

May 28, 2004

Dear District Court Panelist,

This letter addresses two matters of great importance: first, proper completion of vouchers; and, second, a proposed rule change banning representation of any defendants in Arraignment B.

COMPLETION OF VOUCHERS

Judge Anthony J. Falanga is the new Supervising Judge in District Court and he is **very strict** regarding the completion of vouchers. Judge Falanga has already returned several vouchers to me for, among other reasons, the following:

- Failure to include an Affirmation of Extraordinary Circumstances, where the voucher exceeded the statutory maximum, even by a minimal amount.
- Failure of Affirmations of Extraordinary Circumstances to set forth extraordinary circumstances. A mere statement that you performed the work listed on the voucher will not suffice.
- Failure to include all required information on the voucher, including case synopsis, sentence, appointing judge, etc.
- Completing the voucher times in minutes (e.g. 90) versus hours (1 ½).
- Failure to explain an inordinate number of adjournments.
- Failure to explain why an attorney was relieved of an assignment.

Please keep the foregoing in mind as you complete your vouchers in the future. It will save us all a lot of time.

PROPOSED RULE CHANGE IN ARRAIGNMENT B

The enclosed letter from the Appellate Division, which just came to my attention yesterday, sets forth a proposed rule that would ban any 18B attorney assigned to represent a defendant from thereafter representing that defendant privately, even if the defendant is not indigent and even if the defendant seeks such representation. The letter asks for comments, positive or negative, from those who are affected. I have spoken with Matt Kiernan, the author of the letter, and he said he would accept such comments after the May 28th date set forth in his letter.

I urge you to read his letter and the proposed rule change and send your comments to him. Basically, as I have told him already, I think it is unfair that when we provide 18B counsel in Arraignment B to represent all defendants (including the non indigent) as a service to the Court, that we should be penalized in this way.

Thank you for your assistance in both of the foregoing matters.

Very truly yours,

Patrick L. McCloskey