



Media Release

Monroe County Democratic Caucus

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For Immediate Release

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State Committee on Open Government Confirms Violation in Defender Selection Process

Democrats Release Opinion

Rochester, New York – March 9, 2008. A recent opinion rendered by the New York State Committee on Open Government concluded that the closed-door approach in the process of selecting the county's next public defender did in fact violate open meetings law, a position long held by community groups and Democratic legislators alike.

"These deliberate actions taken by this Republican Majority once again raise concerns about preventing public scrutiny of their decisions. Fortunately, this opinion by Robert Freeman clearly asserts that those actions were not only unfair and unjust, but also violated state law," Democratic Minority Leader Harry Bronson, D – Rochester, Brighton, and Henrietta, stated.

Democrats refused to participate in the executive session called at the January 17, 2008 special meeting of the Public Safety Committee of the Monroe County Legislature. Willie Joe Lightfoot, D – Rochester, the Ranking Minority Member of the committee, explains "When it became clear that the majority was not going to allow for the fundamentals of the selection *process* to be discussed before the public, we as the Democratic members of the Public Safety committee made the decision to stand with the public and walk out in protest, and continued to demand that a merit-based, inclusive process be taken up."

Robert Freeman, Executive Director of the Committee on Open Government, said "I believe that a discussion of 'personnel' may be considered in an executive session only when the subject involves a particular person or persons...In the circumstances you referenced...the discussion would not involve a 'particular person' (see Opinion page 4 ¶1 &2)."

In what can only be described as an affront to open government, the Republican Majority chose to recess the January 17 meeting for an unprecedented three weeks. The executive session was reconvened on February 9 when the Republican Majority on the Public Safety Committee officially recommended Mr. Donaher as their choice for public defender.

“Many in our community have expressed growing unease with this Majority’s tactics, and rightly so. When the search process has been deliberately stifled by placing an advertisement seeking applications in the Daily Record newspaper over the week of Christmas holiday, and when we receive only 3 applications for this critical position, we must all be concerned. The fact that over 35 applications were received in the 1970’s only compounds this unease,” added Legislator Ted O’Brien, D-Irondequoit.

Assistant Democratic Leader Calvin Lee, D-Rochester, said “This opinion is confirmation that the Republican Majority had no legal right to discuss the process for selecting our next public defender behind closed doors. The Majority must heed the warnings contained in this opinion, because everyone in this community is entitled to a seat at the table.”

Please find the opinion and the agenda for the January 17 committee meeting attached.

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