

ACDP NEWS

THE MONTHLY NEWSLETTER OF THE NASSAU COUNTY BAR ASSOCIATION ASSIGNED COUNSEL DEFENDER PLAN[®]



NCACDP GOES DIGITAL!

Members of the Nassau County 18B Panel are called upon to help Nassau County's most vulnerable populations in the direst of circumstances. You are tireless advocates for many who would otherwise be voiceless. While this work has always come with its own invaluable personal rewards, it is only recently that 18B attorneys began receiving commensurate financial rewards as well. And while the recent rate increase was a long overdue, and welcome development, the paper-laden procedures that 18B Panelists must follow in order to receive remuneration can be complicated and burdensome.

We in the 18B Office, understand and share the frustrations of our Panelists who have been seeking a more streamlined procedure and we are so excited to announce that this streamlined procedure is on the immediate horizon!

Nassau County 18B is thrilled to announce that

we have partnered with IntelLinx to provide us with a fully electronic Case Management System ("CMS") which will be implemented in the new year. IntelLinx is a leader in this field, working hand in glove with ILS, and their CMS was designed with ACDP administrators, attorneys, and IT professionals providing input every step of the way.

IntelLinx has partnered with Assigned Counsel Programs across New York State, as well as with Bar Associations ranging from the New York State Bar Association to the Bar Association of San Francisco. Their advanced, intuitive, system, allowed the Plaintiffs in the Hurrell-Haring Lawsuit to file a successful enforcement action leading to the extension of the grant.

Every 18B Panelist, including members of our Expert Panel, will have their own login credentials. Panelists will be able to login to the

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system, open cases, make time entries, generate vouchers, submit vouchers to the NCACDP Office, and keep track of where the vouchers are in the approval and payment process.

In the NCACDP office, we will be able to review all vouchers electronically, collect and report relevant data to ILS, and transmit vouchers to the Courts and County for signature and, ultimately, payment.

We understand that this will be a welcome change for some of you, and that others of you will be more trepidant about the advent of this new system. Rest assured we will provide ample training, via Zoom, to allow you to become fluent with the CMS, and IntelLinx Support will be there every step of the way if you have questions or need assistance.

Once fully implemented, the CMS will be a game changer for our Panelists, eliminating duplicate and misplaced vouchers, and cutting processing time in half.

Please keep an eye on your email for updates as we work to build out and implement the program. We will let you know as soon as possible about scheduled trainings and the implementation timeline.

We are so excited about the opportunities the new CMS provides and we trust that once you become familiar with it, you will be too!



What a year this has been for the NCACDP! We know that when you're in the thick of litigation, it can be difficult to see all that's been accomplished over the course of the year, so we thought we'd take a moment to revisit some of the highlights from this year with 18B.

- Staffing and assignment procedures were amended in Arraignment A to ensure continuity of representation;
- A new Catch List was established so that defendants are no longer leaving Arraignment A/CAP unrepresented;
- The monthly newsletter of the NCACDP was created to keep you informed about important legal and procedural updates and to let you know about resources available to you as Panelists;
- All Panelists were given access to Language Line telephone translating services to facilitate more effective and efficient communication with clients and witnesses;
- The mentoring program for our Criminal Panelists got off the ground, giving Criminal Panelists access to the most valuable resource available: their fellow Panelists' wealth of experience and information;

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- NCACDP advocated for, and obtained, authority to increase the Attorney of the Day rates to \$158 per hour;
- We sponsored several vital CLEs, including, most recently, a CLE regarding handling SORA hearings and appeals, and the annual Criminal Law Update;
- We have officially signed on with IntelLinx to build out and implement an electronic Case Management System which will streamline your time management and vouchering processes;
- Using our recently installed technology infrastructure and our upgraded computer hardware, NCACDP has processed 6,758 vouchers since January 1, 2023, ensuring the payment of over \$11,900,000 to our Panelists and Experts.

It has been quite a year at NCACDP, and we want to thank you, our Panelists, for the incredible dedication and professionalism you exhibit every single day. We are so looking forward to all that we'll accomplish together in the new year ahead!

We are wishing each and every one of you a wonderful holiday season, and a healthy and prosperous new year.



Until we transition over to the CMS, you must still complete the NCACDP and Nassau County Claim Vouchers using the traditional and established method. Please note the important reminders below:

- When submitting an Attorney of the Day voucher, please do not submit the completed case assignment sheet with it. Please complete the case assignment sheet and email it back to Debbie at Debbie.Ally@nassau18b.org, but it should not be included with your vouchers;
- When completing the NCACDP Voucher (the Excel spreadsheet) please enter all of your time entries chronologically, being sure to go down the column on the left, all the way to the bottom of the voucher, and then moving over to the column on the right. Do not input your time entries going across the page and **do not separate in-court and out-of-court time;**
- Please remember, each time entry must have a date and all dates must be entered in the format DD/MM/YY. Please remember to separate the day, month, and year with slashes, **NOT** periods;
- Please do not staple your vouchers together when you submit them. They must be unstapled so that we can scan them into our system. Paper clips work great;
- Remember, the limit for experts, including interpreters and investigators, is now \$3,000, not \$1,000;
- New vouchers which will subtotal 2024 time entries are already available on our website.



Do You Know About the ILS Statewide Appellate Support Center?

The ILS Statewide Appellate Support Center has been established to provide support, free of charge, to counsel providing mandated representation **at all stages of a case, trial, appellate, and post-conviction, including on 440.47 motions!**

Do you need assistance with a brief or motion?

They can offer templates, statements of law on many frequently encountered issues, and guidance on how to use these materials.

Do you need assistance with DVSJA advocacy under 440.47 or 60.12?

The Center can provide support! They are available for case consultations and can provide resources and templates for your DVSJA claims.

They can brainstorm with you and, where appropriate, explore your issues with the DVSJA Statewide Defender Task Force. Contact Elizabeth Isaacs at 518-881-6451 or Elizabeth.Isaacs@ils.ny.gov to explore the resources available to you!

Do you seek to advocate for a favorable disposition?

They can consult with you on how to use a social worker, case manager, or mitigation specialist; strategies for using these resources to connect clients to appropriate treatment services; and how these services can assist you in discovering and highlighting mitigating history. Please remember you still need to obtain a court order to employ these experts' services.

Is there a critical issue you wish to present and preserve for appellate review?

The Center can consult with you about how to do so effectively.

Want to be mooted for your next appellate argument?

Send them the briefs, and they will put together a panel for a virtual moot court session.

Contact them today at SASC@ils.ny.gov to find out how they can help you!



Decisions of Note

People v Bay | December 14, 2023

The appellant appealed from a Cortland County Court order affirming his 2nd degree harassment conviction. The Court of Appeals reversed and dismissed the charge. The trial court should have granted the appellant's speedy trial motion based on the People's failure to comply with their discovery obligations. When a defendant challenges the validity of a COC, the People must show that they exercised due diligence and made reasonable inquiries before filing the COC. Prejudice need not be shown to obtain a speedy trial dismissal. Here, the belated disclosure consisted of routinely produced materials, the absence of which was readily noticed by defense counsel. The prosecutor merely speculated that the items did not exist and made no mention of any efforts to ascertain their existence.

People v Bay (2023 NY Slip Op 06407)

Matter of Tremont N. F. (Angela N.) | December 6, 2023

The petitioner ACS appealed from a Kings County Family Court order that dismissed a neglect petition filed against the mother. The Second Department affirmed. The petition alleged that the mother suffered from mental illness which impaired her ability to care for her child. However, ACS failed to establish a causal connection between the mother's mental illness and any actual or potential harm the child might suffer. There was no proof that the mother had placed the child in imminent danger or was unable to care for the child, and the child appeared to be well cared for. William C. Hoffman represented the mother.

Matter of Tremont N. F. (Angela N.) (2023 NY Slip Op 06253)

From all of us in the NCACDP Office, we wish you a healthy and happy holiday and a wonderful new year ahead!



Contact Us

Do you have colleagues who are interested in joining an 18B panel? Do you have questions about filling out the vouchers? We're here for you! Email or call us with any questions or concerns.

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