

ACDP NEWS

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



PUTTING IT ALL TOGETHER! READ ABOUT THE MANY FREE OR LOW-COST RESOURCES AVAILABLE TO YOUR CLIENTS!

On January 26th, the Nassau County Bar Association hosted the annual Legislative Breakfast. It's an event which is designed to inform Nassau County's legislators about the multitude of law-related services available to their constituents. The event was very well attended by several Nassau County legislators as well as senior staff members for legislators who weren't able to attend themselves.

The administration of the ACDP is always pleased to be a part of this important event and this year was no exception. We got to hear more about a number of organizations providing assistance that your clients might need and can avail themselves of. As you know better than anyone, frequently, involvement with the criminal justice or Family Court system is just one of a panoply

of concerns your clients may face. Eviction, homelessness, immigration concerns, and mental illness are only a few of the other issues your clients may need assistance with. Your client facing an Assault 3 charge might be a victim of domestic violence, and your Solicitation client could be a victim of human trafficking. There are any number of legal complications your clients might have, and we want you to be well armed with all the information you might need to help them navigate whatever waters they might find themselves in.

Nassau Suffolk Law Services:

Civil Unit helps tenants with housing issues; Consumer Debt Legal Project helps with medical and credit card debt; Disability Advocacy Project assists with appealing SSI and SSD application denials; Re-Entry Project helps people reintegrate into the community after

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facing criminal charges, and these are just a few of the many services they offer! Your clients can call 516-292-8100 or visit their website at www.nslawservices.org for more information.

Nassau County Bar Association Mortgage Foreclosure Assistance Project:

One of 89 New York State HOPPs (Homeowner Protection Programs), the NCBA MFAP provides homeowner retention counseling, assistance to delinquent borrowers applying for loan modifications and other loss mitigation, defense of foreclosures including representation at mandatory foreclosure settlement conferences, and affirmative litigation challenging predatory lending, abusive mortgage servicing, and scams targeting seniors and communities of color. Your clients can reach them at 516-747-4070 or mmullane@nassaubar.org.

The Safe Center LI:

The Safe Center LI offers free, confidential, specialized services for adult and child victims of domestic violence/dating violence, and sexual assault. They offer a 24-hour hotline manned by trained crisis counselors (**516-542-0404**), DV services such as emergency room advocacy, safety planning, emergency safe housing, and individual or group counseling. They also provide trauma informed counseling and case management services designed specifically for adult and child trafficking victims. And they offer legal services including consultations, case monitoring, and direct representation to victims of domestic violence in proceedings involving many legal issues including divorce and immigration. Your clients can reach them at 516-465-4700 or info@tscli.org.

Central American Refugee Center (CARACEN):

The largest immigration legal services

provider on Long Island, CARACEN operates a citizenship program to provide naturalization assistance free of charge, and to assist applicants to apply for a waiver of the naturalization application fee and offers vouchers to cover the application fee for applicants who are not fee waiver eligible. Their Office of New Americans Legal Counsel Program provides a host of immigration legal services and conducts significant community outreach and educational programming. Their Rapid Response Program provides legal services to individuals who have recently arrived in the United States and are in removal proceedings and clients who need to file for asylum and work permits. The Low-Bono Program provides low-cost legal assistance on a wide variety of immigration applications, including DACA, TPS, green cards, and work permits. Your clients can reach them at 516-489-8330 or <https://www.carecenny.org/>.

The William Randolph Hearst Public Advocacy Center at Touro Law:

The PAC uses Touro Law students for advocacy services, research, and client support. Students work with the PAC's partner agencies to have an impact on social justice and the lives of individuals in and beyond the local community. Their agencies include SEPA Mujer, a non-profit organization working to support immigrant women on Long Island, focusing on immigrant and civil rights, as well as issues of domestic violence, Housing Help Inc., a non-profit helping families access safe, decent, affordable housing and to develop the financial skills necessary to maintain their home, and New Hour for Women and Children, which was founded to provide meaningful support to current and formerly incarcerated women, their children and families. They build community to promote successful re-entry and lasting reintegration. Your client can reach the PAC at 631-761-7033.

These are just some of the resources available to your clients. Contact us in the ACDP Office for more information!



Don't forget about this fantastic upcoming CLE opportunity free to our panelists!

CREATIVE & EFFECTIVE APPELLATE BRIEF WRITING

Intensive, 2-day program for appellate defenders on criminal and Family Court (parent representation) appeals.

**With an in-person appearance and keynote speech by
NYS Court of Appeals Chief Judge
Rowan D. Wilson.**

Presented by the Nassau County Bar Association, in coordination with the NYS Office of Indigent Legal Services, Appellate Defender Council, and the Nassau County Bar Association Assigned Counsel Defender Plan.

Program Description

Four credits will be given for the virtual plenary sessions. Six additional credits will be given to workshop participants, who will work in small groups to incorporate the plenary topics into their briefs. Participants should bring their own cases.

Presenters

Tehra Coles, Esq., Executive Director, Center for Family Representation

David Feige, Esq., Author, "Indefensible: One Lawyer's Journey Into the Inferno of American Justice"; Co-creator, "Raising the Bar"; former Trial Chief, The Bronx Defenders

Andrea Hirsch, Esq., former Supervisor, The Legal Aid Society of New York City Criminal Appeals Bureau; Director, Appellate Advocates and Center for Appellate Litigation

Kent Moston, Esq., Director of Training, Suffolk County Legal Aid Society; former Attorney in Chief and Appeals Bureau Chief, The Legal Aid Society of Nassau County

Christine Waer, Esq., Managing Director of Litigation, Center for Family Representation

February 29th & March 1st, 2024

**-Offered In-Person and Virtual -
Nassau County Bar Association**

15th and West Streets, Mineola, NY

****In-person attendance required for
workshop participation****

9:00 AM – 4:30 PM

Full Agenda at:

<https://tinyurl.com/2024AgendaCLE>

10 CLE credits for in-person attendees; 4 CLE credits for virtual attendees. *Virtual credits include 1 Diversity & .5 Ethics credits* Register for virtual sessions only, or together with workshops.

Please register online (links below) or call the NCBA at (516) 747-4464

In-Person Registration: <https://members.nassaubar.org/calendar/signup/MTcwNjU=>

Virtual Registration: <https://members.nassaubar.org/calendar/signup/MTcwNjY=>



Voucher Procedures:

Until the new electronic case management system is rolled out **(coming to a computer near you in April 2024!)**, we still need you to complete the paper vouchers in the traditional way.

Here are some reminders about important voucher procedures:

- Please do not fill in a judge's name next to any out-of-court time entries; simply leave the "Judge" field blank;
- Please remember that all of your annual subtotals must add up to the total reflected on your voucher. If the annual subtotals do not add up to the total, do not submit your voucher, that means there is an issue that must be addressed (likely an incorrectly entered date). Please call or email us in the office and we can help resolve the issue rather than mailing back your voucher;
- Don't forget that vouchers which will calculate the annual subtotal for 2024 have been available to download from our website since December of 2023. Please make sure you are using a

voucher that will provide annual subtotals for each year you provided services;

Please don't forget, in-court and out-of-court time are no longer tracked separately; please report all time entries in chronological order;

Arraignment A Catch List Procedures:

If you are the FSP Backup Attorney of the Day, and you are also on the Major Felony Panel, if the attorney in Arraignment A is not qualified to handle Major Felonies, you are the Catching Attorney for Major Felonies for that day. The easiest procedure to follow is, if you are the FSP Backup Attorney of the Day, call Arraignment A at or around 3:00 pm to find out if you have been assigned to any Major Felonies. The number to call is 516-493-4334.

County Treasurer's Office Information:

If you receive payment from the County by paper check, please note that all County vendor checks are printed on Nassau County Treasurer check stock, having three (3) sections (a tri-fold with the actual check perforated for easy removal). The top section identifies the description of the check and what it is for, the middle section is the actual check, and the bottom section contains the address of the payee. The information identifying what work you are being paid for (i.e., the client's name, or date, and the ZA number) will be in the upper left hand corner of the tri-fold.

Policies and Procedures Continued from Page 4

If you receive payment via ACH or EFT, please note that the County provides all of this same information (client name, date, ZA number) when sending an ACH or EFT. Your individual bank chooses what information to report on your bank statements. You can contact your bank and ask that they put this information on your statements.

If you have any questions, please contact the Treasurer's Office directly at (516) 571-2090.

Scheduling Attorney of the Day Procedures:

In order to be sure that we have a sufficient number of days to spread amongst all of our panelists, for the second half of 2024 (**July - December**), we will be returning to semi-annual scheduling for Attorney of the Day assignments. The email to schedule dates for the second half of 2024 will likely go out in May of 2024, but we will send out an email letting you know when the scheduling email will go out. Please keep an eye on your inbox and be sure to return your date selection sheet as soon as possible.

Electronic Case Management System:

The IntelLinx Case Management System will go live in April of 2024. Please keep an eye on your inbox for more information about updates and training sessions as we approach the Spring.



38th Annual Metropolitan Trainer

Friday, March 8, 2024
9:00 am – 4:35 pm

In-Person at
New York Law School
185 W Broadway
New York, NY 10013

[Note: This is a new location for the
Metropolitan Trainer.

It will not be at NYU Law School this year.]

We are pleased to announce that ACDP will be offering a limited number of scholarships to attend the New York State Defenders Association 38th Annual Metropolitan Trainer CLE! This year's program will be held on Friday, March 8, 2024 at New York Law School. You will receive 7 CLE credits and the full agenda for the day appears on the next page.

The registration deadline is February 28, 2024 so if you are interested, please reach out to us in the ACDP office ASAP!

Agenda

8:45 – 9:00 am Sign-in (Coffee provided)

9:00 – 10:30 am

Court of Appeals Update

Timothy Murphy

Assistant Federal Public Defender, Appellate Unit

Federal Public Defender's Office for the Western District of New York

10:30 – 10:40 am Break

10:40 am – 12:10 pm

Due Process When the Stakes Are the Highest: The Right to Challenge the Adequacy of Police Investigations in a Homicide Case

Annie Costanzo and Tom Klein, Co-Directors Homicide Practice Group

The Bronx Defenders

12:10 – 1:15 pm Lunch (On your own)

1:15 – 2:15 pm

Critical Issues in Article 245 Discovery Practice

Yung-Mi Lee

Legal Director

Criminal Defense Practice

Brooklyn Defender Services

2:15 – 2:25 pm Break

2:25 – 3:25 pm

The Basics of Working with Experts

Emily Prokesch

Team Leader

Discovery and Forensic Support Unit

New York State Defenders Association

3:25 – 3:35 pm Break

3:35 – 4:35 pm

Ethical Considerations in Working with Investigators

Bruni Marrero

Director of Investigative Services and Investigative Internship Program

Criminal Defense Practice

The Legal Aid Society

Peter Mitchell

Director of Training

Criminal Defense Practice

The Legal Aid Society



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 Ramirez | January 30, 2024

The appellant appealed from a New York County Supreme Court judgment convicting him of 2nd degree CPW and tampering with physical evidence after a jury trial. The First Department vacated the CPW conviction as against the weight of the evidence and otherwise affirmed. The appellant's possession of the weapon was incidental, temporary, and lawful, and he did not use it in a dangerous manner. He obtained the gun by disarming a friend in the midst of an altercation between the friend and the friend's wife. The appellant only kept the gun long enough to deescalate the dispute and prevent greater harm to the wife. He did not turn the gun over to police because the friend took the gun away from him and later hid it—but he was not required to physically resist his larger friend to establish that his possession was innocent.

People v Ramirez (2024 NY Slip Op 00390)

People v Reynoso | February 1, 2024

The appellant appealed from a Bronx County Supreme Court order adjudicating him a level three sexually violent offender. The First Department reversed and remanded. Supreme Court improperly assessed 20 points on factor 13 for unsatisfactory conduct, including sexual misconduct, while confined. DOCCS determined that the appellant stalked a female teacher at his facility based on a note he sent her. While DOCCS classifies stalking as a sex offense, the infraction did not involve sexually inappropriate behavior justifying the assessment of points on factor 13. The 20-point reduction rendered the appellant a presumptive level two. The case was remitted to determine whether an upward departure was warranted, even though one had not been requested by the People. The Legal Aid Society of NYC (Nathan R. Brown, of counsel) represented the appellant.

People v Reynoso (2024 NY Slip Op 00463)

Matter of Mazo v Volpert | January 31, 2024

The father appealed from a Kings County Family Court order that denied his petition to enforce the parenting time provisions incorporated into a judgment of divorce and granted the mother's petition seeking to suspend the father's parenting time and condition his filing of any future petition on, among other things, his completion of a parenting skills class. The Second Department modified by eliminating the conditions the father was required to meet before he could file another petition. While Family Court's decision to suspend the father's parenting time is supported by the record, the court cannot require a parent to undergo counseling or treatment as a condition of future parental access or application for parental access. Austin I. Idehen represented the father.

Matter of Mazo v Volpert (2024 NY Slip Op 00426)



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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