

January 30, 2007

Re: Assigned Counsel in Supreme Court

Dear Family Court Panelist:

A new subdivision 8 was added to section 35 of the Judiciary Law last year, pursuant to which Justices in Supreme Court are required to provide assigned counsel to indigent adults in Supreme Court in all cases where “if such proceedings were pending in family court such court would be required by section two hundred sixty two of the family court act to appoint counsel”.

I have provided all of the matrimonial Judges in Supreme Court with a current list of all Nassau Family Court panelists. You may thus be called upon to represent someone in Supreme Court. Please note, however, that subdivision 5 of Section 35 states that “**All expenses for compensation and reimbursement under this section shall be a state charge**” (emphasis supplied)

Thus, you should not use the vouchers that are used in Family Court when you seek to be paid. Rather, you must complete a State Court voucher entitled “Assigned Counsel Voucher – Judiciary Law 35 (8)” and an “Attorney Activity Sheet”. These vouchers, copies of which are enclosed, **do not go through this office**. They must be approved by the presiding Supreme Court Justice and then forwarded to the Chief Clerk of the Supreme Court. Finally, please note that the State will not pay you for representation associated with divorce, annulment or equitable distribution, and this office has no authority to do so. You should be guided accordingly.

Good Luck in this new endeavor.

Very truly yours,

Patrick L. McCloskey