work to zealously represent day in and day out in dozens of courts across Monroe County.

The search committee received applications from four supervising attorneys who currently serve in senior leadership positions at the public defender's office, each of whom has between 20 to 35 years of experience in indigent defense and dedication to this office and the indigent residents of Monroe County. Only one of those applicants was granted a second interview. These extraordinarily well-qualified candidates were excluded from the second round of interviews, while those with no criminal defense or indigent defense experience ascended to the second round. Most notably, Acting Public Defender Jill Paperno, the most senior attorney in the Public Defender's Office and the first woman to ever hold this role, was not granted a second interview, despite 35 years of award-winning service and dedication to this office.

It is both surprising and disheartening that this process has been conducted without the utmost transparency. The search committee will soon put forward a single candidate before the full legislature for a vote. A truly transparent legislative process requires that the votes of each search committee member be made public and that prior to the vote, the full legislature be granted an opportunity to question the nominee. We are hopeful that casting light on this process will result in each legislator examining that candidate closely to determine whether they have the experience and dedication to continue this office's vital mission to zealously defend members of our community.

The search for the next Public Defender is not about us. It is about our clients. The Public Defender sets the tone for our office and our commitment to those clients. Every attorney and every support staff member in our office should feel confident that the leader shares our mission to provide unflinching advocacy to our clients who are so frequently the most vulnerable in our community. **Whoever is chosen to lead the public defender's office must have experience in defending a client. To select someone without this experience would be detrimental to our mission and do great harm to the residents of Monroe County.**

We urge the community to demand transparency in this process. We urge the search committee to hold a full and impartial selection process. Most importantly, we call upon the Monroe County Legislature to do its constitutional duty and select a candidate who has demonstrated a commitment to indigent criminal defense, as well as one that embraces the ideals that have informed this office since its inception.

Sincerely,

Attorneys of the Monroe County Public Defender's Office