

ACDP NEWS

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



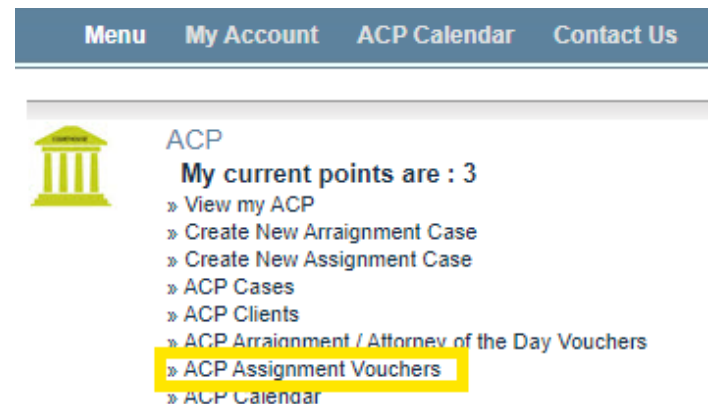
FAQS PART TWO

We hope you had a wonderful holiday season with your family and friends and that your new year is off to a great start! As you all work more and more with the CMS, we've seen some new questions arise that we wanted to address with everyone. And so, without further ado, we present FAQS Part Two!

How can I see what has gone on--and when--with my Assignment Vouchers?

One of the best parts of the CMS is that you will always be able to see exactly where your vouchers are--and where they

have been. To check the history of an Assignment Voucher, on the main landing page click on "ACP Assignment Vouchers":



FAQ Continued from Page 1

Enter any search parameters you want in order to narrow your search and click the blue “Search” button. All of the vouchers that fit your search parameters will be displayed, and their voucher status will be displayed in the column on the far right of your screen:

Payment Type	Check # - Date	Voucher Status
		Sent To Court
		Sent To Court
		Unsubmitted
		Unsubmitted

Let’s say you wanted to see how long a voucher has been in a judge’s portal. You would click the voucher ID number all the way on the left side of your screen:

01/14/2025 : Detail Vouchers - Assignment List
Total Records : 10
01/15/2024 to 01/14/2025

 Voucher ID	<u>Client Name</u>
☐  1229578	Doe, John
☐  1229584	Doe, John
☐  1226099	Doe, Jane

That will bring you to the Timesheets/Vouchers page of the case to which this voucher belongs. You’ll see all of your timesheets displayed on the top half of the screen and the vouchers will be under the timesheets. On the far right side of the screen, there is a column titled “View” and in that column you’ll see icons that look like pieces of paper:

Status	View
Sent To Court	
Sent To Court	
Review	

If you click on the icon, the Voucher History window will pop up and you will be able to see the name of each person who has interacted with your voucher, what they did with your voucher, and the date and time they took that action:

Voucher History

Date	Voucher Status	Created By
12/20/2024 10:49 AM	Unsubmitted	Lindsay Boorman
12/20/2024 10:49 AM	Attorney Submitted	Lindsay Boorman
12/20/2024 10:50 AM	Sent To Court	Lindsay Boorman
12/20/2024 10:50 AM	Sent To Court	Lindsay Boorman

If you’re noticing a longer than average time in voucher processing, we urge you to review the Voucher History of the vouchers in question; you will usually find the answer to your question there:

Voucher History

Date	Voucher Status
11/16/2024 03:30 PM	Unsubmitted
11/16/2024 03:30 PM	Attorney Submitted
11/19/2024 02:47 PM	Sent To Court
01/06/2025 01:15 PM	Returned From Court
01/07/2025 12:45 PM	Sent to County
01/10/2025 09:59 PM	Uploaded to County

Speaking of voucher status, what are the different statuses, and what do they mean?

There are 9 different voucher statuses that you are likely to encounter:

Unsubmitted; Attorney Submitted; Sent to Court; Returned from Court; Sent to County; Uploaded to County; Needs Revision; Reject by County; Approved for Payment.

Unsubmitted

If you create a voucher, but don't yet submit it, the voucher status will be "Unsubmitted." In order for you to edit any part of a voucher, it must be in the Unsubmitted status. Thus, if one of your vouchers requires revision, we will change the status to "Unsubmitted" to allow you to make changes.

Attorney Submitted

Once you create a voucher and click the "Submit" button, your voucher status will read as "Attorney Submitted." At this stage of the process, the voucher is awaiting review by the 18b Administrator or Deputy Administrator.

Sent to Court

This means that either the Administrator or Deputy Administrator has reviewed the voucher and has sent it to court for review and approval.

Returned from Court

This means that the judge has reviewed your voucher, approved it for payment, and sent it back to the 18b office for further processing.

Sent to County

This means that the Administrator or Deputy Administrator has reviewed the voucher one last time, and has sent it on to the County to be paid.

Uploaded to County

The vouchers are uploaded to the County's system in one batch, weekly on Friday evenings. Once the weekly upload job has run successfully, your voucher status will read as "Uploaded to County."

Needs Revision

If a judge has any issues with a voucher and they don't feel comfortable approving the voucher unless and until revisions have been made to it, they will mark the voucher as "Needs Revision." At this stage, you are still UNABLE to make changes or edits to a voucher. Remember, in order for you to edit a voucher, its status must be "Unsubmitted." Any vouchers that are marked "Needs Revision" are reviewed by the 18b staff. If there are changes that we can make to enable further processing of the voucher, we will. If you need to make the revisions to the voucher, we will change the voucher status to "Unsubmitted" and send you an email with further instructions.



Reject by County

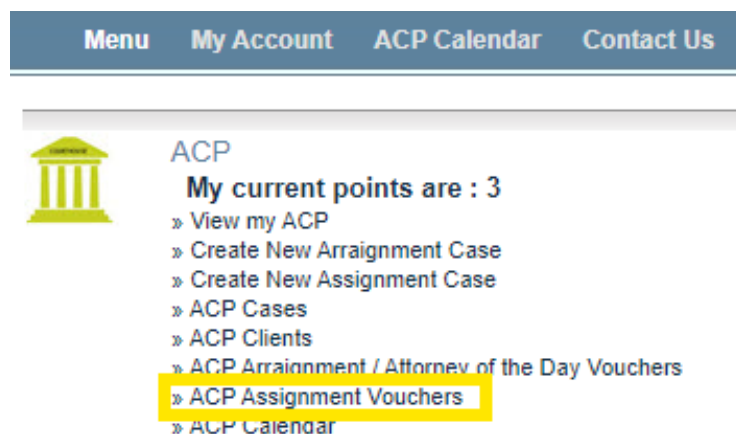
If the County has any issues with the voucher which result in a rejection, this is the status you will see. The vast majority of rejections are related to one of two things: you have not provided and/or updated your payment information on file with the Nassau County Vendor Portal, or you have not registered at all with the Nassau County Vendor Portal. The Nassau County Vendor Portal is set up in such a way that after a certain amount of time, your payment information expires, regardless of whether or not it has actually changed. The County essentially wants you to confirm your payment information if enough time has passed. Regardless of whether or not your payment information has changed, you must log into that Portal and provide updated payment information or confirm that your information has not changed. If you see the message that your “External Vendor ID is not valid” when you click into one of your vouchers, that means that you have not registered with the County Vendor Portal. Regardless of the circumstance, if your voucher is rejected by the County, we will reach out to you with further instructions for how to resolve the rejection. If you need to update your payment information or register with the County Portal, you must notify Lindsay by email that you’ve completed the registration and/or updates. Once you notify her, she will note your vouchers, and re-send them to the County.

Approved for Payment

You will see this status on Second Chair Vouchers once we have approved payment of those vouchers.

I received an email that one of my vouchers requires revision, what do I do next?

If one of your vouchers requires revision, we will make its status “Unsubmitted” (which will allow you to make changes to it) and we will send you an email alerting you that one of your vouchers requires revision. The email you receive contains instructions for what to do, but let’s go over it in more detail here. You should log into the CMS and on the main landing page, click on the “ACP Assignment Vouchers” link:



The next page that will come up is the ACP Detail Vouchers-Assignment page, which is where you can search for any specific Assignment Vouchers you may need to find. In this instance, you are looking for any vouchers that have the status of “Unsubmitted.” So, in the “Voucher Status” drop down menu, select “Unsubmitted” from the list:

Case Type

Funding Program

Case Status

Voucher Status

Payment Status ☒ Paid ☒ Outstanding

Paid Date From To

Check #

Voucher Status

Payment Status ☐ Pay at Reduced Rate

Paid Date ☐ Reject By County

Check # ☐ Return from County

☐ Returned From Court

☐ Returned to Court

☐ Sent to County

☐ Sent To Court

☐ Sent To Court Paper

☒ Unsubmitted

☐ Unloaded to County

Then click the blue “Search” button. The CMS will display all of your vouchers with the voucher status of “Unsubmitted.” The reason your voucher needs to be revised will be contained in the “Assignment Voucher Notes” section of your voucher. To access those notes, you must click on the voucher ID number to get into the voucher itself. The voucher ID numbers are on the far left of your screen:

01/15/2025 : Detail Vouchers - Assignment List

Total Records : 8

01/16/2024 to 01/15/2025

☒ Voucher ID	Client Name
☐ 1226099	Doe, Jane
☐ 1225965	Doe, Mary
☐ 1225466	Doe, Mary
☐ 1225380	Doe, Julie
☐ 1225013	Doe, Jane
☐ 1225014	Doe, Jane
☐ 1224736	Doe, John
☐ 1224407	Doe, Jane

When you click on the voucher ID number, you'll be brought to the Timesheets/Vouchers page of the case to which the voucher belongs. You'll see your timesheet entries at the top of the screen and your vouchers for the case will be under your timesheets. You need to get into the voucher itself to review any notes that have been added to your voucher, so you need to click on the voucher ID number:

ACP Case: 2135 Jane Doe

Case Finance Closing Timesheets / Vouchers History 

▼ Timesheet List:

Timesheet #	Client Name	Service Type
 19855159	Doe, Jane	Court
 19889127	Doe, Jane	Email
 19855163	Doe, Jane	Accusatory

▼ Voucher:

Voucher #	Client Name	Attorney Name
 1226099	Doe, Jane	Boorman, Lindsay

Clicking on the voucher ID number on the previous page, will bring you into the voucher itself. On the right side of your screen, you'll see the "Assignment Voucher Notes" section:

Court:

Subsequent Attorney:

Max. characters 500

Remaining characters:

ACP Voucher Documents 

Assignment Voucher Notes

Lindsay Boorman: 01/15/2025 02:04 PM

This is where you'll see notes explaining why your voucher needs revision.

This is where you will see an explanation of why we marked your voucher as "Unsubmitted." Frequently, we will ask you to address something the Court has remarked on (an incorrect court date or docket number, for example). If you can make the change, please do so, and then submit the voucher again. If can't make the change (the docket number needs to be changed, or a charge needs to be deleted, etc.), please reach out to Debbie at debbie.ally@nassau18b.org to make any such revisions.

Is it true that vouchers cannot contain timesheet entries for more than one year?

Yes! This is accurate. **Vouchers cannot contain timesheet entries for more than one year! This is the most frequent cause of rejections! Please DO NOT include timesheet entries for more than one year in one voucher.** If you have a case in which you provided services in more than one year, please enter your timesheet entries for the first year, then create AND SUBMIT a voucher for that first year's timesheets, making sure to mark that voucher as an Interim Voucher. Then, whenever you're ready to enter your next year's timesheet entries, all you have to do is go into the same case and click "Add Timesheet Entry" like you normally would. The CMS knows that your previous timesheets have already been submitted on an Interim Voucher and any timesheets you enter following your submission of your Interim Voucher will be included on a subsequent voucher. **Please do not create a new case for each year's worth of entries!** All of the entries for one case, should be kept within that one case. Creating new cases will cause duplication and confusion. If your voucher gets rejected because it contains time entries for more than one year, you must delete the time entries for one of the years, create and submit a voucher for the timesheet entries that remain, then re-enter the timesheet entries you deleted, and finally, create and submit a voucher for those re-entered timesheets.



Duplicate Clients

If you're creating a case in the CMS, before you create a new client in the system, **please, please, please** check to see if your client is already in our database. When you click on "Create New Assignment Case" you will have the option to search the database for previous clients; this means all previous 18b clients, not just YOUR clients, so even if you never represented this client, they might still be in our database. If you use this function, you will be able to search our entire database and you may well find your client, saving you some time and effort! If you already have a case with a client, and you get assigned to a new case, please do not re-create that client as a new client. All you have to do is click on the "ACP Clients" link on the main landing page and a list of all your clients will be displayed. You'll then have the option to add a new case for any existing client.

CLE Requirements

Please remember that in order to remain in good standing on the 18b Panel, you must complete 6 CLE hours per calendar year in the field of law which you practice as an 18b attorney. **YOU HAVE UNTIL THE END OF JANUARY 2025 TO COMPLETE YOUR 6 CREDITS FOR 2024. IF YOU HAVE NOT ALREADY DONE SO, PLEASE SUBMIT YOUR CERTIFICATES OF COMPLETION TO JUDITH.KABASHI@NASSAU18B.ORG. PLEASE DO NOT SEND THEM IF YOU ALREADY HAVE.**



LITIGATION

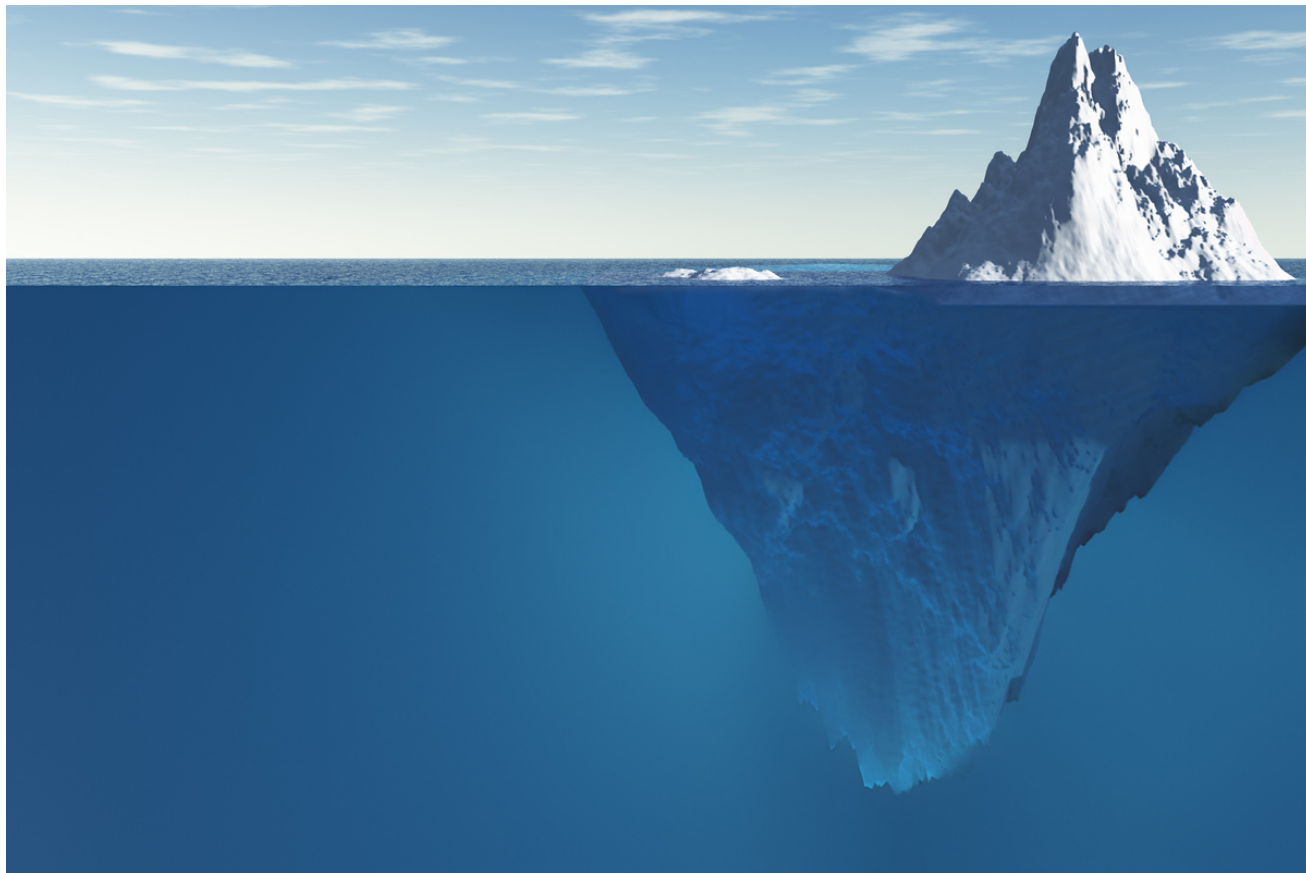
We're so excited that our Power of Expertise CLE series is continuing into the new year. Our first program of the new year will focus on the use of experts in DVSJA litigation.

On May 14, 2019, the Domestic Violence Survivors Justice Act ("DVSJA") was signed into law, amending Penal Law Section 60.12 by authorizing the imposition of alternative sentences for survivors of domestic violence. The Legislature also enacted Criminal Procedure Law § 440.47, providing a procedure by which these same survivors of domestic violence who are currently serving their sentences may apply to be resentenced. Criminal Procedure Law § 440.47 provides that a defendant currently confined in an institution operated by the Department of Corrections and Community Supervision (DOCCS), and serving a sentence with a minimum determinate term of eight years or more for an offense committed before August 12, 2019, who would have been eligible for an alternative sentence under revised Penal Law § 60.12, may apply for resentencing to the judge who imposed the original sentence. Penal Law § 60.12 states in pertinent part "the court, upon a determination following a hearing that (a) at the time of the instant offense, the defendant was a victim of domestic violence subjected to substantial physical, sexual or psychological abuse inflicted by a member of the same family or household as the defendant ; (b) such abuse

was a significant contributing factor to the defendant's criminal behavior; (c) having regard for the nature and circumstances of the crime and the history, character and condition of the defendant, their sentence of imprisonment that was imposed is unduly harsh may instead impose a sentence in accordance with the new statute. This CLE will demonstrate the importance of working with experts in DVSJA motions as well as hearings. An expert can testify to the dynamics of an abusive relationship, how it affects a victim's behavior, and can help explain the many misconceptions of domestic abuse. Experts can explain the influence abuse had on a client's actions, provide an opinion on how the abuse was "substantial," explain the nexus between the abuse and the criminal offense, and explain how the domestic abuse was a "significant contributing factor" to the survivor's decision-making and behavior. They can explain, through their expertise in domestic violence, the cumulative effects of trauma and explain how that abuse contributed to the conduct. Experts are key to explaining the age-old question that people ask survivors: why didn't they leave the abuser.

Experts can be helpful for the 440.47 motion and then follow with testimony once the hearing is granted. They are essential in helping the Court to understand different forms of abuse and the ongoing effects it has. The CLE will show how experts can be used in DVSJA proceedings and the impact their testimony can have.

We hope you'll join us on February 25th from 12:30-1:30 for this important CLE, presented by our own Karen Johnston and Dr. BJ Cling. Dr. Cling is a clinical psychologist and a lawyer. She has both a clinical and a forensic private practice in NYC and teaches at John Jay College of Criminal Justice, CUNY, in the areas of psychology and law.



ACDP NOW DIRECTLY FUNDS MITIGATION SPECIALISTS/EXPERTS!

We are thrilled to announce that, due to State funding, we are now able to pay directly for the services of all mitigation experts! This means you no longer have to obtain a court order to retain a mitigation expert, nor does that expert need to submit a voucher to the County to get paid. Rather, all you and your mitigation expert need to do, is follow the procedure below:

- You, as the assigned attorney, fill out the “Request for Mitigation Expert Services” form and email that to Lindsay at lindsay.boorman@nassau18b.org, **along with your Order of Assignment to the case;**
- We approve it and email it back to you for your records and you retain your expert;
- Your expert does the work you’re asking for, being sure to keep detailed time records, as per usual;
- At the end of the case, your expert completes the “Mitigation Expert Request For Payment” form, including having you sign the “Attorney Certification” at the bottom of that form;
- Your expert then emails the completed form back to Lindsay, along with the detailed time sheet records, and their CV (18b will have their CV already, but for ease of processing, please attach it once again so it can be part of one, unified case package).

If you have any questions, or to receive additional copies of the required forms, please email Lindsay at lindsay.boorman@nassau18b.org.



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. The best way to reach out to the ILS Support Center is via their consultation intake form:

[https://nysils.questionpro.com/a/TakeSurvey?
tt=QaQQCBMLG80EChrPeIW9eQ%3D%3D](https://nysils.questionpro.com/a/TakeSurvey?tt=QaQQCBMLG80EChrPeIW9eQ%3D%3D)

Or via their main email:
SASC@ils.ny.gov

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.

Contact them today to find out how they can help you!



Decisions of Note

People v Lithgow | 2024 WL 5316283

Lithgow was charged in New York County Criminal Court with operating a motor vehicle while intoxicated and impaired. He moved to dismiss the accusatory instrument on speedy trial grounds, arguing that the prosecution's COC was invalid because it failed to disclose Internal Affairs records of testifying police witnesses. The prosecution argued that it had complied with its discovery obligations because the requested records were not related to the subject matter of Lithgow's case and were not discoverable. While recognizing some disagreement among intermediate appellate courts, County Court rejected this argument as "adoption of the constricted statutory construction would disregard the legislature's intent." The prosecution is required to disclose underlying disciplinary records for substantiated and unsubstantiated allegations of misconduct against testifying law enforcement witnesses. The COC was invalid and the speedy trial motion granted.

https://nycourts.gov/reporter/3dseries/2024/2024_24330.htm

Matter of Koch v Yu-Ting Tsai | January 8, 2025

Mother appealed from an Orange County Family Court order granting father's petition for sole legal custody of the child, with parental access to mother via Skype "or other agreed-upon digital service" and "further access to the child as parties may agree." The Second Department remitted for an in camera interview with the subject child to ascertain their views and to make a new determination as to the mother's parental access, and otherwise affirmed. Family Court's determination to limit the mother's parental access lacked a sound and substantial basis in the record, since the hearing evidence did not demonstrate that it would be detrimental to the child to have in-person visits in New York, and there was no agreement by the parties for additional parental access.

Matter of Koch v Yu-Ting Tsai (2025 NY Slip Op 00097).



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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