

March 4, 2002

Dear Panelist:

VOUCHER PROCESSING

I am pleased to report that we have resolved the voucher-processing problem. . The backlog has already been sharply reduced and things should be back to normal within the next two weeks.

DRUG TREATMENT COURT

The Drug Treatment Court opened in Hempstead on February 19th. Enclosed (for Criminal Panelists only) is a flyer setting forth pertinent information about the Court and a copy of the "Plea & Sentence Contract" each defendant will be required to sign in order to qualify.

ARRAIGNMENT

It has come to my attention that some District Court Judges feel that if you waive the reading of the accusatory instrument you thereby waive any objections to the legal sufficiency of the accusatory instrument. (See People v. Casey 95 NY 2d 354, People v. Connor 63 NY 2d 11, People v. Weinberg 34 NY 2d 429, dealing with waiver of right to be prosecuted by information). It is therefore suggested that if you waive the reading of the rights and charges you consider stating on the record that you reserve the right to challenge the sufficiency of the accusatory instrument. In a case where your client has been arrested on a misdemeanor complaint, you might also state that you do not waive the right to be prosecuted by information.

ADDITIONAL CLE BENEFITS TO PANELISTS

At the suggestion of one of our panelists, I have applied to the New York State CLE Board to become an Approved Pro Bono CLE Provider pursuant to CLE Regulation 3D11. If the application is granted, I will be able to award you 1 CLE credit hour for every 6 hours of time you spend on 18B cases, up to a maximum of 6 hours per year. This will NOT replace the present 18B CLE requirements of 6 traditional CLE hours per year relating to Criminal and/or Family Law and it cannot be applied to Ethics, but it will help you to fulfill your overall State requirement. If approved, I will award CLE credits based upon your voucher submissions. Nothing else will be required of you. I will keep you advised of progress in this area.

CHANGE IN PROCEDURE IN PARTS 2 & 8 AND PART 9

COMMENCING IMMEDIATELY, WE ARE ASKING THAT WHENEVER YOU ARE ASSIGNED TO PARTS 2 & 8 OR TO PART 9 YOU MAIL US, FAX US OR EMAIL US, WITHIN 24 HOURS OF SUCH ASSIGNMENT, THE NAMES AND DOCKET #'S OF ALL CASES ASSIGNED TO YOU THAT DAY. We will enter this information into our database and it will enable us to advise defendants or their family members as to what attorney is assigned on a given case. Our address and fax numbers are on this letterhead. Our Email Address is ACDP@Optonline.Net. Your cooperation is expected and appreciated.

DOMESTIC VIOLENCE COURT

Jeff Groder, an 18B Panelist and the Chairman of the Bar Association's Criminal Law and Procedure Committee, recently sent a message to his constituents, with valuable information about the Domestic Violence Court. With his permission, I am enclosing a copy of his message.

RELOCATION OF PART 9 TO HEMPSTEAD ARRAIGNMENT B COURTROOM

In the near future, renovations will be commenced in the Part 9 courtroom in Mineola, to bring it into compliance with the Americans with Disabilities Act. The renovations are estimated to take months.

In a meeting with Judge Wexner last week, we were advised that Judge McCabe ordered that Part 9 be relocated to Hempstead during this renovation. Some think that this "temporary" relocation will be permanent. Despite vigorous objections from the District Attorney's Office, the Legal Aid Society, the Chairman of the Criminal Law and Procedure Committee and me, the proposed move is still on and appears imminent.

If Part 9 does move to Hempstead, the current plan is that it will convene in the Arraignment B courtroom on the first floor, and that Arraignment B will be held in Room 380. One measure being considered that may relieve some of the inconvenience, is the creation of a 2:00 pm Part 9 calendar.

GIDEON DAY 2002

Gideon Day is March 19th. If you can join us to go to Albany to lobby for 18B pay increases, please call me. Thank you.

Sincerely,

Patrick L. McCloskey