

ACDP NEWS

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



As you all know, NCACDP is going digital! We have partnered with Inellinx to provide us with a fully electronic case management system which will allow you to keep track of your time, create, and submit vouchers electronically, and track their progress through the approval process. This has been a long time coming and a great deal of work and planning are going into the adoption of the program, as well as the launch.

Throughout the last several weeks of working hand in hand with Inellinx, we identified several areas of the program that must be customized for our purposes, including, but not limited to the fact that we, in the 18b office, do not have a role in determining client eligibility, and the way our Attorney of the Day programs work and are billed.

This necessary customization is taking a bit longer than anticipated and unfortunately, we will need to push back our launch date. Right now, we are looking at a launch at the end of May but we will keep you posted with any and all updates.

This does not mean we are delaying our preparations for the program to go live, and to that end, all of our training sessions, the initial round of which is scheduled to take place during the week of April 1-5, will take place as planned. If you have not already RSVPed for your scheduled training session, please do so ASAP! If the day and time you're scheduled for do not work for you, please email Lindsay at lindsay.boorman@nassau18b.org to arrange for an alternate day and time.

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Big Changes Continued from Page 1

We wanted to let you know about some changes to the practice in Arraignment A and B/D, FSP, Parts 10/11/12, and Family Court that will begin once we launch the system, that you need to be aware of.

Arraignment B/D

ILS requires us to keep records of **all** of the arraignments for which 18b provides representation, regardless of whether a case is resolved at arraignment or if a private attorney or Legal Aid ultimately step in as counsel of record. Included in the information we are required to collect is every defendant's name, address, and date of birth, as well as certain pieces of information about what happens during the actual arraignment (whether bail was requested, how much, etc.). As you all know, 18b attorneys provide representation to **every** defendant in Arraignment B/D who does not arrive with a private attorney. In order to collect the required information without slowing down proceedings in Arraignment B/D any more than necessary, we will all need to be somewhat nimble and flexible. We have created an "Arraignment B Defendant Information Form" (reproduced below), **to be filled out by each defendant**, which captures all of the required biographical information. We've spoken with the administration of District Court, and we will be able to keep a stack of these forms in the back of the courtroom where the daily calendar is kept. There will be a sign instructing the defendants that they must complete the form and give it to the 18b attorney representing them for their arraignment. The Attorney of the Day in Arraignment B/D must collect the forms and scan and email them to the 18b office within 48 hours of the relevant Attorney of the Day assignment date.

To collect the data we need regarding the conduct of the arraignment itself, the Arraignment B court staff will provide the Attorney of the Day with a copy of the daily calendar on which the Attorney of the Day must take certain notes next to each defendant's calendar entry. We have created an "Arraignment B Notes Information" letter which will be emailed to you along with your reminder of your Attorney of the Day assignment date. We have also reproduced that form below. You must scan and email a copy of the daily calendar which contains your notes, to the 18b office within 48 hours of the relevant Attorney of the Day assignment date. Receiving this information in the 18b office will allow us to open a case in IntelLinx for each defendant, and for cases which do not get disposed of at arraignment, we will be able to assign the case in the system to whichever attorney is ultimately assigned by the court.

Arraignment A

For those of you working as the Attorney of the Day in Arraignment A, because you are able to spend far more time with your clients, and are typically assigned to represent them going forward, we have created an "Arraignment Information Form" for **you** to fill out for each client you arraign as Attorney of the Day. This form captures all of the relevant biographical information, as well as the procedural information regarding the arraignment itself. The Arraignment Information Form will be emailed to you along with your reminder of your Attorney of the Day assignment date. You must scan and email the completed forms to the 18b office within 48 hours of the relevant Attorney of the Day assignment date.

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Big Changes Continued from Page 2

FSP/Parts 10, 11, & 12

Because every client you represent as the Attorney of the Day in FSP or Parts 10, 11, and 12 will now come to court with a case already created for them in the IntelLinx system, it is more important than ever, that at the completion of your Attorney of the Day assignment as FSP Primary or Backup, and Parts 10, 11, and 12, you complete the Case Assignment sheets that we email to you as a reminder of your upcoming assignment date. Please be sure to fill in your Case Assignment sheets, clearly and legibly, and scan an email them to the 18b office within 48 hours of your completion of your Attorney of the Day assignment date. When we receive the information in the office, we will enter you as the Assigned Attorney and you will be able to start billing your time via IntelLinx. **If we do not receive information that you have been assigned to a case, it will not be possible for you to bill or submit a voucher for your representation, so please remember to complete and email your Case Assignment sheets.**

Family Court

For those of you working as the Attorney of the Day in Family Court, we have created a “Family Court Information Form” for you to fill out for each client you are assigned to during your Attorney of the Day assignment. This form captures all of the relevant biographical information, as well as the procedural information regarding the case itself. The Family Court Information Form will be emailed to you along with your reminder of your Attorney of the Day assignment date. You must scan and email the completed forms to the 18b office within 48 hours of the relevant Attorney of the Day assignment date.

When we receive the information in the office, we will create a case in the IntelLinx system, and enter you as the Assigned Attorney. You will then be able to start billing your time via IntelLinx.

If we do not receive information that you have been assigned to a case, it will not be possible for you to bill or submit a voucher for your representation, so please remember to complete and email your Case Assignment sheets.

General Notes

We understand that these are new procedures and that there will, of course, be a learning curve, but we are confident in your ability to adapt to these new requirements. You are all consummate professionals who have always met every challenge and we have no doubt that you will meet this one as well. We also have no doubt that you will all enjoy the enormous benefits of a fully electronic system, including dramatically reduced processing time and the ability for you to track the progress of your voucher approval in real time.

And as always, we stand ready in the 18b office to answer any questions you might have and to provide any and all support you might need.



Nassau County Bar Association Assigned Counsel Defender Plan
15th & West Streets * Mineola, NY 11501 * (516) 747-8448 * www.nassau18b.org

ARRAIGNMENT B DEFENDANT INFORMATION FORM

PLEASE FILL OUT THIS FORM COMPLETELY AND HAND IT TO THE ATTORNEY REPRESENTING YOU FOR YOUR ARRAIGNMENT. PLEASE PRINT YOUR ANSWERS IN CLEAR HANDWRITING.

POR FAVOR, LLENE ESTE FORMULARIO COMPLETAMENTE Y ENTREGUELO AL ABOGADO QUE LO REPRESENTA PARA SU ENCARGO. POR FAVOR IMPRIMA SUS RESPUESTAS CON ESCRITURA CLARA.

PLEASE NOTE THIS INFORMATION IS ONLY TO ASSIST YOUR ATTORNEY AND THE ASSIGNED COUNSEL DEFENDER PLAN IN HELPING YOU AND GATHERING STATISTICS. THE INFORMATION ON THIS FORM IS CONFIDENTIAL AND HAS NO IMPACT ON YOUR IMMIGRATION STATUS.

TENGA EN CUENTA QUE ESTA INFORMACIÓN ES SÓLO PARA AYUDAR A SU ABOGADO Y AL PLAN DE DEFENSOR ASIGNADO A AYUDARLE Y RECOPILAR ESTADÍSTICAS. LA INFORMACIÓN EN ESTE FORMULARIO ES CONFIDENCIAL Y NO TIENE NINGÚN IMPACTO EN SU ESTATUS MIGRATORIO

NAME / NOMBRE:

ADDRESS / DOMICILIO (Street / Calle, City / Ciudad, State / Estado, Zip Code / Codigo Postal):

BEST CONTACT PHONE NUMBER / NUMERO DE TELEFONO (XXX-XXX-XXXX)

DATE OF BIRTH / FECHA DE NACIMIENTO:

CHECK THE APPROPRIATE BOX / MARQUE LA CASILLA CORRECTA:

☐

BORN IN THE UNITED STATES /
NACIDOS EN LOS ESTADOS
UNIDOS

☐

NOT BORN IN THE UNITED
STATES / NO NACIDO EN LOS
ESTADOS UNIDOS



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Arraignment B Notes Information Letter

Dear 18b Attorney of the Day,

Please remember to record the following information on the day's calendar:

- If the arraignment was the result of a Desk Appearance Ticket, write "DAT".
- If the arraignment was the result of a Bench Warrant, write "BW".
- If the ADA requested bail, write "PR and write in the amount requested (for example, if the ADA requested \$330 cash bail, you would write "PR \$300).
- Write in the Defense's bail request with "DR" and the bail condition you requested (for example, if you requested ROR, you would write "DR ROR").
- Write in the Judge's decision on bail with "J" and what the Judge ultimately decided on bail (for example, if the Judge decided to ROR the defendant, you would write, "J ROR").
- If there was no bail requested, write "NBR".
- Write in the disposition of the arraignment using the following:
 - Adjourned: "Adj."
 - Dismissed: "Dis."
 - Adjourned in Contemplation of Dismissal: "ACOD"
 - Pled Guilty, lesser charge: "PGLC"
 - Pled Guilty, top charge: "PGTC"

Please remember to scan us a copy of your marked up calendar, as well as the completed Arraignment B Defendant Information Forms within 48 hours of completion of your Attorney of the Day Assignment.

Please scan and email all forms to Roberta.costanza@nassau18b.org.

Thank you!

Sincerely,

The NCBAACDP Staff



Arraignment Information Form

Arraignment Attorney: _____ Date: _____

Client Name (Current and previous): _____

__ Male __ Female DOB: _____ Last 4 SS #: _____

Was the client born in the United States? ____ Yes ____ No

General Information

Check Box if (please check all that apply)

- ☐ Client was in custody before arraignment
- ☐ Arraignment was a result of DAT
- ☐ Arraignment was a result of Bench Warrant

Did you move to dismiss?

- ☐ Yes, granted
- ☐ Yes, denied
- ☐ Yes, adjourned
- ☐ No / N/A

Docket Number:

Charges:

Disposition:

- ☐ No disposition at arraignment
- ☐ Dismissal
- ☐ ACOD
- ☐ Guilty plea, top charge
- ☐ Guilty plea, lesser charge
- Other: _____

Release Status:

- ☐ ROR
- ☐ PTSA/RUS
- ☐ Remanded (on bail)
- ☐ Remanded (530/730)
- Other: _____

Bail and Release Arguments

Did the DA request bail? ☐ Yes, \$ _____ ☐ No

Defense release argument (check all that apply):

☐ ROR ☐ PTSA/RUS ☐ None ☐ Less bail: \$ _____ ☐ Other: _____

Did judge set bail? ☐ Yes, \$ ☐ No

Check this box if bail was posted at arraignment: ☐

Additional Information

☐ Order of Protection ☐ Suspended License

Adjourned to Part: _____ Next Court Appearance: _____

Other Notes: _____



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Family Court Information Form

Assigned Attorney: _____ Date: _____

Client Name (Current and previous) & Address:

__ Male __ Female DOB: _____ Last 4 SS #: _____

Was the client born in the United States? ____ Yes ____ No Judge _____

General Information

Party Type

☐ Petitioner

☐ Respondent

☐ Non-respondent Parent

☐ Witness

☐ Other

Docket Number:

File Number:

Case Type

☐ Abuse

☐ Adoption

☐ Adoption Placement

☐ Adoption Surrender

☐ Custody/Visitation

☐ Family Offense

☐ Foster Care Review

☐ Guardianship

☐ Neglect/Abuse

☐ Order of Protection

☐ PINS

☐ Paternity

☐ Permanency Planning

☐ Support Violation

☐ Term. of Parental Rights

☐ USDL

☐ Other



Voucher Procedures:

Until the new electronic case management system is rolled out 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.



Tell Us Your CLE Dreams!

We are always so pleased to be able to offer our panelists the top-notch CLE opportunities afforded by our relationship with the Nassau Academy of Law. We are working on developing an even more robust relationship with the NAL. In the coming weeks, we will be sitting down with the administration of the NAL to discuss potential CLEs that we believe our panelists would be the most interested in attending.

We want to hear from you! Are there scientific experts you are interested in adding to your defense that you'd like to learn more about? Are you eager to learn more about the intricacies of 440.47 motion practice? Do you want to know how the Clean Slate Act will affect your clients? We want to hear about any and all ideas you may have for CLEs you'd like to attend or present!

Please email Lindsay at lindsay.boorman@nassau18b.org with any thoughts you have about potential programs.



Do You Know About the ILS Statewide Appellate Support Center?

Trial Lawyers, This is For You Too!

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 Labate | March 21, 2024

The People appealed from an Appellate Term order reversing the conviction and dismissing the misdemeanor charge. The Court of Appeals affirmed. On three successive trial dates, the People stated that they were not ready and requested adjournments without explanation. Where the People fail to offer a reason for their request to adjourn a trial date—either during calendar call or in response to a 30.30 motion—they are chargeable with the entire delay, not just the length of the requested adjournment.

https://www.nycourts.gov/reporter/3dseries/2024/2024_01582.htm

People v Labate (2024 NY Slip Op 01582)

Matter of Franklin v Quinones | March 20, 2024

The father appealed from Kings County Family Court orders that (1) denied his custody modification petition to the extent that he sought custody of the child; and (2) denied his motion to suspend his child support obligation. The Second Department affirmed the custody order, reversed the child support order, and granted the father's motion. Family Court correctly determined that giving the father further parental access would be detrimental to the child. However, his child support obligations should have been suspended. The evidence did not establish that the father had sexually abused the child, but it did show that the mother had alienated the child from the father.

https://nycourts.gov/reporter/3dseries/2024/2024_01541.htm

Matter of Franklin v Quinones (2024 NY Slip Op 01541)



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.

Robert.Nigro@nassau18b.org
Lindsay.Boorman@nassau18b.org
Debbie.Ally@nassau18b.org
Judith.Kabashi@nassau18b.org
Chris.Sheppard@nassau18b.org

516-747-8448