

ACDP NEWS

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



Introducing Panel Recertification: Same Standards. New Process.

As part of our continuing efforts to maintain a strong, experienced, and highly qualified Assigned Counsel Panel, we will soon be implementing a new recertification process for all panel attorneys.

Under the new procedure, panel membership will operate on a three-year certification cycle. Each year, approximately one-third of the panel will be required to complete the recertification process, meaning that every panel attorney will ordinarily apply for recertification once every three years.

How Will the Initial Groups Be Created?

To establish the new cycle, all current panel attorneys will be randomly divided into three approximately equal groups. Those groups will then be randomly assigned to recertify in Year One, Year Two, or Year Three.

We want to emphasize that placement in a particular group—especially the first group selected for recertification—is entirely random. It does not reflect an attorney's performance, standing on the panel, or any concern about that attorney's work.

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What Will Recertification Involve?

When an attorney's recertification year arrives, the attorney will be asked to submit a brief recertification application. The application will ask attorneys to:

- Confirm that they wish to remain active members of the Panel;
- Confirm that they are current with their New York attorney registration requirements;
- Confirm that they have submitted proof of completion of all required CLE credits;
- Disclose whether, during the preceding three years, they have been sanctioned or have been the subject of any disciplinary proceeding; and
- Execute an authorization permitting the Assigned Counsel Defender Plan to obtain relevant grievance committee records from any Judicial Department.

The purpose of the application is not to create an unnecessarily burdensome process. Rather, it gives us a regular opportunity to confirm that our records are current and that attorneys continuing on the panel remain in compliance with the professional and training requirements associated with panel membership.

Judicial Evaluations

Once we receive an attorney's completed application, confirm that the attorney wishes to remain active, and determine that the other components of the application are satisfactory, we will move to the evaluation portion of the recertification process.

An evaluation form will be distributed to judges before whom attorneys seeking recertification have appeared. Judges will be invited to provide feedback regarding those attorneys based upon their experience with them in the courtroom.

Judicial feedback will provide an additional perspective as we evaluate continued panel membership and help us ensure that the panel continues to provide the skilled, professional, and effective representation our clients deserve.

Why Recertification?

Panel membership carries with it an important responsibility. Our attorneys represent people at some of the most consequential moments of their lives, and maintaining a panel of capable, prepared, and committed advocates is central to our mission.

The recertification process also reflects our obligation to comply with the New York State Office of Indigent Legal Services (ILS) Black Letter Standards for Establishing and Administering Assigned Counsel Programs. Standard 10.2, Assessment of Attorneys, requires assigned counsel programs to “develop and maintain systems to (a) determine which levels of cases are appropriate for each attorney; (b) recertify panel attorneys; and (c) identify the training needs of panel attorneys.” By establishing a regular and consistent recertification process, we are not only strengthening our own oversight of the panel, but also fulfilling our responsibility to administer the Assigned Counsel Plan in accordance with the standards established by ILS.

At the same time, we recognize that our panelists are busy practitioners. By dividing the panel into three groups and establishing a predictable three-year cycle, we hope to create a process that is both meaningful and manageable.

The new recertification process gives us a structured way to periodically update our information, confirm compliance with panel requirements, obtain feedback about attorney performance, and ensure that attorneys wish to continue accepting assignments—all while spreading the administrative process evenly across a three-year period.

What Happens Next?

We will be providing additional information before the first recertification cycle begins, including the application, deadlines, instructions, and notification to attorneys assigned to the first recertification group.

For now, there is nothing panelists need to do. Once the initial groups have been established, attorneys selected for the first recertification cycle will receive information directly from our office.

Same standards. New process.

Our goal is to make recertification a straightforward and predictable part of panel membership while continuing to support a panel that reflects the professionalism, skill, and commitment our clients and our courts have come to expect.



18b GOES BACK TO SCHOOL!

With the summer winding down, we are turning our attention to the Fall CLE calendar. Please read on for details about the Nassau Academy of Law's upcoming programs which can help you satisfy your annual 18b CLE requirements.

September 24th, 12:30pm-1:30pm, HYBRID
Suicide Prevention for Legal Professionals
1 Credit in Ethics & Professionalism

Suicide is reported to be the third leading cause of death among legal professionals. The American Foundation on Suicide Prevention's Talk Saves Lives: An Introduction to Suicide Prevention covers the general scope of suicide, the most up-to-date research on prevention, and steps individuals can take to help save lives. Learn about: (1) the scope of the problem; (2) health, historical, and environmental risk factors for the general population and the occupational risk factors specific to legal professionals; (3) warning signs; (4) protective factors and strategies that lower suicide risk and increase overall mental health and well-being; (5) what to do if you are concerned about a friend, colleague or family member; (6) ways to support individuals and communities affected by suicide; and (7) professional



Back to school **continued from page 3**

and ethical responsibilities of legal professionals when addressing mental health concerns and suicide risk.

September 24th, 6:00pm-7:00pm, HYBRID
Prove It: Preparing and Presenting Trial Exhibits
1 Credit in Skills

Whether you're handed a case at the pleadings stage or brought on board as the trial date approaches, you need to know how to turn evidence into trial exhibits. In this program, experienced trial attorneys will offer advice on targeting evidence in discovery, authenticating it during depositions, and getting it admitted at trial.

September 28th, 12:30pm-1:30pm, HYBRID
Representing a Young Non-Citizen Charged with a Crime
1 Credit in Areas of Professional Practice

Long Island is home to many immigrant youth who are pursuing lawful immigration status and may come into contact with the police, Youth Courts, Family Court, and immigration enforcement agencies. This program will address the connections between these systems, the unique risks immigrant kids may face, and the practical tools that attorneys who represent non-citizen youth can use to help their clients. Panelists will also discuss the nature of a disposition for youths charged with a crime, the impact of a disposition on the immigration process, and how to repair damage that may have already been done to your client.



September 28th, 5:30pm-7:00pm, HYBRID
Overhaul of NY's Attorney Advertising Rules: The New Dos and Don'ts of Lawyer Marketing
1.5 Credits in Ethics & Professionalism

This program provides a thorough, practical overview of New York's 2026 overhaul of attorney advertising and solicitation rules, highlighting how the shift to a principles-based framework affects everyday legal marketing. Attendees will learn what changed, what stayed the same, and how to confidently update their firm's practices to ensure full ethical compliance.

October 6th, 12:30pm-1:30pm, HYBRID
Emerging Adult Justice--Rethinking the Court's Response to Young Adults
1 Credit in Professional Practice

Emerging adults ages 18–24 present unique challenges and opportunities for the criminal justice system. This program will explore the developmental and legal foundations of Emerging Adult Justice and how courts and justice-system partners can respond more effectively. Using New Rochelle's Opportunity Youth Part as a case study, the discussion will examine practical strategies for balancing accountability, public safety, rehabilitation, and meaningful second chances.

November 9th, 12:30pm-1:30pm, HYBRID
Preparing Families & Children for Potential ICE
Detention

1 Credit in Areas of Professional Practice

Practical planning for non-citizen clients and their families, including emergency guardianship, power of attorney, ICE Parental Interests Directive, and parents' rights regarding U.S.-citizen children.

November 17th, 1:00pm-4:00pm, HYBRID, IN

PERSON ATTENDANCE ENCOURAGED

Annual Criminal Law & Procedure Update

2.5 Credits in Areas of Professional Practice; .5

Credits in Ethics & Professionalism

A perennial favorite CLE, please join us at the NCBA for our annual update on recent and significant New York criminal law decisions. In-person attendance is strongly recommended, and this year, we are happy to be able to provide lunch for all in-person attendees.



Administrative Tips & Tricks

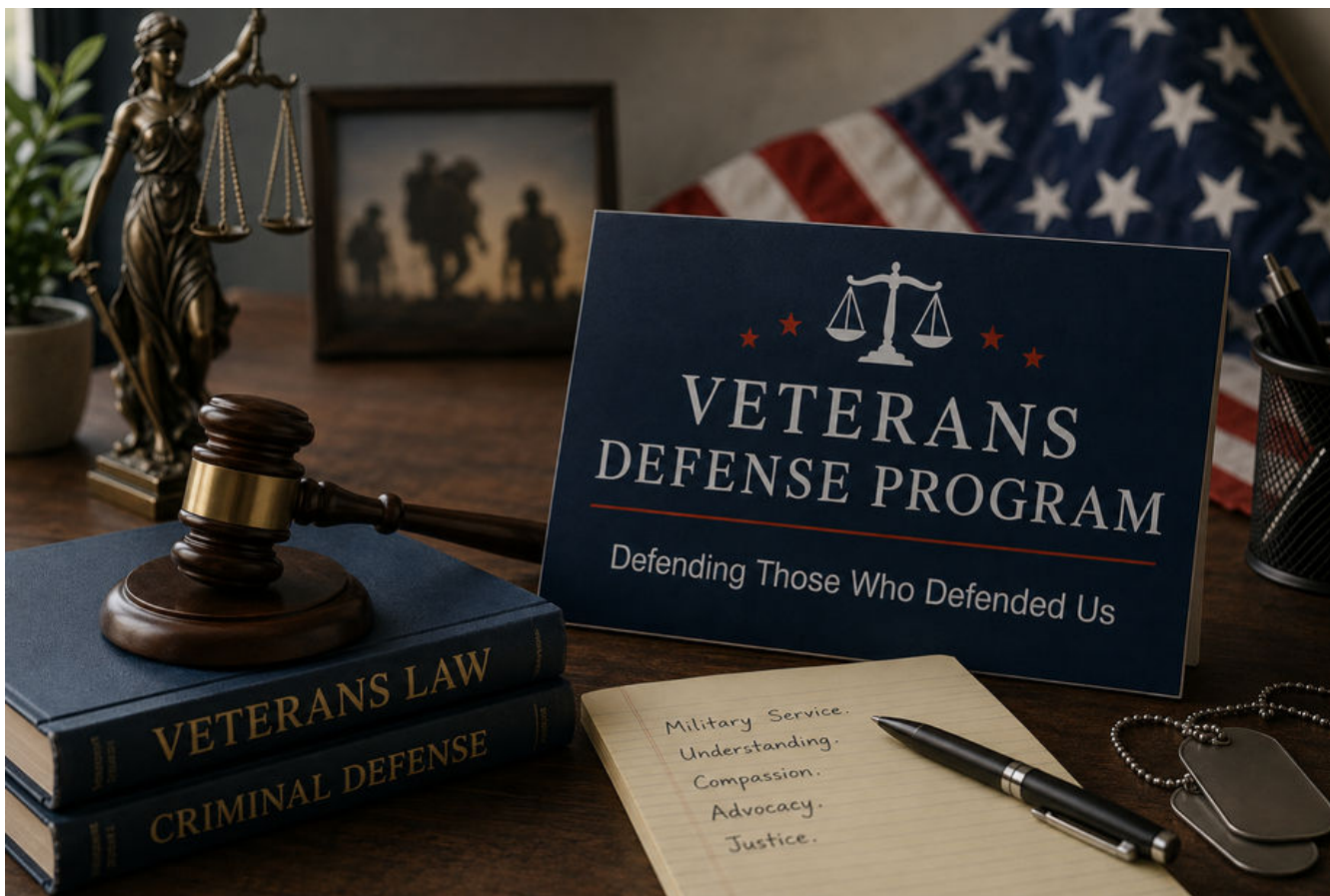
Please remember the following guidelines for completing and submitting your Case Information Forms.

- On the very top line, please indicate the court part in which you were assigned (e.g. 11, DVM, FSP, Arr A, Arr B, etc.)
- If you were not the arrainging attorney, leave that line blank.

- Write your name as the assignment attorney and indicate the date you were assigned and the judge who assigned you on that date.
- Fill in as much of the client information available to you.
- You MUST include the FULL docket # (e.g. CR-(6 digits)-NA26, Ind-72000-26/001) and ALL of the charges. NOTE: If it is a Violation of Probation or Violation of Conditional Discharge, please specify VOPM (Misd.), VOPF (Felony), VOCDM (Misd.), or VOCDF (Felony).
- If you were not the arrainging attorney, leave the Disposition, Release Status, and Bail and Release Arguments blank.
- In the Additional Information Section on the bottom, please indicate the court part and date where you are to appear next.
- Please be aware that you must also submit a NEW Case Info Sheet should the previously assigned CR docket(s) become an IND. On the "Other Notes" line at the very bottom, please indicate which CR docket(s) correspond to the IND. to which you have been assigned.
- Please email Roberta at roberta.costanza@nassau18b.org whenever a CR docket becomes an SCI or if a case gets an SCR number so that the SCI number can be added to the case in the CMS.

And please remember the new workflow for the Case Information Forms.

- If you were assigned a case in Arraignment A, please email your CIF to stefanie.giangregorio@nassau18b.org;
- If you were assigned a case in any City or Village/Town Court, please email your CIF to debbie.ally@nassau18b.org;
- If you were assigned a case in Family Court, please email your CIF to judith.kabashi@nassau18b.org;
- If you were assigned a case in any other Court or Part, including, but not limited to FSP, County, 10/11/12, Arr. B, DVM, IDV, etc., please email your CIF to roberta.costanza@nassau18b.org.



New Resource Spotlight: NYSDA Veteran's Defense Program

When representing a client who has served in the military, understanding that client's legal needs may require understanding much more than the charges or allegations before the court. Military service, combat experiences, trauma, service-connected disabilities, access to VA benefits, and the challenges of returning to civilian life can all play an important role in both understanding a client's circumstances and advocating effectively on their behalf. Fortunately, attorneys do not have to navigate those issues alone.

The New York State Defenders Association's Veterans Defense Program (VDP) provides training, support, and legal assistance to attorneys representing veterans and service members in New York's criminal and family courts. Its mission is centered on helping attorneys provide trauma-informed, client-centered representation while developing

an understanding of military culture and the ways a client's military experiences may affect their life and legal case.

More Than a Referral Resource

The VDP can become an active partner in the representation of a veteran or service member.

Among its services, the Program can help attorneys obtain and interpret military and VA records, provide case consultation, and prepare military-specific documents and summaries. The VDP also prepares comprehensive mitigation reports that examine a client's military history and the effects of that service through military and VA records, interviews with the veteran, and other relevant information.

And its assistance extends well beyond traditional legal research and mitigation. Depending upon the client's needs, the VDP can:

- Coordinate with VA Veterans' Justice Outreach Specialists and county Veteran Service Officers regarding veterans' benefits;
- Connect clients with appropriate treatment resources;
- Provide veteran-to-veteran peer mentoring and referrals;
- Assist incarcerated veterans with issues including VA disability forms, time-credit issues, letters of commitment, and CPL 440 motions; and
- For active-duty and reserve service members, work with military commands and JAG officers regarding retention or favorable discharge issues.

That breadth of assistance makes the VDP a resource worth remembering even when a client's military history does not initially appear to be central to the case.

Putting Military Experience Into Context

One of the Program's particularly valuable services is military-specific mitigation. VDP mitigation specialists investigate a client's military background, obtain and review military and VA records, conduct a comprehensive biopsychosocial interview, identify appropriate treatment needs, and develop mitigation materials designed to place the client's military experience—and its impact on the client's life—in meaningful context. The ultimate goal is not simply to recount a client's service, but to give defense counsel the information and tools necessary to advocate for appropriate therapeutic alternatives and better outcomes.

The results demonstrate just how significant that work can be. In 2025 alone, VDP attorneys completed 79 in-depth mitigation reports. The Program reports that these mitigations have helped reduce punitive outcomes, improve veterans' chances of acceptance into Veterans Treatment Courts, and connect clients with needed treatment and services. And this is very much a resource for assigned counsel attorneys. In 2025, the VDP assisted veteran clients in 56 of New York's 62 counties, working with assigned counsel attorneys as well as public defenders, legal aid attorneys, and

private counsel. Its work included both criminal cases—from violations through felonies—and Family Court matters. Overall, the Program provided legal assistance in 326 cases statewide in 2025, representing a 60% increase in its caseload from the prior year.

Think About Military Service Early

For panel attorneys, perhaps the most important takeaway is a simple one: ask your clients about military service—and ask early. A client's status as a veteran, reservist, or active-duty service member may open the door to resources, information, treatment options, mitigation, or advocacy that could meaningfully affect the representation. And obtaining military records can take time. The VDP specifically urges attorneys to contact the Program as early as possible when assistance may be needed.

Attorneys seeking assistance can contact the NYSDA Veterans Defense Program at 585-219-4862 or vdpinfo@nysda.org.

Coming Up: Veterans Treatment Court Virtual Convening

The VDP is inviting defense attorneys to participate in its upcoming Veterans Treatment Court Virtual Convening on Friday, October 23, 2026, from noon to 2:00 p.m. The virtual convening is designed for attorneys assigned to or regularly appearing in Veterans Treatment Courts to share experiences, discuss what is working well in their courts, and problem-solve around ongoing concerns with defense attorneys from across New York. Importantly, you do not have to currently practice in a Veterans Treatment Court to participate—the VDP specifically welcomes defense attorneys who simply want to learn more about VTC options for their clients. Registration is requested by Monday, October 19. A Zoom link and agenda will be provided to registrants in advance.

Interested in attending? Register here: https://docs.google.com/forms/d/e/1FAIpQLScAJH7wMOW_1OsYpaN8jLSKV-vg8wIBmwyzyKTZbE7hRlZvy4w/viewform



Families Rising Is Now Taking Referrals in Nassau County!

Every attorney hopes to identify services that can help a client move forward while also strengthening their advocacy in court. We are pleased to share that Families Rising, a state-funded program with a long history of success in New York City, is now available to eligible clients in Nassau County.

Families Rising provides Functional Family Therapy (FFT)—an evidence-based, home-based intervention designed to address many of the underlying issues that can contribute to justice system involvement, including family conflict, negative peer influences, substance use, school truancy, behavioral concerns, and mental health challenges. Therapy focuses on strengthening family relationships, improving communication, developing problem-solving skills, and building healthier support systems that promote long-term success. Because the program addresses many of the factors that may contribute to justice system involvement, it

can also provide you with meaningful information to present in support of mitigation, rehabilitation, and individualized sentencing advocacy.

For attorneys representing eligible clients, Families Rising may provide an important opportunity to demonstrate a client's commitment to rehabilitation and positive change. Participation in the program can offer valuable information for plea negotiations, sentencing advocacy, and other dispositional discussions, while connecting clients with meaningful services at a critical point in their lives.

In addition to Functional Family Therapy, Families Rising offers a range of supportive services based on individual needs, including substance use treatment, school and curfew monitoring, referrals for education and employment resources, psychiatric evaluations for eligible participants, and ongoing progress updates. Program representatives also

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attend court appearances and provide you with reports regarding a client's participation and progress.

The program serves eligible clients ages 16-27 in Nassau County who are charged with misdemeanor or felony offenses, including violent felony offenses, and who may be eligible for a non-jail disposition, Youthful Offender treatment, or a reduced incarceratory sentence. **Services are provided at no cost to eligible participants through state funding.**

Since its launch in 2012, Families Rising has helped hundreds of younger clients avoid incarceration while supporting healthier family relationships, continued education, employment, and reduced recidivism.

Clients must meet the following eligibility criteria to receive services:

- Must be between 16-27 years old, and have been charged with a Misdemeanor or Felony, including VFOs;
- Must be YO eligible, eligible for a non-jail disposition (i.e. probation, dismissal, or removal to family court), or eligible for a lesser incarceratory sentence;
- Live in New York City (all 5 boroughs) or in Nassau County for in-person services. Cases must originate in a court in the County of Nassau;
- Cannot be actively suicidal or homicidal;
- Cannot be deemed to meet clinical criteria for a “sex offender” (“sex offenders” with co-occurring antisocial behaviors are eligible);

- Cannot be deemed to meet clinical criteria for a “sex offender” (“sex offenders” with co-occurring antisocial behaviors are eligible);
- Must be able to participate in therapy with primary caregiver (if age 16-17) or any family member or partner (if over 18) (a family member can be a spouse, a child, a significant other, etc.).

If you believe a client may benefit from Families Rising, we encourage you to learn more about the program and consider whether it may be an appropriate resource to incorporate into your advocacy.

Interested in making a referral?
Scan the QR code below:



General Information:
Info@NYFoundling.org
www.nyfoundling.org | @TheNYFoundling
212-633-9300

Families Rising at a Glance

- State-funded and free to eligible participants
- Available in Nassau County
- Clients ages 16-27
- Evidence-based Functional Family Therapy
- Additional support services available
- May assist with sentencing advocacy and favorable dispositions
- Program representatives provide progress reports and attend court appearances



Do You Know About the ILS Statewide 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 Allen | August 5, 2026

Allen appealed from a Queens County Supreme Court order designating him a level three sex offender under SORA. The Second Department affirmed. The court exercised its interest of justice discretion to reach this matter of first impression in the Second Department and held that a SORA court may sua sponte reopen a hearing to “correct erroneous findings with respect to a defendant’s risk level designation.” At the initial hearing, Supreme Court assessed Allen 120 points after declining to assess points under risk factors 3 (number of victims) and 5 (age of victim(s)) because his conviction involved only one complainant, who was over 16. The court later reopened the hearing after realizing its error and assessed 20 points under each factor based on evidence that Allen had raped two people, one of whom was 15 years old. Reopening the hearing was proper because SORA’s overriding purpose is to ensure an accurate assessment of the risk an offender poses to the public and courts retain an inherent authority to correct their mistakes. However, Supreme Court did err in obtaining and relying on grand jury minutes, the error was harmless because the Board’s case summary “provided ample evidence to support the imposition of points under risk factors 3 and 5.” The SORA court also erred in assessing 20 points under risk factor 7 (relationship between victim and offender) because the prosecution failed to establish by clear and convincing evidence that the 18-year-old complainant was a stranger. Nevertheless, deducting those points left Allen with 125 points, still within the level three range.

https://www.nycourts.gov/reporter/current/3dseries/2026/2026_04880.shtml

Matter of Austin C. (Rasaan K.C.) | August 12, 2026

Father appealed from a Queens County Family Court order committing him to the custody of the New York City Department of Correction for a period of 42 months upon the Family Court’s finding that he willfully violated multiple temporary orders of protection issued in an Article 10 proceeding. The Second Department affirmed. Family Court Act § 1072 authorizes Family Court “to impose consecutive six-month terms of incarceration for each willful violation of an order of protection issued under Article 10 of the Family Court Act.” The Court rejected the father’s argument that under Judiciary Law § 751 “the court only had the authority to sentence him to 30 days in jail for each willful violation.” Pursuant to Family Court Act § 156, the penalty provisions of the Judiciary Law were inapplicable because Family Court Act § 1072 provides a “specific punishment or other remedy” authorizing the court to “commit the parent . . . to jail for a term not to exceed six months” for a willful violation. The Second Department noted that that Family Court § 846-a explicitly authorizes “a six-month term of incarceration upon a finding that an individual willfully violated any order of protection or temporary order of protection issued pursuant to the Family Court Act, regardless of whether the order was issued in an Article 8 proceeding.” Furthermore, the Court upheld the imposition of consecutive six-month terms of incarceration, noting that the Court of Appeals has explicitly authorized consecutive terms in both Article 8 and Article 4 proceedings.

https://www.nycourts.gov/reporter/current/3dseries/2026/2026_04944.shtml



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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