

April 12, 2005

Dear Panelist,

This letter addresses the following topics:

- Possible benefits for 18B attorneys
- Internet Bulletin Board
- Integrated Domestic Violence Court Training Discs
- Interim Vouchers
- Change in Procedure for processing of District Court Vouchers
- Problems at Jail
- Conditional Release to Probation Program
- Experts' Fees
- Arraignment B Waiver of 710.30 Notices
- Upcoming CLE Programs
- Recent Article on calling Defendant to Testify

#### **POSSIBLE BENEFITS FOR 18B PANELISTS**

I recently met with personnel from the Nassau County Attorney's office, in which we discussed the possibility of certain benefits for 18B attorneys. I cannot say at this time whether any of my efforts will be successful and I know that, with respect to some of the topics discussed, I will not be able to even tell if I'm successful until late this year. The reason I'm reporting to you at this time is that I solicited suggestions from you on this very topic and didn't want you to think I forgot about it. I thank all of you who responded, even those of you who suggested free limousine service and free drinks. (Both of those ideas were rejected by the County).

#### **INTERNET BULLETIN BOARD**

One of our longtime Panelists, John Tasolides, suggested we establish an Internet Bulletin Board so that Panelists can post questions and share information. Traditionally, such Bulletin Boards have enabled practitioners to solve numerous problems. I thank John for the suggestion. I am working on it as this is being written. Stay tuned.

#### **INTEGRATED DOMESTIC VIOLENCE COURT TRAINING DISCS**

I now have CD ROMS for all three Integrated Domestic Violence Court Training sessions, (both Criminal and Family Court). If you attended some but not all of the

required sessions, or if you attended none but would like to become a member of the IDV Panel, please call me and let me know. NOTE: these discs are not playable on a DVD player. They must be played through the CD ROM drive of your computer.

### **INTERIM VOUCHERS**

In my last correspondence, I told you that it was acceptable for you to submit interim voucher on cases in the Drug Treatment Court, Family Treatment Court and DTAP. Please note, however, that when you submit an interim voucher, you should print the words "INTERIM VOUCHER" in Bold Caps immediately following "Case Synopsis". When you submit a final voucher on the case, you should print the words "FINAL VOUCHER. AMOUNT PREVIOUSLY RECEIVED: \$XXX" in Bold Caps immediately following "Case Synopsis". Obviously, you should thereafter add whatever individual case synopsis is appropriate.

### **CHANGE IN PROCEDURE FOR PROCESSING OF DISTRICT COURT VOUCHERS**

All District Court vouchers (including felony knockdowns) used to go to Judge Falanga for review. That procedure has now been changed. Such vouchers now go to the District Court Judge who had the most familiarity with the case. It is thus imperative for you to list all Judges for the various in-court dates. Terms such as "Various Judges" are no longer acceptable.

### **PROBLEMS AT JAIL**

I am scheduled to meet with the Sheriff on April 19<sup>th</sup> about the cutback in visiting hours (and days) at the jail. If you have horror stories you wish to share with me before this meeting, please do so by fax (873.8032), Email ([ACDP@OPTONLINE.NET](mailto:ACDP@OPTONLINE.NET)) or regular mail.

### **CONDITIONAL RELEASE TO PROBATION PROGRAM**

For those of you who are unaware, this on-again, off-again program is now on again. It was refunded in November, 2004.

### **EXPERT'S FEES**

I recently received a voucher from an investigator who charged \$95 per hour for his services. I called him to remind him that our attorneys get a maximum of \$75 per hour and those on the 18B Experts Panel are not supposed to charge their normal "Park Avenue" fees when they're working on 18B cases. If you deal with experts who refuse to lower their normal fees when working on an 18B case please let me know or please consider using another expert.

**ARRAIGNMENT B – WAIVER OF 710.30 NOTICE**

If you are assigned as attorney of the day in Arraignment B and are asked by the District Attorney’s office to waive 710.30 notice, you may do so but should put on the record that the waiver is granted on condition that the 710.30 notice be complied with at the time the District Attorney’s office turns over the Voluntary Disclosure Form. (VDF)

**UPCOMING CLE PROGRAMS**

You are reminded that we have two (2) free 18B CLE programs in May. The first, on Drug Treatment Courts, will be on May 4<sup>th</sup> from 6 PM to 8 PM. The second, on Client Centered Representation, will be on May 23<sup>rd</sup> from 5:30 PM to 8:30 PM. I hope you attend both programs but if you’ve ever had difficulty dealing with a client, I urge you to mark your calendar and attend this latter program. It is different from anything we’ve offered before

**RECENT ARTICLE ON DEFENDANTS’ TESTIFYING**

I am enclosing a recent Newsday article explaining how the dynamic of a criminal trial shifts when a defendant testifies. I’m sure many of you are familiar with this, but if you’re not, it’s important to know.

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Thank you for continuing to make the Nassau 18B Program run so smoothly.

Very truly yours,

Patrick L. McCloskey