

August 20 2001

Dear 18B Panelist,

This letter addressed the following topics:

- Tony Colleluori
- New "riderless" vouchers
- New letters and questionnaires for use in Arraignment B and the 511 Vacate Calendar Part.
- Change in qualification for County Court Panel
- Change in dropoff and pickup of Family Court vouchers
- Procedure in Parts 2 and 8
- 18B CLE Requirements
- Rate increase update

### **Tony Colleluori**

Our good friend, Tony Colleluori, a member of the District Court, County Court and Major Felony Panels, was hospitalized earlier this month with multiple pulmonary embolisms. He spent 14 days in the hospital. Tony is now at home, but he will be unable to appear in court for approximately 4 to 6 months. When I spoke to him today, he asked me to thank all of you who have reached out to him and to those of you who are covering his cases. He also said: "I can always use more prayers." Let's keep that in mind as we wish Tony a prompt and complete recovery.

### **New Vouchers**

The enclosed vouchers for the criminal courts and for the Family Court have been approved by Judge Wexner, Judge Diamond, the Nassau County Commissioner of Accounts and the Nassau County Comptroller. We have ordered them to be produced in bulk and they will be made available to you when the current set of vouchers runs out.

The new vouchers contain the same information as the old ones but they require more brevity from you in describing the nature of your case and your activity on it. The payoff is that in most cases the use of the new vouchers will eliminate the need for riders. In cases where there is insufficient room to list all in-court and out-of-court activities, you may attach a rider or simply list the additional information on a second voucher form.

NOTE: Those of you who wish to scan these forms into your computers for immediate use may do so. Remember, however, that you must submit them to us in duplicate.

You may fill these vouchers in by hand as opposed to using a typewriter or word processor but if you do so, please be sure to write or print legibly because if you do not, I will hear it from the judges and from the Comptroller's office.

### **Letters and Questionnaires For Arraignment B and 511 Vacate Part**

In previous correspondence, I made reference to the fact that certain panelists distribute their business cards to the defendants they represent in Arraignment B and in the 511 Vacate Part. Others provide an explanation of the process on their letterhead, and distribute a questionnaire for the defendants to fill out. Both procedures are acceptable.

It was suggested, however, that standard letters and questionnaires be designed for use in these parts and, with the help of various panelists, I composed and the Assigned Counsel Advisory Board approved the enclosed letter and questionnaires for use in the Arraignment B and in the 511 Vacate Part.

If you just wish to distribute your business cards to the defendants you represent in these parts, you may continue to do so. If you wish to hand out letters and questionnaires, however, **you must use the enclosed forms**. It is suggested that you place these forms onto your letterhead or, if you prefer, staple your business card to them.

You may distribute these to any 18B defendant whom you represent in Arraignment B or in the 511 Vacate Part. You may let these defendants take these forms home with them. If you wish to shorten these letters or questionnaires you may do so, but you may not add language without first clearing it through me. As before, you may not follow up such distributions by writing or telephoning these defendants after their court date. If the defendants initiate further contact by calling you, you may speak with them and you may represent them if that is their request. I am presently having these forms translated into Spanish and I will forward the translated versions to you in the near future. It is my hope that the use of these letters and questionnaires will assist both the defendants and you.

### **Change in Qualifications for County Court Panel**

Category 1 of the current qualifications for the County Court Panel require an applicant to have completed 3 post-indictment jury trials or 1 felony trial as co-counsel and 2 as sole counsel. I am adding another, different, option for qualification to the County Court Panel, as follows:

“The trial of eight (8) misdemeanor cases that proceeded to verdict, at least (6) of which were jury trials”. If you fall into this category and wish to be on the County Court Panel, please let me know.

### **Change of Dropoff and Pickup of Family Court Vouchers**

Family Court panelists may now pick up new vouchers in Judge Diamond’s chambers and drop off their completed vouchers in the 2<sup>nd</sup> floor clerk’s office.

### **Procedure in Parts 2 and 8**

It has been brought to my attention that the Court Clerks often have difficulty finding the 18B attorney of the day in Parts 2 & 8. If you are assigned to cover those parts, be sure to check in with the clerk or court officers, give them your pager number, and let them know where you are or will be at all times.

### **18B C L E Requirements**

At the recent meeting of the Assigned Counsel Advisory Committee, it was proposed that, in light of the New York State CLE requirements, the 18B CLE requirements be eliminated. That proposal was defeated. You are therefore reminded that from September 1<sup>st</sup> through August 31<sup>st</sup> you are required to have six (6) CLE credits that relate to your area of practice on the panel (criminal law, family law, surrogates, etc.). There are several panelists who are not in compliance and I urge them to attend to this matter immediately in order to avoid removal from the Panel.

NOTE: The Annual Criminal Law Update program, free to all 18B panelists, will be held on September 14<sup>th</sup> from 2PM to 5PM in the Central Jury Room in Supreme Court. I hope to see you there.

### **Rate Increase Update**

Albany is in chaos. On August 3<sup>rd</sup>, the legislature passed a baseline (bare bones) budget. On August 16<sup>th</sup>, the Governor sued them over it and we, as well as countless other concerned entities, have been left out of the process. The legislature is not scheduled to reconvene until after Labor Day. I will communicate with members of the Governor’s 18B Task Force at that time and will then advise you as to what, if anything, we may do to secure your long overdue rate increase. Until then, I thank you for your continued good work on the Panel.

Very truly yours,

Patrick L. McCloskey

