

**NASSAU COUNTY BAR ASSOCIATION
ASSIGNED COUNSEL DEFENDER PLAN
15TH AND WEST STREETS
MINEOLA, NY 11501**

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ADMINISTRATOR

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RE: 18B RATES OF PAY

Dear 18B Counselor,

As many of you know, each year in commemoration of the Supreme Court's decision in Gideon v. Wainwright, members of the defense community travel to Albany to visit with legislators and to urge the passage of various pieces of legislation.

This year, Gideon day is on Tuesday, March 20th and I believe that for the first time in many years, it is more critical than ever for us, as a group, to be present in Albany to urge state legislators to pass legislation increasing the 18B rates of pay.

The factors that differentiate this year from others include the following:

- The announcement on January 12, 2001, by Governor Pataki, Senate Majority Leader Bruno and Assembly Speaker Silver, of the creation of a joint task force to study compensation rates for law guardians and assigned counsel.
- The statement by Governor Pataki in his January 12, 2001 press release that "We are committed to increasing the current rates of compensation paid to law guardians and assigned counsel... The current rates are too low and they need to be raised."
- The organized refusal by virtually all of New York City Family Court 18B panelists to accept new cases as of January 1, 2001, until the 18B rates are raised.
- The survival on a motion to dismiss of the lawsuit brought by the New York County Trial Lawyers Association, seeking to raise the 18B pay rates.
- The decision by at least 2 Dutchess County Family Court judges to pay all 18B attorneys they appoint \$75.00 per hour.

- The decision by a Bronx Supreme Court Justice to pay an 18B attorney in a rape case \$70.00 per hour in court and \$50.00 per hour out of court.
- The filing of a lawsuit in the Eastern District of New York by the Nassau County Criminal Courts Bar Association, seeking a declaratory judgment that the State raise the 18B rates to provide adequate compensation for the representation of indigent clients.

Never before in the long history of this sorry saga have we ever had as many reasons to believe that this journey for increased rates is near an end. I will be traveling to Albany on March 20th with, at present, a small group of dedicated individuals. The purpose of this letter is to persuade you to join us and to lend your support when we meet with various members of the Senate, Assembly and Executive Branch.

Lest you feel optimistic and that your presence is therefore unnecessary, let me tell you of the danger that presently exists. There is a significant possibility that the legislature may raise the rates **for Family Court Practitioners only**. In fact, the full quote from Governor Pataki in his January 12th press release was: “We are committed to increasing the current rates of compensation paid to law guardians and assigned counsel, especially for the lawyers who represent children and domestic violence victims in Family Court”. While it is of course fitting to raise Family Court rates, it is clearly wrong to leave the other rates unchanged. This fact must be brought home to those who count in Albany. We therefore need everyone we can get to join us.

As far as cost, it will depend in some measure upon how many of you are willing to go. A round trip ticket on Amtrak is approximately \$82. If we get 20 people, however, we can rent a bus and the price will drop to approximately \$60. If we get 40 people, it will cost approximately \$30.

I am therefore asking each panel member to set aside that one day and come with us to Albany. I am further asking each panel member to call Joanne, Dina, Marilyn or me at 747-8448 to let us know, **on or before February 15th**, whether you are able to join us. Your support is vital and is appreciated.

Thank you.

Sincerely,

Patrick L. McCloskey