

ACDP NEWS

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



ACDP OFFICE TO UNDERGO RENOVATION!

Anyone who has stopped by the ACDP Office knows that the staff works in very tight quarters in a workspace which hasn't been updated in decades. Despite whatever challenges the physical office space may have presented, ACDP personnel process over 7,000 vouchers annually, address the questions, concerns, and needs of the over 200 18b panelists, and ensure that Nassau County's indigent clients receive the highest quality representation.

After several years of planning, we are thrilled to announce that the ACDP Office will be undergoing a much needed

renovation. **Beginning on July 15, 2024, the upstairs office space will be closed, and will remain so for the duration of the construction.** Rest assured, we have prepared for this work. In anticipation of the renovation, we have supplied all of the staff members with the equipment they will need to work remotely. Everyone who works in the upstairs office will have their phones installed in their remote work locations and they will have access to the ACDP server in order to research any voucher issues you may have. In addition, the downstairs office space will stay up and running and will be fully staffed during the construction.

As you will read below, while we hope to have the CMS up and running by the time the construction work begins, even if it isn't, we will be able to process any and all paper vouchers which we receive in the office. We will not miss a beat!

During the renovation, we would ask that you mail any paper vouchers to us, rather than dropping them off, though we will try to make a box available for voucher drop-off in the reception area of Domus.

We anticipate that the work will take approximately 4 weeks, but we will certainly keep you posted as always.

We think you will all agree that this work is necessary and has been a long time coming. We trust that you will love the finished product and that it will make stopping by the ACDP Office an even more enjoyable experience than it already is!



THE LATEST UPDATES ON THE CASE MANAGEMENT SYSTEM

Believe us when we say we are just as eager as you are to have a launch date for the CMS. As soon as we have one, you will be the first to know. Here is where we stand right now:

- It is vitally important that you are registered with the Nassau County e-Claims Portal (their electronic Vendor Portal). A big reason for the delay is that our system needs to communicate with the County's system, but many of you are not registered with the Nassau County Vendor Portal. If you are not registered with the Vendor Portal, the systems cannot communicate about you, which means you cannot get paid. We are working tirelessly to reconcile our two lists of attorneys. **PLEASE TAKE A MOMENT TO ENSURE THAT YOU ARE REGISTERED WITH THE NASSAU COUNTY E-CLAIMS PORTAL.**
- Once our two lists are reconciled, each of you will be assigned a unique Vendor ID number so that none of your

sensitive information is transmitted over the internet. Once this step is complete, we can launch.

Here are some reminders about new procedures that will go into effect once the CMS goes live:

Arraignment B:

In order to collect the information ILS requires from us 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 have already delivered these forms to District Court. They will be placed in a basket 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. At the beginning of the day, the Attorney of the Day should check the supply of forms in the basket and refill the basket as needed. Additional forms are in a labeled box in the Legal Aid room just to the left of Arraignment B.

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.

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.

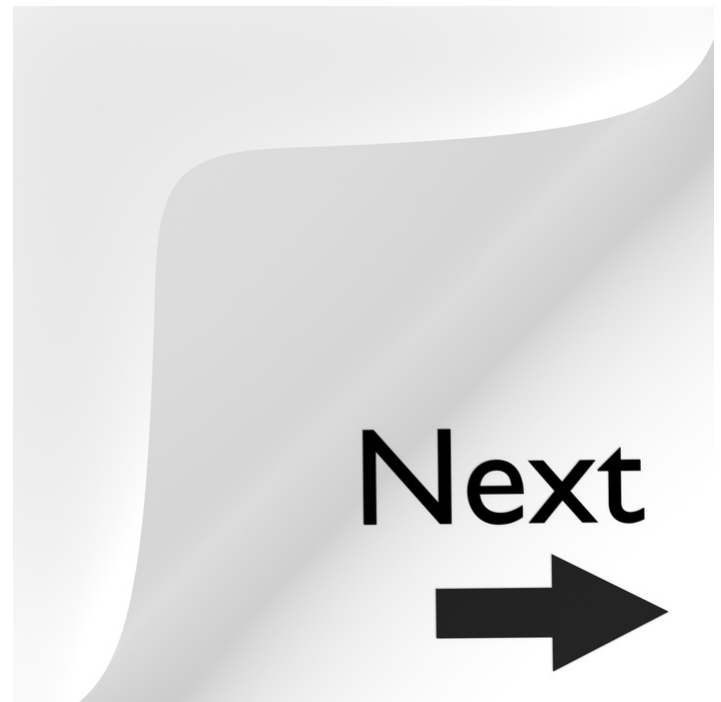
If we do not receive information that you have been assigned to a case, it will not be possible for you to bill or submit a voucher for your representation, so please remember to complete and email your Case Assignment sheets.

General Notes:

We know that change can be difficult, and we anticipate there being growing pains as we move to this new digital platform, but we have no doubt you will all be able to master the system and we know you will love it once you do.

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.

See the next few pages for samples of the forms described above.





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 / Código 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: _____



Nassau County Bar Association Assigned Counsel Defender Plan
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Family Court Information Form

Assigned Attorney: _____ Date: _____

Client Name (Current and previous) & Address:

___ Male ___ Female DOB: _____ 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



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 Brown | June 20, 2024

people's appeal | discovery | CPL 30.30 | reversed

The People appealed from Queens County Supreme Court orders dismissing indictments charging conspiracy and several drug offenses on speedy trial grounds based on their failure to comply with their discovery obligations. The Second Department reversed. The contested period was excludable under the exceptional circumstances exclusion in light of the voluminous discovery materials and the People's diligent efforts in producing them.

https://nycourts.gov/reporter/3dseries/2024/2024_03438.htm

Matter of Dandu v Jatamoni | June 20, 2024

family offense | order of protection | reversed

The mother appealed from a Kings County Family Court order issuing a six-month suspended judgment. The Second Department reversed and remanded for the issuance of a five-year order of protection. Family Court abused its discretion by issuing a suspended judgment after finding that the father had committed "severe acts of violence" against the mother. Aggravating circumstances warranted issuance of a five-year order of protection.

https://nycourts.gov/reporter/3dseries/2024/2024_03424.htm



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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