

NASSAU COUNTY BAR ASSOCIATION

ASSIGNED COUNSEL DEFENDER PLAN, INC.

ANNUAL REPORT 2006

INTRODUCTION

The Assigned Counsel Defender Plan was established on January 24, 1966 by Resolution of the Nassau County Board of Supervisors. On May 22, 1992, the entity was incorporated as the "Nassau County Bar Association Assigned Counsel Defender Plan, Inc.", dba Assigned Counsel Defender Plan. The Assigned Counsel Defender Plan is now in its 42nd year of providing legal representation to indigent defendants charged with crime in Nassau County. The Office consists of the Administrator, 2 full time personnel and 1 part time clerk, and is responsible for the administration of all aspects of the work of the approximately 275 private attorneys who comprise the various assigned counsel panels. The following are events that occurred and accomplishments that were realized during 2006.

FINANCES

Prior to 2001, delay in this office's receipt of its initial January payment from the County (paid pursuant to the annual contract between this office and the County) required the borrowing of funds to permit the office to function. The borrowed funds were repaid upon receipt of the first County check, but the interest on the loan was an expense paid by the Bar Association. Since 2001, the 18B Administrator has finalized this contract well in advance of January and the January payments have been received in time for this office to function without the necessity of borrowing funds and incurring interest costs for the Bar Association.

In this regard, in 2006 the 18B Administrator communicated with the Nassau County Attorney's Office in late October in an effort to negotiate all aspects of the 2007 contract well in advance of January, 2007. The proposed contract was signed by the Nassau County Bar Association President on behalf of the Nassau County Bar Association Assigned Counsel Defender Plan, Inc. and returned to the County on December 1, 2006. As of the writing of this report, the initial January, 2007 payment from the County has already been received by this office. Thus, no borrowing will be necessary in 2007 and no interest costs will be incurred by the Nassau County Bar Association.

COMPUTERIZATION

In 2006, we upgraded all of our office's computer hardware, and the operating system under which it runs.

ADDITION OF BULLETIN BOARD

Our office's Website (Nassau18B.org) contains applications, qualifications, rules and regulations, vouchers, expert lists, motions, forms, administrative letters, articles on legal issues and links to other important and helpful sites.

In February, 2006, we announced the addition of a Bulletin Board to the website. This will permit panelists to pose questions and interact with one another on line, in order to improve their performance as attorneys.

ADDITION OF INTERACTIVE VOUCHERS

In order to be paid, panelists must fill out and submit vouchers to this office. In 2005, we provided copies of all vouchers on our website. These vouchers could be downloaded in blank and then completed. In 2006, however, we added interactive vouchers that enable our panelists to log onto our website, go to the voucher section and enter their information into the online vouchers before downloading them. They can then download completed vouchers and forward them to us. Thus far, many panelists have availed themselves of this opportunity.

OVERBILLING RECOVERIES

In 2006, we used our computer database to examine every in-court hour billed by our panelists, dating back to January 2004¹, in order to determine whether any panelists had billed more than once for the same in-court time periods. This audit was painstaking and took months to complete. At the end, our audit led to the discovery of seventy two (72) panelists who had overbilled for their services. Each was notified and, as a result, \$28,953.25 was recovered and paid back to the Nassau County Treasurer. In no instance was it found that such billing errors were intentional.

CONTINUING LEGAL EDUCATION REQUIREMENTS

Pursuant to this office's Rules and Regulations, each 18B Panelist must accrue at least 6 hours of CLE credits in an area related to criminal law, family law, trial or appellate practice during each 12 month period from September 1st through the following August 31st.

To ensure that all Panelists were in compliance, letters were sent in 2006 to a number of attorneys who had not yet fulfilled the 6 hour requirement. Follow up letters and faxes were also sent and/or telephone calls made to each of the delinquent panelists. All but 7 complied with the requirements. Those 7 were removed from the panel.

¹ Our last in house audit was conducted in 2003 and led to the recovery of over \$4000.

CONTINUING LEGAL EDUCATION PROGRAMS

Each year, the office provides CLE programs free for panel members in good standing. These programs are presented by the Nassau Academy of Law and this office pays the Nassau Academy of Law a fee, depending upon the number of 18B panelists in attendance. In 2006, four major programs were presented: two for our criminal court panelists and two for our Family Court panelists.

The first program for the criminal court panelists was held on May 8, 2006 and was entitled: "Behind Bars – Jailed Defendants and Sentences of Imprisonment." The second program, held on October 13, 2006, was the highly acclaimed "Annual Criminal Law and Procedure Update".

The first program for the Family Court panelists, held on May 16, 2006, was entitled "the Law and Science of Drug Testing". The second program was held on October 16, 2006 and was entitled "The Reluctant Teenager".

Each of these programs was worth 3 Continuing Legal Education credits. Each was well attended and received excellent reviews from those in attendance.

In prior years, criminal court panelists were limited to attending the two criminal court CLE programs and Family Court panelists were limited to attending the two Family Court programs. In 2006, for the first time, criminal court panelists were not prohibited from attending Family Court programs and Family Court panelists were not prohibited from attending criminal court programs. This change in approach was based upon the fact that many panelists appear in the Integrated Domestic Violence Court, where elements of both criminal practice and Family Court practice are present. In preparation for this change, in October of 2006, we asked for and received a 50% increase in our annual CLE budget line for 2007. This will enable us to pay the Nassau Academy of Law for 18B panelists to attend a greater number of C.L.E. programs in 2007.

WESTLAW BENEFIT

In 2006, the 18B Administrator negotiated an agreement with representatives from Westlaw, pursuant to which 18B panelists who were not already Westlaw customers could receive up to a 40% discount on texts and online services relating to criminal and Family Court practice. This was a limited offer but, by agreement, it will be made available to all new panelists for a period of 60 days from the day they join the panel.

STATISTICS

For the calendar year 2006, we processed 5013 vouchers: 4473 for attorneys and 540 for experts. The specific breakdown, by court, was as follows:

District	1567
County	662
Family	1659
Appeals	68
Surrogates' Court	4
Supreme	2
Glen Cove	142
Long Beach	214
Parole	102
Village Courts	60
Experts	269
Court Reporters	264

STAFF

The support staff in the Office of the Administrator continues to be highly knowledgeable, and the efficiency with which the day-to-day functions of the office are handled is in large measure due to them.

Respectfully submitted,

Patrick L. McCloskey

Mineola, New York
January 25, 2007