

August 3, 2006

Dear Panelist

This letter covers the following topics:

- Taping of Conversations at Jail
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- Helpful Websites
- Additions to Experts' Panel
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Taping of Conversations at Jail

Panelist Steve La Magna advises me that **all telephone calls between inmates at the Nassau County Jail, and outside parties (except the inmates' attorneys) are being taped, and preserved.** This is apparently legal because signs announcing this policy have reportedly been posted by every telephone. You should advise your clients to be very wary of what they say on the phone and, even though the jail policy is not to record attorney client phone calls (the jail apparently has a list of phone numbers of all attorneys and the system doesn't record conversations to these numbers), it is obvious that great discretion should be used in this area.

Hourly Rates For Investigators

It has come to my attention that certain investigators are submitting bills at the rate of \$75 per hour. Since the attorneys have to sign such vouchers before they are sent to us, you should know whether your investigator is doing this.

The standard rate for 18B investigators (regardless of what they charge their Park Avenue clients) is \$50 per hour. If your investigator is charging more than that, please use someone else or ask him to get in line with the rest of the pack. Thanks.

Crimetime 2006

“Crimetime”, the free software program that enables you to navigate New York’s intricate sentencing maze, is now available for 2006. If you wish to download this program, at no cost, log onto “georgedentes.com” and click on “Download Crimetime 2006”.

Helpful Websites

Panelist Steve Kline advised me of three websites that provide great information about Supreme Court cases, including briefs and oral argument. I will arrange to have these posted on the “Hotlinks” section of our website (“Nassau18b.org”, under “additional pages”) but, in the meanwhile the sites are as follows:

[docket.medill.northwestern.edu/
abanet.org/publiced/preview/briefs/home.html](http://docket.medill.northwestern.edu/abanet.org/publiced/preview/briefs/home.html)
oyez.org/oyez/frontpage

For the first website (Northwestern), click on the case list for the appropriate term of court, click on the case you want, and click on “related links” to get briefs.

For the second website (ABA) select the date in “Argument Date Menu”, and click on the case for the briefs.

For the third website (oyez), click on “Cases” at top of homepage, click on area of law (e.g. Criminal Procedure), click on a topic (e.g. Miranda warnings), click on a case, then click on a topic in the “Additional Information” box on the left. Click “Audio” to hear the actual oral arguments on the case (NB: You may have to depress your “Ctrl” button when you click “audio”)

Additions to Experts Panel

The following experts are now on our panel.

Investigators

Frank J. Puma
P.D.Q. Security L.L.C.
139 Saratoga Blvd.
Island Park, N.Y. 11558
Phone 516.735.0920
Cell 516.316.7676

Donald Simone
P.D.Q. Security L.L.C.
139 Saratoga Blvd.
Island Park, N.Y. 11558
Phone 516.735.0920
Cell 516.353.0946

Phillip Tricolla
P.T. Investigations L.L.C.
Malverne, N.Y. 11565
Phone 516.608.9729
Toll free 1.877.524.5528
Cell 516.330.4653

Substance Abuse Psychology/Social Work

Eric Bauman, LCSW, CASAC
75 Post Avenue
Westbury, N.Y. 11590
Phone 516.582.0255
Beeper 1.800.985.0936

Major Felony Cases

There must be something in the water, and many of the regular Felony Panelists must be drinking it because a number of you are accepting assignments of Major Felony cases. This is impermissible, unless you are on the Major Felony Panel. You will not be paid for your time on such cases, unless you are on the Major Felony Panel.

A Major Felony case is any class A felony or any non drug class B felony. You may only accept a class A felony or a non drug B felony if you are on the Major Felony Panel. If you are on the regular Felony Panel, you may accept a class B drug felony, or any C, D or E felony. If you are unsure as to whether you are on the Major Felony Panel, call us and we'll let you know.

Arraignment B – Demands For Supporting Depositions

Every time a District Court Panelist has an Arraignment B assignment, I fax a reminder the day before and include a Demand for Supporting Deposition. As you know, when a defendant receives a Simplified Traffic Information they are entitled to a Supporting Deposition pursuant to C.P.L. § 100.25, **but only if the demand is made within 30 days of the court appearance. It is for this reason that it is important for you to serve these Demands on the Court in all such cases.**

I have now learned that it is the rare exception when the Arraignment B attorney for 18B is serving Demands. This is disturbing and unacceptable. I have communicated with personnel from the Legal Aid Society and have asked them to tell me whenever they are forced to demand a supporting deposition for a client because the 18B attorney in Arraignment B failed to do so. If I have some attorneys who are faithfully serving such Demands and others who will not take the time to do so, I will refrain from appointing anyone in this latter group to this assignment. Do the right thing. Serve the Demands on the Court and give a copy to the client in all appropriate cases whenever you have an Arraignment B assignment.

Addition to Co-Counsel Panel

The following attorney is now a member of our Co – Counsel Panel. If you want to have someone second seat you at trial or at a hearing, at no cost, please consider calling him or one of our other co-counsel panelists.

Scott A. Koltun
2061 Deer Park Avenue
Deer Park, New York 11729
Phone 631.242.7815
Fax 631.586.6029

Sealing Orders in District Court

In my November 2, 2005 letter ^{*}, I indicated that you could petition the court to have a 160.55 sealing done in the same manner as a 160.50 sealing. I have now been advised that there may be some institutional aversion to this on the part of the District Court bench. If you have information that this is correct or incorrect, please let me know.

Annual CLE Requirement

In order to remain on the 18B Panel, you must, between September 1st of one year and August 31st of the next, complete 6 hours of CLE in an area relating to your 18B work. Many of you received a delinquency notice from me in mid June, reminding you of your CLE obligation. If you received such a notice and have not addressed the issue, please do so by August 31st or I will have to remove you from the Panel.

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I hope everyone enjoys what remains of the summer season. Thanks for your continuing good work on the panel.

Very truly yours,

Patrick L. McCloskey

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<sup>\*</sup> You can access this and all other letters from me by clicking on "Administrator's Letters" on the homepage of our website. ([nassau18b.org](http://nassau18b.org))