

ACDP NEWS

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



FOSTERING EXCELLENCE: ACDP TO FUND PANELISTS' MEMBERSHIP IN THE NASSAU COUNTY BAR ASSOCIATION!

Our Deputy Administrator, Lindsay Boorman, was recently asked to attend a Leadership Workshop hosted by the NY State Office of Indigent Legal Services and the Legal Aid Society of Westchester County. Lindsay spent three days with faculty from Gideon's Promise, a nonprofit public defender organization "whose mission is to transform the criminal justice system by building a movement of public defenders who provide equal justice for marginalized communities." The training focused on the work of identifying the core values of NCBA ACDP and how to put those core values to work in guiding our organization's vision and mission.

This work reflects a fundamental paradigm shift in indigent client representation in New York. We have gone from a starving system in which 18b attorneys had gone 20 years without a raise, to a well-resourced system, focused on client-centered representation with a vast array of expert services being increasingly utilized.

There were a great many core values discussed during the training: commitment, zealous advocacy, integrity, compassion, to name just a few. But there was one that stood out: excellence.

Our panelists are already skilled professionals, but achieving excellence requires collaboration, resources, continuing professional development, network building, and the list goes on. We can think of no better way to increase your opportunities for collaboration, professional development, and network building than by ensuring you are all members of an organization whose mission is just that.

Founded in 1899, the Nassau County Bar Association is a professional membership association for attorneys. With over 3,500 members, it is the leading source for legal information and services for the legal profession and the local community in Nassau County. NCBA enjoys a membership of private and public sector attorneys, judges, legal educators and law students.

Excellence Continued from Page 1

As an Association member, you will have the opportunity to participate in more than 50 substantive law committees, including the Family Court Law, Procedure & Adoption Committee, and the Criminal Court Law & Procedure Committee. Members can also take part in a variety of programs which strive to confront the challenges and changing needs of the legal profession and the community at large.

In addition, your membership entitles you to attend the over 100+ CLE programs offered by the Nassau Academy of Law, you will have access to an on-demand Ethics Hotline, as well as the Lawyer Assistance Program, and a subscription to the Nassau Lawyer. You will also be able to apply for leadership positions within the Association to help shape the future of the legal profession in our County. Finally, this means that the funds we have earmarked for CLEs in our various State Distributions, can be put to work sending you to regional and national conferences, so keep an eye out for events you think it might be worthwhile for you to attend and we will see what we can do to facilitate your attendance.

You are invaluable members of the legal community in Nassau County, and we want you to feel like it! You deserve to have every possible resource at your disposal as we all continue to strive for excellence, and we will continue to do everything we can to make that a reality. Keep an eye out for more information about how to register for your NCBA membership!



THE LATEST UPDATES ON THE CASE MANAGEMENT SYSTEM

It's been a very busy few weeks getting ready for the launch of the Case Management System. Here is where we stand right now:

- We are thrilled to announce that we are in the final stages of testing the integration of the Case Management System with the County's Accounting System. The integration testing should take approximately 2-3 weeks after which we will be ready to go live with the system. **PLEASE REST ASSURED, WE WILL LET YOU KNOW WHEN TO START USING THE SYSTEM;**
- All 204 panelists have been trained in how to create and submit vouchers on the system;
- All Nassau County Judges have been trained in how to review and approve vouchers on the system;

- The customization work we required is completed and the next round of training will focus on teaching panelists how to create cases in the system and how to create and submit Attorney of the Day Vouchers.

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.

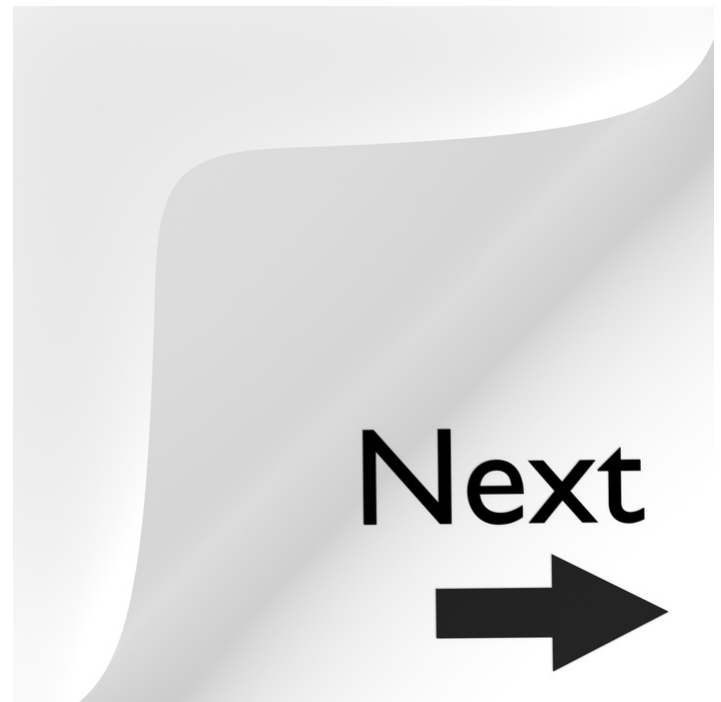
If we do not receive information that you have been assigned to a case, it will not be possible for you to bill or submit a voucher for your representation, so please remember to complete and email your Case Assignment sheets.

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 / 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: _____



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: _____ 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



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 Davis | 2023 WL 11264752

Davis moved to dismiss an indictment charging her with 2nd and 3rd degree assault on speedy trial grounds. Suffolk County Supreme Court granted the motion. Although the People exercised due diligence in providing discovery as it became available, Davis was not arraigned on the indictment before the speedy trial period ended. Because arraignment on an indictment is a prerequisite to trial readiness, the People's pre-arraignment statement of readiness was meaningless.

https://nycourts.gov/reporter/3dseries/2023/2023_51491.htm

Matter of Osborne v Tulwits | May 10, 2024

The mother appealed from a Cattaraugus County Family Court order dismissing her custody modification petition. The Fourth Department reversed and reinstated the petition. The mother established changed circumstances requiring a best interests inquiry. She had been the child's primary caregiver until the father obtained primary physical custody after an incident of domestic violence involving her ex-boyfriend. In the four years since, the mother had moved out, was no longer in contact with the ex-boyfriend, and had attended domestic violence support groups and counseling. Further, the father had engaged in corporal punishment of the child—supporting the mother's argument that he was unable to handle the child's emotional outbursts—and discontinued the child's counseling.

https://nycourts.gov/reporter/3dseries/2024/2024_02643.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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Debbie.Ally@nassau18b.org
Judith.Kabashi@nassau18b.org
Chris.Sheppard@nassau18b.org

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