

**CRIMINAL JUSTICE COMMITTEE**  
**PUBLIC DEFENDER**  
**AGENDA**  
**SEPTEMBER 28, 2015**

Committee Members: Supervisors Dickinson, Kenny, Monroe, Vanselow, Brock, Seeber and Simpson

I. Committee meeting called to order by Chairman

II. Motion to approve the minutes of the prior meeting

III. Action Agenda/New Business Items:

1. Request: to request Authorization to Attend a meeting for Marcy Flores

Rationale: to Authorize Marcy Flores to attend the Annual Meeting of the Chief Defenders Association of NY on September 18, 2015 and the Indigent Defense Unfunded Mandate Meeting on October 5, 2015

2. Request: to request Authorization to Attend a meeting for Glenn Liebert

Rationale: to Authorize Glenn Liebert to attend the CLE on Representing Parents in a Termination of Parental Rights on October 5, 2015

3. Request: to request approval of the LexisNexis contract

Rationale: to approve the Subscription Plan Amendment for the Commitment Period from October 1, 2015 through September 30, 2018.

IV. Referrals/Pending Items:

None

V. Discussion Items:

None

VI. Privilege of the floor to discuss any additional item to come before the Committee

VII. Motion to adjourn

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Attachments:

1. Authorization to Attend Meeting or Convention for Marcy Flores
2. Authorization to Attend Meeting or Convention for Glenn Liebert
3. LexisNexis Subscription Plan Amendment

SCHEDULE "A"  
**AUTHORIZATION TO ATTEND MEETING OR CONVENTION**

Check one:

- In-State (needs Supervisory Committee authorization)  
 Out-Of State (needs Board resolution)

The Criminal Justice Committee hereby authorizes Marcy I. Flores  
(Supervisory Committee) (Employee Name)

to attend Chief Defenders of NY State Annual Meeting - Indigent Defense Unlimited Mandate  
(Name of meeting or organization)

at Sheraton Hotel, 801 University Avenue, Syracuse New York 13210

(Address)

on 10/5/2015. Mode of transportation to be used County Vehicle  
(Dates) (County Vehicle or Mass Transportation)

If the mode of transportation is not a county vehicle or mass transportation, please explain:

\_\_\_\_\_

**Proper documentation must be attached when submitting for approval.**  
(Please check documents attached)

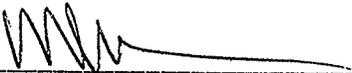
- Notice of meeting or convention including cost.

**For Overnight Travel**

- Room rate \$ \_\_\_\_\_ GSA \* Rate \$ \_\_\_\_\_  
 Meal costs - GSA \*per diem rate \$ \_\_\_\_\_

\*[www.gsa.gov](http://www.gsa.gov)

Date: 9-4-15

  
\_\_\_\_\_  
Department Head Signature

Date: \_\_\_\_\_

\_\_\_\_\_  
Committee Chairman Signature

Please refer to the Warren County Travel Policy and County Vehicle Use Regulations for general policy guidelines.

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\*\*\*\*\*

Please check to request a fleet vehicle.

**REQUEST FOR USE OF FLEET VEHICLE**

\*\*\*\*\*  
\*\*\*\*\*

**Filing Instructions:**

1. Original with voucher to Auditor.
2. Copy to Frank Morehouse if fleet vehicle is needed.
3. Copy to Clerk of the Board with Resolution Request form if out-of-state travel.
4. Copy to Purchasing with Purchase Order, if required.
5. Copy to County Administrator if credit card will be used.

WARREN COUNTY  
REQUEST FOR AUTHORIZED TIME OFF DUE TO ATTENDANCE  
AT OUT-OF-TOWN CONFERENCE/TRAINING/SEMINAR EXCEEDING EIGHT (8)  
HOURS IN A WORKDAY

Name: Marcy Flores Title: Public Defender  
Department: Public Defender Date: 9/4/15  
Current Work Schedule (9:00-5:00; 8:00-4:00, etc.) 9:00-5:00  
Conference/Training/Seminar Date: 10/5/15  
Name of Conference/Training/Seminar and  
location: Chief Defenders of NY State Meeting  
Sheraton Hotel, 801 University Ave, Syracuse NY 13210

Total Hours Conference/Training/Seminar attended (including travel time to and from  
Conference/Training/Seminar): 11 hours

Hours worked in a day when attending an authorized out-of-town conference, training class, seminar  
or similar educational class may be more than eight (8) hours but not more than eleven (11) hours  
when the Department Head (or designee) and the employee agree that the time worked over eight  
(8) hours (not more than eleven (11) hours), will be taken as authorized time off later in the same  
work week.

I agree to the terms and conditions of this request should it be approved by the Department Head.

Employee Signature: Marcy Flores

TO BE COMPLETED BY DEPARTMENT HEAD OR DESIGNEE:

Date and number of hours employee is authorized to take off in the same work week (cannot exceed  
three (3) hours): 3

Approved  Denied  Revoked

Department Head or Designee Signature: Marcy Flores Date: 9-4-15

## Flores, Marcy

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**From:** Diane DuBois <DDuBois@nysda.org>  
**Sent:** Thursday, August 27, 2015 4:15 PM  
**To:** 'NYS-ChiefDefenders@nysda.org'  
**Subject:** Indigent Defense Unfunded Mandate Meeting - Monday October 5th, 2015  
**Attachments:** Memo.counties.57 to go.Draft2.8-25-15.docx; Bill No. A06202A.pdf

Dear Chief Defender,

Your former colleague Steve Button, who is now St. Lawrence County County Attorney, has facilitated a meeting of County Attorneys and County Executives on **Monday, October 5th, 2015** for the purpose of discussing statewide efforts that counties may undertake to **alleviate unfunded mandates in the field of public defense**. The meeting will be held at the Sheraton Hotel and Conference Center located at 801 University Avenue in Syracuse at 1:00 p.m.

NYSDA will have a representative at the meeting, and Chief Defenders are encouraged to attend. Since the outcome of the meeting could potentially affect your programs and clients, as well as your county, I hope that you will be able to participate as well.

As the note below indicates, RSVPs are requested by September 11, 2015 – contact Steve's Confidential Secretary, Michele Zera, at [mzera@stlawco.org](mailto:mzera@stlawco.org) or 315-379-2269.

I hope to see you there.

Jonathan

Jonathan E. Gradess  
Executive Director  
New York State Defenders Association  
194 Washington Avenue, Suite 500  
Albany, NY 12210  
(518) 465-3524  
[jgradess@nysda.org](mailto:jgradess@nysda.org)  
[www.nysda.org](http://www.nysda.org)

-- Confidentiality Notice --

This email message, including all the attachments, is for the sole use of the intended recipient(s) and contains confidential and privileged information. Unauthorized use or disclosure is prohibited. If you are not the intended recipient, you may not use, disclose, copy or disseminate this information; and please contact the sender immediately by reply email and destroy all copies of the original message, including attachments.

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**From:** Button, Stephen [<mailto:SButton@stlawco.org>]  
**Sent:** Wednesday, August 26, 2015 12:00 PM  
**To:** Charlie O'Brien; Jonathan Gradess  
**Cc:** Leahy, Bill (ILS); Wierschem, Joseph (ILS)  
**Subject:** FW: Indigent Defense Unfunded Mandate Meeting - CHANGE OF DATE - Monday October 5th, 2015

FYI

## MEMORANDUM

To: All County Attorneys and County Executives  
From: Stephen Button, St. Lawrence County Attorney  
Date: August 25, 2015  
Re: Generating State Resources for County Public Defense Systems

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In November of 2007 the NYCLU on behalf of a class of potential clients in, Onondaga, Ontario, Schuyler, Suffolk, and Washington counties filed suit against the State of New York alleging a persistent failure to provide meaningful and effective representation to people unable to afford counsel in criminal cases. It was the court, not the plaintiffs who called for the five emblematic counties to be made parties; the suit charged New York State alone with responsibility for defects in the system.

The lawsuit took seven years to reach trial and on the eve of trial the parties settled the lawsuit.

The October 21, 2014 settlement of the *Hurrell-Harring* lawsuit is an opportune moment underscoring Pasteur's adage that "chance favors the prepared mind." In the past several years 15 counties have passed resolutions calling upon the Governor to settle the *Hurrell-Harring* lawsuit, take over funding of public defense services, and create a State funded and state administered Independent Public Defense Commission to run a unified public defense system which would relieve counties of the underfunded mandate to deliver public defense services in criminal courts and the Family Court.

Unfortunately neither the plaintiffs nor the State deemed a global settlement of this nature possible. Thus:

- Each upstate county now has a vested interest in securing funding for the ILS Office sufficient for implementation in the defendant counties *and in their own jurisdiction.*
- Each of the upstate counties not covered by the settlement has an economic incentive to mobilize **political support** to achieve State-funded relief identical to that of the settlement counties.
- Unique opportunities exist among the disenfranchised jurisdictions to compare consequences in bordering counties and build support for broader reform.
- This is the first time where a positive effort by the State on behalf of *improving public defense services in certain jurisdictions has simultaneously so clearly created demonstrable distress for jurisdictions.*

- The five defendant counties comprise only 20% of the population outside of New York City. Eighty percent of the upstate population has thus been shut out of a global remedy by the settlement.
- In the words of Gary Stein, one of Schulte, Roth & Zabel's lead litigators (co-counsel in the lawsuit), "there is no logical or politically viable justification for not extending the same reforms to other upstate New York Counties, which are just as much in need."

We need to mobilize a strategic campaign at the county and state levels with local legislators, county attorneys, and defenders taking the lead to convince state elected representatives of the absolute necessity of prioritizing this funding issue ***NOW!***

1. **Building a County-Based Statewide Coalition:** There is an immediate need to organize a coalition utilizing the self-interest of 52 upstate counties whose economic concerns and interest in State assistance have now been heightened by the extremely narrow focus of the settlement. Providing State resources to the 5 defendant counties will have serious untoward effects on the other counties. Since they have the same deficiencies, they are open to being sued by clients who may claim equal protection violations when they do not receive counsel at arraignment or the other benefits which are the subject of the settlement in the 5 other counties. **A meeting of representatives of the 15 counties already on record, and other interested county officials, county attorneys, defenders and others should be held in Syracuse in September to launch a major organizing and publicity campaign to educate and activate all the 52 counties and bring them together into a powerful statewide coalition.**
2. **A Renewed Focus on Public Defense Services funding by locally elected Assembly and Senate Members is key:** Each county has direct voices in Albany in each house of the Legislature and, as we know, all politics is local. The needs of counties, already underfunded to provide public defense services, have been exacerbated by the non-global settlement of the Hurrell-Harring lawsuit. **It is imperative that local representatives be fully incorporated in the fight for greater public defense resources. Calling for their affirmative unyielding assistance beginning this fall is key.**
3. **Funding Strong Standards and Quality Improvements for Public Defense:** The settlement work cannot go forward without adequate resources for the ILS Office. A major lobbying campaign can convince the Governor and Legislature to fulfill the terms of the settlement by fully funding the ILS Office to enable it to develop constitutional eligibility standards, meaningful caseload standards, and quality defender program improvements. **At the same time, the *counties not covered by the settlement* need to be more deeply involved in fighting for State funding to shape these very program improvements in their own counties.**
4. **Increasing Available Funds:** It will also be necessary to prevent further sweeps of the Indigent Legal Services Fund (ILSF) and to acquire enhanced resources to assure that the ILS Office can fund improvements in the other counties not covered by the settlement and recommend other meaningful changes. **Organizing a vibrant statewide coalition of**

**organizations, counties, policymakers and opinion leaders with a grassroots-to-the-statehouse approach will result in a budget and policy victory in the Legislature. As the Governor will already be developing his budget, this campaign should begin as soon after Labor Day as possible.**

5. **Assemblywoman Patricia Fahy and A.6202-A:** Assemblywoman Patricia Fahy and twenty four other members of the Assembly have introduced A. 6202-A to amend County Law § 722-e to require state reimbursement for county based public defense expenditures. This bill would incrementally lead within three years to the State reimbursement of all county public defense expenditures. It can provide mandate relief *and* help move us in the direction of a unified public defense system while funding improvements in the counties not covered by the Hurrell-Harring settlement. **Every member of the Legislature in our respective counties should sign on to this bill as a co-sponsor and be asked to seriously champion it as well.**
6. **The State Senate and Support.** While great strides have been made in moving forward the Fahy bill within the Assembly, Senate sponsorship for a same as counterpart remains a key to successfully pushing forward legislation that can ultimately remove a significant burden on the 57 counties. **Every member of the State Senate in our respective counties should sign on to this issue and support the Fahy bill.**
7. **A Unified State Public Defense System:** The 15 counties that sought a global settlement of Hurrell-Harring called for the state takeover of the financing and administration of the public defense system. A true state public defense system of this kind at the state level paying for the full cost of services and administration will not flow directly from the Fahy bill but there are several available models that exist.

In 2009 majorities in both houses of the Legislature were prepared to pass a bill that would have permanently shifted the responsibility for both the funding and the administration of public defense services to the State. At some point that bill or one like it needs to pass the Legislature.

Whether we grow the ILS Office into the State defender system, adapt Judiciary Law 35-b (3) [existing statutory scheme formerly authorizing the Capital Defender Office], follow more directly Chief Judge Kaye's 2006 recommendations, or amend and refile the Public Defense Reform Act of 2009, the path toward the future is clear: *Counties need to be removed from both fiscal and administrative responsibility for providing public indigent representation and the day-to-day supervision of legal work needs to be overseen by an independent public defense entity.*

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***A conversation regarding these issues and a campaign to move them forward needs to be commenced as quickly as possible.***

**PLEASE JOIN ME AT A MEETING** to discuss all of this and the role you and your county can play in helping to generate resources for your county public defense system. If you cannot attend, please consider sending someone in your place.

Date: September 22nd, 2015

Time: 1:00 p.m.

Where: Sheraton Hotel, 801 University Avenue, Syracuse New York 13210

Please RSVP by the close of business on September 11<sup>th</sup> 2015 by contacting:

Michele Zera  
Confidential Legal Secretary  
St. Lawrence County Attorney  
48 Court Street  
Canton, New York 13617  
(315) 379-2269  
mzera@stlawco.org

**A06202 Summary:**

BILL NO A06202A  
SAME AS No same as  
SPONSOR Fahy (MS)  
COSPNSR Lentol, Aubry, McDonald, Steck, Gottfried, Magnarelli, Crespc  
Sepulveda, Arroyo, Simotas, Magee, Colton, Duprey, Crouch, Mc  
Raia, Rosenthal, Woerner  
MLTSPNSR Cook, Glick, Hevesi, Hikind, Simon, Weinstein  
Amd S722-e, County L; amd S832, Exec L

Requires state reimbursement to counties and cities in which a county is located of the full amount of expenditures for indigent legal services.

**A06202 Actions:**

BILL NO A06202A  
03/17/2015 referred to codes  
05/12/2015 reported referred to ways and means  
06/01/2015 amend and recommit to ways and means  
06/01/2015. print number 6202a

**A06202 Votes:**

*There are no votes for this bill in this legislative session.*

**A06202 Memo:**

BILL NUMBER:A6202A

TITLE OF BILL: An act to amend the county law and the executive law, in relation to indigent defense services

PURPOSE OR GENERAL IDEA OF BILL:

To ensure that all persons accused of crimes in New York are able to receive effective legal representation whether or not they have the ability to pay for a lawyer by establishing a system of direct state funding at the requisite adequate level to eliminate the geographic disparity in representation.

SUMMARY OF SPECIFIC PROVISIONS:

Section 1: provides legislative findings and declaration.

Section 2: amends Section 722-e of the County law to require the State to reimburse, over a four year phase in period, counties and cities in which a county is wholly located the full amount of expenses of counsel services for indigent legal defendants.

Section 3: "Subdivision 3 of section 832 of the executive law, as added by section 1 of part E of chapter 56 of the laws of 2010, is amended and a new paragraph (o) is added to read as follows: (o) to adopt, promulgate, amend or rescind rules and regulations to carry out the provisions of this section. including to ( i) ensure the presence of counsel at the first appearance of any eligible defendant charged with a crime. (ii) establish caseload/workload regulations for attorneys providing mandated representation that allow for meaningful and effective assistance of counsel. and (iii) improve the quality of mandated representation."

Section 4: makes technical amendments to paragraph (l) and (m) of Section 832 of the Executive Law and adds a new paragraph (n) to subdivision 3 of section 832 of the Executive Law granting the office of Indigent Legal Services the power to approve reimbursement to counties to provide indigent legal services.

Section 5: provides an immediate effective date.

**JUSTIFICATION:**

The state has just recently settled a lawsuit with five counties - Suffolk, Washington, Ontario, Onondaga, and Schuyler - in which the settlement calls for the Office of Indigent Legal Services to be in charge of the public defense operations in the five counties. This would be the first time in New York that a statewide entity will be responsible for legal representation of all indigent criminal defendants. Counties statewide are currently responsible for funding indigent legal services by federal mandate but adherence is uneven and dependent on a particular county's ability or inability to properly fund the program. Many counties have no system for supervising caseloads or quality, no staffing formula to ensure an appropriate number of public defenders, and no standard ensuring comparable compensation for defenders.

My legislation would amend the law to provide for the state to take over full funding of the program in 2018, and relieve all counties of this financial strain. As the Governor noted during the State of Opportunity agenda, local governments have been struggling while the state's finances have generally improved. Now is the time for the state to reinvest in its counties and relieve the counties of this unfunded mandate.

**PRIOR LEGISLATIVE HISTORY:**

New Bill

FISCAL IMPLICATIONS:

To be determined.

EFFECTIVE DATE:

Immediately

A06202 Text:

S T A T E O F N E W Y O R K

6202--A

2015-2016 Regular Sessions

I N A S S E M B L Y

March 17, 2015

Introduced by M. of A. FAHY, LENTOL, AUBRY, McDONALD, STECK, GOI  
MAGNARELLI, CRESPO, SEPULVEDA, ARROYO, SIMOTAS, MAGEE, COLTON,  
CROUCH, MONTESANO, RAIA, ROSENTHAL, WOERNER, ROBERTS -- Mult  
sored by -- M. of A. COOK, GLICK, HEVESI, HIKIND, SIMON, WEINS  
read once and referred to the Committee on Codes -- repor  
referred to the Committee on Ways and Means -- committee disc  
bill amended, ordered reprinted as amended and recommitted  
committee

AN ACT to amend the county law and the executive law, in relat  
indigent defense services

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE ANI  
BLY, DO ENACT AS FOLLOWS:

1 Section 1. Legislative findings and declaration. It is a fund  
2 right of all persons in the United States to be represented by  
3 in all criminal prosecutions. In the case of GIDEON V. WAINWRIGHT  
4 U.S. 335, the United States Supreme Court ruled that indigent  
5 accused in state felony cases who were unable to afford counsel  
6 constitutional right to be defended by an appointed attorney paid  
7 state. Subsequently, the Supreme Court determined that indigent  
8 accused of any criminal charge that could result in imprisonment,  
9 er a felony or misdemeanor, are entitled to counsel at the expe  
10 the state.

11 New York state has chosen to fulfill its obligation to provide  
12 sentation to indigent persons accused of a crime by requiring eac  
13 ty outside New York city and New York city to implement and fund  
14 to provide such representation. In 2006 the Commission on the Fu  
15 Indigent Legal Services concluded that a system of county operat

16 funded indigent defense services failed to satisfy the constit  
 17 obligation to protect the rights of indigent persons accused of a  
 18 Such Commission recommended that funding for indigent legal s  
 19 come from the State's general fund rather than from the counties.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in b  
 [ ] is old law to be omitted.

LBD069

A. 6202---A

2

1 New York state has entered into an agreement to settle a class  
 2 lawsuit that alleged deprivation of the right to counsel in five  
 3 ties. The agreement acknowledges that the Office of Indiger  
 4 Services and the Indigent Legal Services Board are authorized "to  
 5 tor and study indigent legal services in the state, to recommen  
 6 ures to improve those services, to award grant monies to count  
 7 support their indigent representation capability, and to es  
 8 criteria for the distribution of such funds." While the set  
 9 agreement pertains to only five counties, its criteria establish

10 dard for providing indigent legal services that should apply stat  
 11 The legislature finds and declares that in all criminal proc  
 12 against people unable to afford counsel, New York state is cc  
 13 tionally required to provide public defense services. The legi  
 14 further finds that the state is obligated to undertake initiati  
 15 improve the quality of indigent defense, ensure representa  
 16 arraignment, implement caseload standards for providers of i  
 17 legal services, and implement statewide standards for determining  
 18 bility for mandated representation. Mandating counties to fina  
 19 state's obligation to provide indigent legal services imposes a  
 20 icant uncontrollable financial burden on counties dependent  
 21 property taxes to fund needed services, and subject to a state  
 22 tax cap.

23 The legislature finds and declares that in order to fulf  
 24 constitutional obligation to provide indigent legal services, the  
 25 shall pay counties the full amount necessary to ensure the deli  
 26 quality legal services for indigent criminal defendants in a cor  
 27 manner throughout the State.

28 S 2. Section 722-e of the county law, as added by chapter 878  
 29 laws of 1965, is amended to read as follows:

30 S 722-e. Expenses. All expenses for providing counsel and s  
 31 other than counsel hereunder shall be a county charge or in the  
 32 a county wholly located within a city a city charge to be paid ou  
 33 appropriation for such purposes AND SHALL BE REIMBURSED BY THE ST  
 34 THE COUNTY OR CITY PROVIDING SUCH SERVICES, PROVIDED, HOWEVER,  
 35 THE STATE FISCAL YEAR BEGINNING:

36 (A) APRIL FIRST, TWO THOUSAND FIFTEEN, THE STATE SHALL  
 37 REIMBURSEMENT FOR NOT LESS THAN TWENTY-FIVE PERCENT OF SUCH EX  
 38 AND

39 (B) APRIL FIRST, TWO THOUSAND SIXTEEN, THE STATE SHALL  
 40 REIMBURSEMENT FOR NOT LESS THAN FIFTY PERCENT OF SUCH EXPENSES; A

41 (C) APRIL FIRST, TWO THOUSAND SEVENTEEN, THE STATE SHALL  
 42 REIMBURSEMENT FOR NOT LESS THAN SEVENTY-FIVE PERCENT OF SUCH EX

43 AND

44 (D) EVERY YEAR THEREAFTER, THE STATE SHALL PROVIDE REIMBURSEMENT  
45 THE FULL AMOUNT OF SUCH EXPENSES.

46 S 3. Subdivision 3 of section 832 of the executive law is amended  
47 adding a new paragraph (o) to read as follows:

48 (O) TO ADOPT, PROMULGATE, AMEND OR RESCIND RULES AND REGULATIONS  
49 CARRY OUT THE PROVISIONS OF THIS SECTION, INCLUDING TO (I) ENSURE  
50 PRESENCE OF COUNSEL AT THE FIRST APPEARANCE OF ANY ELIGIBLE DEFENDANT  
51 CHARGED WITH A CRIME, (II) ESTABLISH CASELOAD/WORKLOAD REGULATIONS FOR  
52 ATTORNEYS PROVIDING MANDATED REPRESENTATION THAT ALLOW FOR MEANINGFUL  
53 AND EFFECTIVE ASSISTANCE OF COUNSEL, AND (III) IMPROVE THE QUALITY OF  
54 MANDATED REPRESENTATION.

55 S 4. Paragraphs (l) and (m) of subdivision 3 of section 832  
56 executive law, as added by section 1 of part E of chapter 56 of the laws of  
A. 6202--A

3

1 of 2010, are amended and a new paragraph (n) is added to read as  
2 follows:

3 (l) to present findings and make recommendations for consideration  
4 the indigent legal services board established pursuant to section  
5 hundred thirty-three of this article; [and]

6 (m) to execute decisions of the indigent legal services board  
7 established pursuant to section eight hundred thirty-three of this article  
8 including the distribution of funds[.];

9 (N) TO REVIEW THE PUBLIC DEFENSE OPERATIONS OF ANY COUNTY FOR  
10 COMPLIANCE WITH APPLICABLE PROFESSIONAL STANDARDS PROMULGATED BY THE  
11 JUDICIAL BRANCH AND TO ENSURE THAT RECIPIENTS OF SERVICES PROVIDED PURSUANT TO  
12 SECTION EIGHT HUNDRED TWENTY-TWO OF THE COUNTY LAW ARE PROVIDED WITH MEANINGFUL AND EFFECTIVE  
13 REPRESENTATION BEFORE MAKING REIMBURSEMENT PURSUANT TO SECTION EIGHT  
14 HUNDRED TWENTY-TWO OF THE COUNTY LAW; AND

15 S 5. This act shall take effect immediately.

SCHEDULE "A"  
**AUTHORIZATION TO ATTEND MEETING OR CONVENTION**

Check one:

- In-State (needs Supervisory Committee authorization)
- Out-Of State (needs Board resolution)

The Criminal Justice Committee hereby authorizes Marcy I. Flores  
(Supervisory Committee) (Employee Name)

to attend Chief Defenders Association Annual Meeting  
(Name of meeting or organization)

at Watts Conference Center, 47 S. Fitzhugh Street, Rochester, New York 14614  
(Address)

on September 18, 2015. Mode of transportation to be used County Vehicle  
(Dates) (County Vehicle or Mass Transportation)

If the mode of transportation is **not** a county vehicle or mass transportation, please explain:

n/a

**Proper documentation must be attached when submitting for approval.**  
(Please check documents attached)

- Notice of meeting or convention including cost.

**For Overnight Travel**

- Room rate \$ \_\_\_\_\_ GSA\* Rate \$ \_\_\_\_\_
- Meal costs - GSA\*per diem rate \$ \_\_\_\_\_

\*[www.gsa.gov](http://www.gsa.gov)

Date: 9-14-15

  
\_\_\_\_\_  
Department Head Signature

Date: \_\_\_\_\_

\_\_\_\_\_  
Committee Chairman Signature

Please refer to the Warren County Travel Policy and County Vehicle Use Regulations for general policy guidelines.

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Please check to request a fleet vehicle.

**REQUEST FOR USE OF FLEET VEHICLE**

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\*\*\*\*\*

Filing Instructions:

1. Original with voucher to Auditor.
2. Copy to Frank Morehouse if fleet vehicle is needed.
3. Copy to Clerk of the Board with Resolution Request form if out-of-state travel.
4. Copy to Purchasing with Purchase Order, if required.
5. Copy to County Administrator if credit card will be used.

WARREN COUNTY  
REQUEST FOR AUTHORIZED TIME OFF DUE TO ATTENDANCE  
AT OUT-OF-TOWN CONFERENCE/TRAINING/SEMINAR EXCEEDING EIGHT (8)  
HOURS IN A WORKDAY

Name: Marcy Flores Title: Public Defender  
Department: Public Defender Date: 9/14/15  
Current Work Schedule (9:00-5:00; 8:00-4:00, etc.) \_\_\_\_\_  
Conference/Training/Seminar Date: 9/18/15  
Name of Conference/Training/Seminar and  
location: Watt's Conference Center, 475. Fitzhugh St  
Rochester New York 14614

Total Hours Conference/Training/Seminar attended (including travel time to and from  
Conference/Training/Seminar): 11

Hours worked in a day when attending an authorized out-of-town conference, training class, seminar  
or similar educational class may be more than eight (8) hours but not more than eleven (11) hours  
when the Department Head (or designee) and the employee agree that the time worked over eight  
(8) hours (not more than eleven (11) hours), will be taken as authorized time off later in the same  
work week.

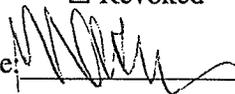
I agree to the terms and conditions of this request should it be approved by the Department Head.

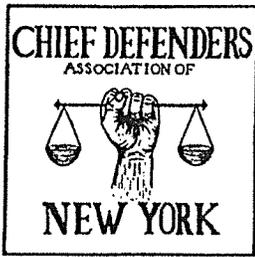
Employee Signature: 

TO BE COMPLETED BY DEPARTMENT HEAD OR DESIGNEE:

Date and number of hours employee is authorized to take off in the same work week (cannot exceed  
three (3) hours): 3

Approved       Denied       Revoked

Department Head or Designee Signature:  Date: 9/14/15



# CHIEF DEFENDERS ASSOCIATION OF NEW YORK

PRESIDENT  
Timothy P. Donaher,  
Rochester

PRESIDENT-ELECT  
Lisa Schreibersdorf,  
Brooklyn

SECRETARY  
Sandra J. McCarthy,  
Troy

TREASURER  
Mark S. Williams,  
Olean

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Troy  
Jay L. Wilber,  
Binghamton

## NOTICE OF ANNUAL MEETING and PROXY

**When:** Friday, September 18, 2015 at 1:00 p.m.  
**Where:** Watts Conference Center, 47 S. Fitzhugh Street,  
Rochester, New York 14614  
**Business:** Voting on proposed modification to by-laws

I cannot attend the Membership Meeting, but submit the following proxy:

### PROXY

I, the undersigned member in good standing of the Chief Defenders Association of New York (CDANY) do hereby appoint Sandra J. McCarthy, CDANY Secretary, with full power of substitution, as my proxy to attend the CDANY Membership Meeting occurring on September 18, 2015 and with full power to vote and act for me at the meeting as follows: (check one)

- \_\_\_\_\_ To vote in **FAVOR** of the proposal to modify the by-laws to expand membership to include assistant membership and organization membership
- \_\_\_\_\_ To vote **AGAINST** the proposal to modify the by-laws to expand membership to include assistant membership and organization membership

Date: \_\_\_\_\_

Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Please return by September 17 by 4:00 p.m. electronically or by US Mail to:

Sandra J. McCarthy  
Rensselaer County Conflict Defender  
61 State Street  
Troy, NY 12180  
(518) 270-2802  
(518) 270-2686 (fax)  
[smccarthy@nycap.rr.com](mailto:smccarthy@nycap.rr.com)

SCHEDULE "A"  
**AUTHORIZATION TO ATTEND MEETING OR CONVENTION**

Check one:

- In-State (needs Supervisory Committee authorization)
- Out-Of State (needs Board resolution)

The Criminal Justice Committee hereby authorizes Glenn Liebert  
(Supervisory Committee) (Employee Name)

to attend A CLE on Representing Parents in a Termination of Parental Rights Proceeding  
(Name of meeting or organization)

at SUNY Delhi, Farrell Hall, Delhi NY  
(Address)

on October 5, 2015. Mode of transportation to be used County Vehicle  
(Dates) (County Vehicle or Mass Transportation)

If the mode of transportation is not a county vehicle or mass transportation, please explain:

\_\_\_\_\_

**Proper documentation must be attached when submitting for approval.**  
(Please check documents attached)

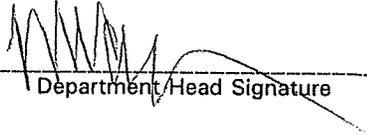
- Notice of meeting or convention including cost.

**For Overnight Travel**

- Room rate \$      GSA\* Rate \$
- Meal costs - GSA\* per diem rate \$

\*[www.gsa.gov](http://www.gsa.gov)

Date: 09-11-15

  
-----  
Department/Head Signature

Date: \_\_\_\_\_

-----  
Committee Chairman Signature

Please refer to the Warren County Travel Policy and County Vehicle Use Regulations for general policy guidelines.

\*\*\*\*\*  
\*\*\*\*\*

Please check to request a fleet vehicle.

**REQUEST FOR USE OF FLEET VEHICLE**

\*\*\*\*\*  
\*\*\*\*\*

Filing Instructions:

1. Original with voucher to Auditor.
2. Copy to Frank Morehouse if fleet vehicle is needed.
3. Copy to Clerk of the Board with Resolution Request form if out-of-state travel.
4. Copy to Purchasing with Purchase Order, If required.
5. Copy to County Administrator if credit card will be used.

WARREN COUNTY  
REQUEST FOR AUTHORIZED TIME OFF DUE TO ATTENDANCE  
AT OUT-OF-TOWN CONFERENCE/TRAINING/SEMINAR EXCEEDING EIGHT (8)  
HOURS IN A WORKDAY

Name: Glenn B. Liebert Title: Fourth Assistant Public Defender  
Department: Public Defender Date: 9/11/15  
Current Work Schedule (9:00-5:00; 8:00-4:00, etc.) 9:00-5:00, Mon-Fri  
Conference/Training/Seminar Date: Monday, 10/5/15, 9:00-4:30  
Name of Conference/Training/Seminar and  
location: Representing Parents in  
a Termination of Parental Rights Proceeding, Delhi, NY

Total Hours Conference/Training/Seminar attended (including travel time to and from  
Conference/Training/Seminar): 11 hours.

Hours worked in a day when attending an authorized out-of-town conference, training class, seminar  
or similar educational class may be more than eight (8) hours but not more than eleven (11) hours  
when the Department Head (or designee) and the employee agree that the time worked over eight  
(8) hours (not more than eleven (11) hours), will be taken as authorized time off later in the same  
work week.

I agree to the terms and conditions of this request should it be approved by the Department Head.

Employee Signature: Glenn B. Liebert

TO BE COMPLETED BY DEPARTMENT HEAD OR DESIGNEE:

Date and number of hours employee is authorized to take off in the same work week (cannot exceed  
three (3) hours): 3

Approved       Denied       Revoked

Department Head or Designee Signature: Mary A. Date: 9-11-15

**Subject:** RE: [ILSFAM] CLE REPRESENTING PARENTS IN A TERMINATION OF PARENTAL RIGHTS PROCEEDING - MONDAY, 5 OCTOBER 2015 AT SUNY DELHI

We probably should.  
Nellie---what do you think?

Timothy J. Tyree  
Warren Co. Public Defender  
1340 State Route # 9  
Lake George. New York 12845-9803  
Tel: (518) 761-6207  
Fax: (518) 761-6208

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**From:** Flores, Marcy  
**Sent:** Tuesday, September 01, 2015 11:34 AM  
**To:** Tyree, Tim; Halloran, Nellie; Liebert, Glenn; Racino, Bryan  
**Subject:** FW: [ILSFAM] CLE REPRESENTING PARENTS IN A TERMINATION OF PARENTAL RIGHTS PROCEEDING - MONDAY, 5 OCTOBER 2015 AT SUNY DELHI

Does anyone want to attend?

This communication, together with any attachments hereto or links contained herein, is for the sole use of the intended recipient(s) and may contain information that is attorney-client privileged, otherwise confidential and/or legally protected! As such, this e-mail is not a public document. If you are not the intended recipient, you are hereby notified that any review, disclosure, copying, dissemination, distribution or other use of this communication is STRICTLY PROHIBITED. If you have received this communication in error, please notify the sender immediately and destroy this message with any attachments as soon as possible. Thank you.

**From:** ILSFAM [<mailto:ilsfam-bounces+floresm=warrencountyny.gov@listserv.com>] **On Behalf Of** Larisa Obolensky  
**Sent:** Tuesday, September 01, 2015 8:48 AM  
**To:** [ilsfam@listserv.com](mailto:ilsfam@listserv.com)  
**Subject:** [ILSFAM] CLE REPRESENTING PARENTS IN A TERMINATION OF PARENTAL RIGHTS PROCEEDING - MONDAY, 5 OCTOBER 2015 AT SUNY DELHI

Good morning, everyone -

THE DELAWARE COUNTY ASSIGNED COUNSEL PANEL AND NEW YORK STATE DEFENDERS' ASSOCIATION ARE CO-SPONSORING

A CLE ON - REPRESENTING PARENTS IN A TERMINATION OF PARENTAL RIGHTS PROCEEDING      6 MCLE credits (.5 ethics)

PRESENTED BY MARGARET BURT, ESQ.

DATE: MONDAY, 5 OCTOBER 2015, 9:00 a.m. - 4:30 p.m.

LOCATION: SUNY DELHI, FARRELL HALL, DELHI, NEW YORK

THE PROGRAM IS OFFERED FREE FOR ASSIGNED COUNSEL, 18-B, PUBLIC DEFENDERS, AND NYSDA MEMBERS.

PROGRAM DESCRIPTION AND REGISTRATION INFORMATION ARE ATTACHED.

CONTINENTAL BREAKFAST AND LUNCH WILL BE OFFERED AT NO CHARGE.

--

Larisa Obolensky  
Attorney-at-law  
P.O. Box 494  
Delhi, New York 13753  
607-832-4256

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**Representing Parents in a Termination of Parental Rights Proceeding – October 5, 2015**

Please fill out the following registration form and return it to the New York State Defenders Association, 194 Washington Ave., Suite 500, Albany, NY 12210-2314; Fax 518-465-3249. Your registration form must be received by **Monday, September 28, 2015**. This program is for public defense practitioners and free for Public Defenders, Legal Aid, Assigned Counsel, and NYSDA Members.

NAME: \_\_\_\_\_ OFFICE: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

CITY/STATE/ZIP CODE: \_\_\_\_\_

TELEPHONE: \_\_\_\_\_ E-MAIL: \_\_\_\_\_

I am not engaged in the prosecution of criminal cases. Do you have any special needs?

Please check all that apply:  NYSDA Member  18-B Attorney  Legal Aid Society Attorney  Defender Office

NEW YORK STATE DEFENDERS ASSOCIATION  
194 WASHINGTON AVENUE, SUITE 500  
ALBANY, NEW YORK 12210-2314

**Representing  
Parents in a  
Termination of  
Parental Rights  
Proceeding**

*Presented by the  
Delaware County  
Assigned Counsel Panel  
and the  
New York State  
Defenders Association*

**Monday,  
October 5, 2015**

SUNY Delhi  
Farrell Hall Room 211 A&B  
454 Delhi Drive  
Delhi, NY 13753

**6 MCLE Credits (.5 Ethics)**

**P R O G R A M**

**Representing Parents in a Termination of Parental Rights Proceeding**

**9:00-10:00 am**

What does a TPR actually do and what does it mean to my client? The legal mandate to file TPRs and the exceptions to that mandate, the use of the permanency hearing process as it relates to TPR

**10:00-10:15 am**

Discussion: I think a TPR is coming – is there anything I can do to stop it?

**10:15-10:30 am**

Break

**10:30 am-12:30 pm**

Review of all the grounds to TPR: abandonment, permanent neglect, mental illness, mental retardation, severe abuse, repeated abuse

**12:30-1:15 pm**

Lunch

**1:15-2:15 pm**

Technical stuff! Service, discovery, clients who FTA, appeal questions, evidentiary issues

**2:15-2:45 pm**

Suspended Judgments as an option/alternative

**2:45-3:00 pm**

Break

**3:00-4:30 pm**

Subsidized Guardianship and Conditional Surrenders as an option/alternative

**S P E A K E R**

**Margaret A. Burt** is an attorney in private practice in Rochester, New York. For thirty five years she has specialized in the representation of children, adults and child welfare agencies in trial court and appellate practice. A substantial amount of her practice involves consulting and training for lawyers, judges, case-workers and service providers all around the country in the areas of child abuse and neglect, permanency for foster children, the termination of parental rights, and adoptions. She provides national and local training on such issues as the Adoption and Safe Families Act, the Indian Child Welfare Act, confidentiality, legal ethics in child welfare, the representation of children and trial techniques. She has trained in 46 states and is hoping to get that last 4 in before she retires! She also consults on legislation connected to child welfare issues.

**MCLE Credit**

NYSDA has been certified by the New York State Continuing Legal Education Board as an Accredited Provider of Continuing Legal Education in the State of New York (2013-2016). This transitional/ nontransitional program has been approved in accordance with the requirements of the Continuing Legal Education Board for a maximum of 6 credit hours of which .5 credit hours can be applied to Ethics and Professionalism. No CLE credit may be earned for repeat attendance at any accredited CLE activity within any one reporting cycle. Tuition assistance for financial hardship is available.



|  |   |
|--|---|
| <b>"Subscriber":</b> WARREN COUNTY PUBLIC DEFENDER | <b>"LN":</b> LexisNexis, a division of Reed Elsevier Inc. |
|--|---|

This Subscription Plan Amendment ("Amendment") amends and supplements the terms of the Subscription Agreement either previously entered into or executed simultaneously herewith between LN and Subscriber (the "Agreement"). This Amendment shall also serve as Subscriber's acceptance of the General Terms & Conditions for Use of the Online Services effective September 1, 2010 set forth at [www.lexisnexis.com/terms/general](http://www.lexisnexis.com/terms/general).

**1. TERM**

The term of this Amendment will begin (a) on the date Subscriber's billing account (a "Billgroup") is activated ("Activation") if Subscriber is a new LN customer, or (b) subject to Section 7, on the first day of the calendar month immediately following the execution of this Amendment and delivery of it to LN if Subscriber is an existing LN customer, and will continue until the last day of the final Commitment Period referenced in Section 5.1 (the "Term").

**2. AUTHORIZED USERS**

This Amendment relates only to the Subscriber's Billgroups and locations (the "Participating Billgroups") set forth below and the Authorized Users under the Participating Billgroups. "Authorized User" shall have the meaning set forth in the Agreement.

| PARTICIPATING BILLGROUP # | LOCATION (CITY AND STATE) |
|---------------------------|---------------------------|
| 157PMJ                    | Lake George, NY           |
|                           |                           |
|                           |                           |
|                           |                           |
|                           |                           |

**3. CERTIFICATION**

3.1 Subscriber certifies that the number of government professionals in Subscriber's organization is as set forth below. A "Government Professional User" is defined as an attorney, judge, librarian, researcher, investigator or analyst who is employed by the Subscriber.

|   |  |
|---|--|
| <b>Number of Government Professional Users:</b> |  |
|---|--|

3.2 A "Support Staff User" is defined as a person who supports the Government Professional User, including, but not limited to: paralegals, interns, legal secretaries or other administrative support members. Up to 3 ID's will be issued to support staff for each Government Professional User accounted for above. Support Staff Users will receive access at no additional charge.

3.3 Each LN ID must be issued for individual use by the Government Professional User or Support Staff User.

3.4 If Subscriber, at the time of signing this Amendment has 11 or more Government Professional Users, then Subscriber is required to notify LN if the number of Government Professional Users falls below 11. Subscriber shall, within 30 days of the staffing change, notify LN in writing.

3.5 Subscriber acknowledges that the pricing and menus provided to Subscriber in this Amendment depend in part on the number of Government Professional Users in Subscriber's organization. Subscriber certifies that as of the date Subscriber signs this Amendment there are the number of Government Professional Users in Subscriber's organization (the "Reference Number") as Subscriber has specified above.

- (i) At LN's request from time to time, Subscriber will certify in writing the then-current Reference Number.
- (ii) If there is a change in the Reference Number during the Term, LN may, in its sole discretion on at least 30 days prior written notice to Subscriber, increase or decrease the Monthly Commitment by an amount that does not exceed, on a percentage basis, the change in the Reference Number.

**4. MONTHLY SUBSCRIPTION CHARGE**

During the Term, the Monthly Subscription Charge in Section 3 of the then-current applicable price schedule (the "Price Schedule") will be waived.

**5. PREFERRED PRICING MATERIALS AND CHARGES**

5.1 In consideration of Subscriber's payment to LN of the monthly commitment amounts specified below (the "Monthly Commitment"), the Participating Billgroups will be provided access to and use of certain Materials, products, services and features, identified below by source/menu number (the "Preferred Pricing Materials"). If Subscriber is an existing LN customer and this is a revision to Subscriber's Preferred Pricing Materials and Monthly Commitment, fees will be prorated for the month in which the change becomes effective if the change occurs other than on the first day of the month. At no additional charge, the Participating Billgroups may do offline printing, online printing and saving to disk of Preferred Pricing Materials.

|  | PREFERRED PRICING MATERIALS      | SOURCE/MENU NUMBER | SHEPARD'S |
|--|----------------------------------|--------------------|-----------|
| (a)  | New York Enhanced                | CDENNY             | State     |
| (b)  | Prosecutor/Public Defender Basic | ZZYXRF             |           |
| (c)  |                                  |                    |           |
| (d)  |                                  |                    |           |
| (e)  |                                  |                    |           |
| (f)  |                                  |                    |           |
| (g)  |                                  |                    |           |
| (h)  |                                  |                    |           |
| (i)  |                                  |                    |           |
| (j)  |                                  |                    |           |
| (k)  |                                  |                    |           |
| (l)  |                                  |                    |           |
| (m)  |                                  |                    |           |
| (n)  |                                  |                    |           |
| (o)  |                                  |                    |           |
| <input type="checkbox"/> See attached Rider No. 1 for additional Preferred Pricing Materials |                                  |                    |           |

|           | COMMITMENT PERIOD(S) |               | MONTHLY COMMITMENT |
|-----------|----------------------|---------------|--------------------|
| Beginning | 10/01/2015           | to 09/30/2016 | \$ 280.00          |
| Beginning | 10/01/2016           | to 09/30/2017 | \$ 289.00          |
| Beginning | 10/01/2017           | to 09/30/2018 | \$ 298.00          |
| Beginning |                      | to            | \$                 |

5.2 During the Term, the Monthly Commitment will be billed in lieu of the Information Charges specified in Section 1 of the Price Schedule for all access to and use of the Preferred Pricing Materials, except as otherwise provided in Section 5.3 and Section 6 (if elected) below.

5.3 The following Materials accessible from, but not included as part of the Preferred Pricing Materials, will be subject to monthly billing at the then-current standard undiscounted rates in accordance with the Price Schedule: (a) selected Images (those that include a charge in the Price Schedule); (b) Dun & Bradstreet Reports; and (c) Risk Solutions.

**6. ADDITIONAL CHARGES**

The Participating Billgroups may have access to and use of the LN services and features not accessed through the Preferred Pricing Materials ("Alternate Pricing Materials"). If Subscriber so elects by initialing below, or by notifying LN at a later date, Subscriber will have access through the Alternate Pricing Materials at then-current undiscounted rates in accordance with the Price Schedule in addition to the Monthly Commitment.

**Subscriber elects access to the Alternate Pricing Materials**

\_\_\_\_\_  
(Initial)

**7. CLOSED OFFER**

The offer of LN contained herein is valid until September 20, 2015. In order to implement this Amendment by the first day of a calendar month, LN must receive this signed Amendment by the 20th day of the preceding month.

**8. CONFIDENTIAL INFORMATION**

Subject to any state open records or freedom of information statutes, this Amendment contains confidential pricing information of LN. Subscriber understands that disclosure of the pricing information contained herein could cause competitive harm to LN, and will receive and maintain this Amendment in trust and confidence and take reasonable precautions against such disclosure to any third person. This Section 8 will survive the termination or expiration of this Amendment.

**9. SUPPORT AND TRAINING**

During the Term, Subscriber, with the support of LN, agrees to encourage the effective use of the LN Online Services through:

- (a) Mandatory basic training in the use of the Online Services by LN for all Authorized Users;
- (b) Meaningful participation in additional ongoing programs presented by LN to update and train Authorized Users;
- (c) Authorize the periodic distribution of memos or other communications by LN and/or Subscriber to Authorized Users; and
- (d) The periodic review with LN of Subscriber's Authorized User's use of materials and training under this Amendment.

**10. MISCELLANEOUS**

10.1 During the Term, use by and charges to the Participating Billgroups will not be eligible for other discounts or aggregation with the use of or charges for other billgroups.

10.2 UPON TERMINATION OR EXPIRATION OF THIS AMENDMENT, CONTINUED USE OF THE ONLINE SERVICES BY SUBSCRIBER IS GOVERNED BY THE AGREEMENT AND WILL BE BILLED IN ACCORDANCE WITH THE PRICE SCHEDULE.

10.3 All capitalized terms not defined herein will have the meanings ascribed to them in the Agreement, including the Price Schedule.

10.4 Except as expressly modified by this Amendment, all other terms and conditions of the Agreement will remain in full force and effect and unaffected by this Amendment. In the event of a conflict or inconsistencies between the Agreement and this Amendment, this Amendment will control.

**AGREED TO AND ACCEPTED BY:**

WARREN COUNTY PUBLIC DEFENDER  
SUBSCRIBER

LexisNexis, a division of Reed Elsevier Inc.

BY: \_\_\_\_\_

BY: \_\_\_\_\_

NAME: \_\_\_\_\_

NAME: \_\_\_\_\_

TITLE: \_\_\_\_\_

TITLE: \_\_\_\_\_

DATE: \_\_\_\_\_

DATE: \_\_\_\_\_

THIS AMENDMENT DOES NOT BIND EITHER PARTY UNTIL IT HAS BEEN ACCEPTED BY BOTH PARTIES. SUBSCRIBER MAY ACCEPT THIS AMENDMENT BY SIGNING ABOVE. LN MAY ACCEPT THIS AMENDMENT BY PERFORMING ACCORDING TO THIS AMENDMENT OR BY SIGNING ABOVE.