

ACDP NEWS

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



New Leadership At 18b: Charting the Path Ahead

It's been a very busy time in the 18b Office and there is so much exciting news to share!

As you all know, after 15 years of steady leadership, this January, Bob Nigro retired from the position of Administrator of Nassau 18b. As of January 7, 2026, Lindsay Boorman was appointed by the Appellate Division, Second Department to be the 18b Administrator. Lindsay had been the Deputy Administrator of Nassau 18b since March of 2023 and had the good fortune to learn the ropes from Bob over the preceding 2 and a half years. In a recent update to the NCBA ACDP Board, Boorman

said, "To say that I'm thrilled and honored to be the new Administrator of this program would be a colossal understatement. I love my job, my colleagues, and the panelists, and I am immeasurably proud of the work we've done to improve the quality of indigent client representation in Nassau County. I'm thrilled that I get to continue this work in an even deeper way. I believe we have the best 18b panel in the state, bar none, and while I might be biased, that does not make me wrong; I promise to come to work every day with the singular purpose of making sure that remains the case."

Leadership Continued from Page 1

Lindsay has some very clear goals and areas of focus going forward. “There have been so many resources made available in the Criminal Law sphere, and our Family Law panelists have not shared in the largess. One of my primary goals is to deliver more resources to the Family Court Panelists. To that end, I’m thrilled to announce that we received authorization from DCJS to use a portion of their latest grant funding to pay for Lexis Accounts for the Family Court Panelists and to hire a Bilingual Paralegal for Family Court. Adelle Herrera, our Bilingual Paralegal in District Court has become an integral part of the 18b team and is an enormous asset to the program, its attorneys, and the clients we represent. She is boots on the ground in District Court every day helping our clients and the Attorneys of the Day and I’m so excited to be able to say the Family Court Attorneys will now have access to a similar resource. Likewise, so many of the Criminal Law Panelists have raved about the Lexis +AI experience and I think it will be a game changer for our Family Court practitioners as well.”

We are also thrilled to announce that Ingrid Villagran has joined the 18b staff as the new Deputy Administrator. Ingrid spent 17 years at the Safe Center LI, starting out there as a Staff Attorney and working her way up to Director of their Legal Department. Before joining the staff of the Safe Center, Ingrid practiced primarily immigration law, first as an Associate Attorney and then at the helm of her own firm. She managed various family-based immigration cases and represented clients before the USCIS, Immigration Court, and the Board of Immigration

Appeals. In her multiple roles at the Safe Center, Ingrid represented clients in a variety of family, matrimonial, and immigration law matters. She oversaw the daily operations of the Center’s Legal Department, including hiring, training, mentoring, and supervising attorneys, paralegals, court advocates, and volunteers.

Ingrid brings with her a wealth of Family Court experience, having handled family offense, paternity, child/spousal support, custody/visitation, and guardianship petitions, Special Immigrant Juvenile Status Findings matters, and modification/violation petitions.

She is also very active with the Nassau County Bar Association, the Nassau County Women’s Bar Association, and the Long Island Hispanic Bar Association.

Having a member of 18b leadership with Family Court experience will be transformational for the office, the Family Court attorneys, and the clients we serve, and we are so, so excited to be welcoming her to the 18b team. Ingrid can be reached at Ingrid.Villagran@nassau18b.org and on her direct line at 516-730-8072.



Investing in Advocacy: Model Courtroom to Transform Public Defense Training

Have you ever walked into a courtroom and wished you'd received some training in how to use the technology that publishes evidence to a jury? Have you ever seen a notice about an exceptional trial advocacy CLE but didn't feel like travelling to Buffalo to attend it? Have you ever seen an attorney fresh out of law school and thought, "I wish there was a way that new attorney could join the 18b panel because they'd be an awesome advocate for indigent clients?" If you answered, "Yes," to any of these questions, we have exciting news for you!

To ensure you have the tools and preparation necessary to provide the highest quality representation, and to train the next generation of 18b attorneys, we are proud to announce the successful securing of funding for the creation of a model courtroom training space at the Nassau County Bar Association.

This new initiative represents a significant investment in the professional development of the attorneys who serve on our panel and the young attorneys who are seeking to join our panel.



The model courtroom will replicate the layout and technology of a modern courtroom, providing a realistic environment where attorneys can hone essential litigation skills before stepping into court.

Unlike traditional lecture-style trainings, the model courtroom will allow for hands-on, experiential learning. These trainings will cover a wide range of critical skills, including motion practice, cross-examination, jury selection, and client-centered advocacy. The space will also support collaborative training programs with judges, experienced trial attorneys, and subject-matter experts.

By recreating the courtroom setting, the program will allow attorneys—particularly newer practitioners—to gain confidence and refine their courtroom presence in a supportive environment where mistakes become learning opportunities. Importantly, the model courtroom will also serve as a venue for continuing legal education programs, mentorship initiatives, and interdisciplinary trainings involving investigators, social workers, and other members of the defense team. Securing funding for this project reflects the growing recognition that strong public defense requires ongoing investment in training and professional development.

By creating a dedicated space for practical skill-building, Nassau 18b is strengthening the quality of representation provided to clients and reinforcing our commitment to excellence in indigent defense.

We look forward to sharing progress reports here as the build gets underway.



When Advocacy Matters Most: Ensuring Access to Everyday Heroes

In the practice of law, moments of quiet determination often make the greatest difference. Recently, one of our panel attorneys demonstrated exactly that—going above and beyond in her representation of a client whose case required careful investigation, and unwavering advocacy.

What began as a routine review of a prior criminal case ultimately resulted in a client’s release from Immigration and Customs Enforcement (ICE) custody, thanks to one attorney’s careful investigation and attention to detail.

The 18b Office was notified that a former 18b client had been detained by ICE based on a conviction from more than a year earlier. The client’s immigration attorney was informed that he had entered a plea to 120.00(1) in 2024; a plea to that charge is considered a Crime Involving Moral Turpitude (“CIMT”) under immigration law.

As that was the client’s second CIMT, that plea triggered deportability and mandatory detention. The client was firm in stating that his 18b attorney at the time of the plea had told him that the plea would not have any negative consequences for his immigration status.

Working with County Court, we got a new 18b panelist assigned to investigate, Karen Johnston. Karen took a closer look at the records associated with the plea. While reviewing the file, she discovered that the client had actually pled guilty to 120.00 subsection 2, not subsection 1. Subsection 2 of 120.00 is not considered a CIMT. The Certificate of Disposition contained a clerical error that had gone unnoticed. That clerical error resulted in the client ending up in ICE detention for months.

Recognizing the importance of the mistake, Karen acted quickly to bring the issue before the court and work toward correcting the record. Through diligent

advocacy and follow-up, the clerical error was ultimately addressed, removing the sole basis for the client's continued detention.

As a result, the client was released from ICE custody and reunited with family.

This outcome is a powerful reminder that even small details in a criminal case can carry enormous consequences for clients, particularly noncitizen clients facing immigration enforcement. It underscores the importance of thorough file review and post-disposition advocacy, even long after a case has concluded.

It also highlights the profound impact that dedicated legal representation can have on an individual's life. For the client, the release meant reunification with family and the opportunity to move forward without the burden of continued detention.

To make this kind of representation a reality for more clients, we are excited to announce that, working with ILS, we have opened up a new budget line in the HH grant to fund pre-arrest and investigatory representation.

There have been numerous occasions on which we have received calls in the 18b Office from previous clients who are being investigated by the police in connection with potential new charges. For example, many times, clients are presented with a detective's business card and asked to come to a precinct for an interview or to turn themselves in, and they reach out to us seeking representation. Or we get word from LIRIAC or counsel from other jurisdictions that a 440 motion might be in order or could be the only option for a client in facing deportation.

Up until now, we have been unable to assign counsel: there's been no arrest, and therefore no court appearance, which means, there's been no opportunity for a client to interact with a judge to have counsel assigned.

Under the terms of our new Work Plan, ILS is providing funding for panel attorneys to be assigned to represent clients *before* criminal charges have been brought, such as representation of clients who are being investigated or potentially investigated by law enforcement, when such assignment is deemed appropriate by the Administrator.

The funding on this line may also be used to pay panel attorneys to investigate potential motions under CPL Article 440 after assignment, when such assignment is deemed appropriate by the Administrator. Attorneys will be paid at the statutory rate.

As we all know, access to a skilled, dedicated attorney can quite literally be the difference between life and death for a client. This article is about one such instance.

If you get contacted by a client who you previously represented asking for help when the police come knocking on their door, please reach out to us to let us know. There is a way forward! We've got your back and you've got theirs!





IN-COURT PROCEDURES AND POLICIES

There have been some occasions of late, when the 18b Attorney of the Day in Arraignment B has opted not to conference the days' cases with clients prior to their respective arraignments. **We want to take a moment to reiterate and emphasize the importance of the following ACDP Policies:**

- Attorneys of the Day in Arraignment B must be at District Court no later than 9:15 AM;
- Attorneys of the Day in Arraignment B must conference cases with the clients prior to arraignment;
- Attorneys of the Day must not schedule appearances in other court parts on days when you are the Attorney of the Day.

Every morning, no later than 9:15 AM, the Attorney of the Day should make an announcement in the Arraignment B courtroom letting the audience know who you are, why you are there, and telling them that anyone and everyone who does not have a retained attorney should follow you out of the courtroom to the neighboring conference room, where they can line up to conference their case.

Adelle will translate the Attorney of the Day announcement into Spanish and will then assist with anything you might need, whether that's prepping clients who are waiting on the line by telling them what paperwork you might need or find helpful, or translating for Spanish speaking clients.

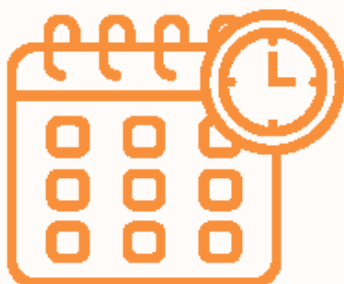
The Attorney of the Day must conference every case prior to arraignment and must not leave the part to handle cases elsewhere in the building. If there is a circumstance where the Attorney of the Day is meeting a client for the first time at the podium standing before the arraigning judge, as frequently happens when clients arrive to court late, you should request a second call to provide you with an opportunity to conference the case.

We also want to emphasize that while Adelle's translation services are a vital part of what she does for 18b, they are just that, only a **part** of what she does. Adelle assists clients in preparing for their conferences with both the Attorneys of the Day, as well as the Court, she expedites the conference and arraignment process and is frequently a kind and friendly ear for people who are oftentimes unnerved and afraid. In addition, Adelle assists with LIRIAC referrals and any number of paralegal responsibilities, including communicating with clients and their families about logistics such as payment procedures. This is a reminder that Adelle is an incredibly important part of the 18b staff and whether or not you need to avail yourself of her translation skills, we expect that her role and position will be appreciated and that she will be treated with the respect she deserves. We thank you for your anticipated cooperation.



DVSJA VIRTUAL OFFICE HOURS: CASE CONFERENCING ROUNDTABLE

MAY 20, 2026 | 12-1:30 PM



Do you represent a client with a pending case who might qualify for a reduced sentence under the Domestic Violence Survivors Justice Act? Or a client post-conviction who may have a claim for DVSJA resentencing?

On **May 20, from 12:00-1:30 pm**, you are invited to join a virtual Case Conferencing Roundtable with Elizabeth Isaacs, Supervising Appellate Attorney with the ILS Statewide Appellate Support Center and Co-Chair of the DVSJA Statewide Defender Task Force.

This is an opportunity to learn from an expert on the DVSJA as well as other defenders across the state. Keep in mind that the session is **not confidential**, so you may want to anonymize client information or details about your case.

Virtual Office Hours is open to defense advocates only. It is not open to prosecutors or those who work in law enforcement.

Interested? Use the attached calendar file to easily save the date and meeting link.

ANY QUESTIONS?
Contact Elizabeth Isaacs at elizabeth.isaacs@ils.ny.gov



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 N.H. | April 23, 2026 (Rivera, J.)
Court of Appeals

**DVSJA | PL § 60.12 Hearing Not Waivable as
Condition of Plea Bargain | Reversed & Remitted**

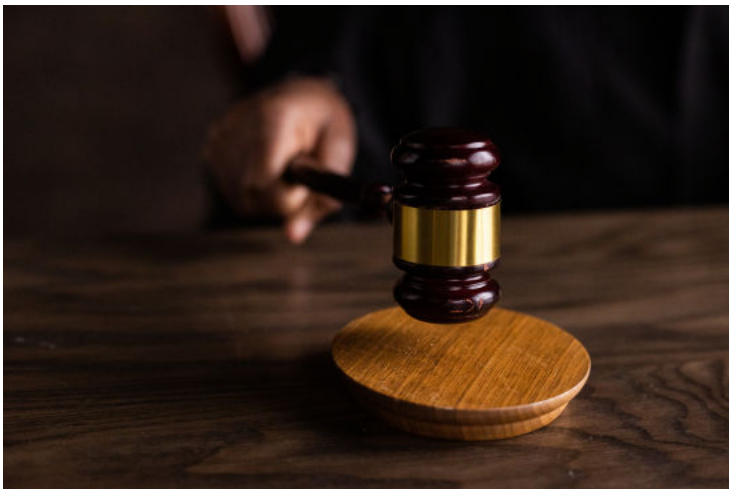
Appellant appealed from a Second Department order affirming a Kings County Supreme Court judgment convicting her, upon a guilty plea, of first-degree assault and sentencing her to 5 years' imprisonment and 5 years' PRS. The Court of Appeals reversed, holding that hearings pursuant to the Domestic Violence Survivors Justice Act (DVSJA) under PL § 60.12 "are not waivable as a condition of a plea agreement," and remitted for further proceedings. Appellant had been charged with attempted murder and related counts arising from a 2019 incident, where she ran over a block party attendee with her car multiple times, resulting in severe injuries, including paralysis. Appellant requested a DVSJA hearing and submitted extensive mitigation, including a psychological evaluation, alleging that she had a history of domestic violence dating back to childhood that significantly contributed to her conduct. Here, appellant alleged that she had injured complainant while fleeing from her abusive ex-partner, who had arrived at the party and attacked her. The prosecution offered a plea to

first-degree assault with a 5-year sentence in exchange for waiving a DVSJA hearing. The defense objected, but appellant ultimately accepted the plea. On appeal, the Second Department affirmed, holding that the DVSJA waiver was a permissible condition of the plea bargain. In a 4-3 decision, a majority of the Court of Appeals disagreed, holding that—like a youthful offender adjudication—the right to a DVSJA hearing upon request is not waivable in plea bargaining. A three-judge plurality (Rivera, J., joined by Wilson, C.J., and Troutman, J.) based this conclusion on the legislature's intention to expand access to alternative sentencing for criminalized survivors, along with the important public policy interests underpinning the DVSJA. The plurality classified the right to DVSJA consideration as "too valuable, both to the [defendant] and the community, to be sacrificed in plea bargaining" (bracketed text in original), citing *People v Seaberg* (74 NY2d 1 [1987]), *People v Muniz* (91 NY2d 570 [1998]), and *People v Rudolph* (21 NY3d 497 [2013]). Judge Halligan concurred, joining in the result but basing it on legislative intent alone, rather than public policy: since the DVSJA was intended to give judges discretion to give more lenient sentences to eligible survivors, and because conditioning plea agreements on waiving judicial consideration would "eviscerate the statute by excluding the

Decisions Continued

overwhelming majority of defendants who have suffered domestic violence—that is, those who plead guilty, rather than proceeding to trial—from the DVSJA’s benefits,” Judge Halligan concluded that “the Legislature intended DVSJA relief to be available in every appropriate case.” The dissent (Cannataro, J., joined by Garcia and Singas, JJ.) would have affirmed, arguing that waiver of a DVSJA hearing is a legitimate bargaining chip in plea negotiations. The dissent distinguished Rudolph based on the mandatory language in the youthful offender statute, absent in PL § 60.12, and noted a lack of legislative history addressing waiver. In the dissent’s view, precluding waiver will deprive survivors of autonomy in plea negotiations and infringe on the role of the legislature in crafting sentencing procedures. On remand, the dissenters opined that the prosecution would be entitled to withdraw consent to the plea bargain, citing *People v Farrar* (52 NY2d 302 [1981]), whereas the plurality, in a footnote, refused to “speculate...on a hypothetical...motion to withdraw.”

https://www.nycourts.gov/reporter/current/3dseries/2026/2026_02437.shtml



Matter of Carilyn S. v Theresa S. | April 29, 2026

Custody | Forfeiture of Right to Counsel | Egregious Conduct | Affirmed

Mother appealed from a Queens County Family Court order granting joint custody of the subject child to the father and maternal aunt, following a hearing where mother appeared pro se. The Second Department affirmed. A “parent of any child seeking custody or contesting the substantial infringement of his or her right to custody of such child” may forfeit their right to counsel if they engage in “egregious conduct” – even in the absence of a “searching inquiry” by the court to ensure that the parent “knowingly, voluntarily, and intelligently” waived their right to counsel. This case arose from a custody dispute involving a child that had been placed with the maternal aunt after mother had been accused of educational neglect. Although Family Court did not conduct the requisite searching inquiry to ensure a valid waiver of the right to counsel, there was record support for the finding that, “as a matter of extreme, last resort,” mother had forfeited her right to counsel by engaging in “egregious conduct.” The record demonstrated mother engaged in a “persistent pattern” of “uncooperative behavior with successive assigned counsel,” including “fail[ing] to appear for approximately half of the scheduled court dates,” and that such conduct was “sufficient to establish the validity of her waiver of the right to counsel even without the ‘searching inquiry’” by the court.

https://www.nycourts.gov/reporter/current/3dseries/2026/2026_02658.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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