

ACDP NEWS

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



18B Attorney Rates Increased!

The hourly rate for Assigned Counsel in New York State has been raised to \$158 per hour! The rate increase applies to all 18B case work: criminal (misdemeanors and felonies), family, and appellate. The new rates went into effect as of April 1, 2023, so when you submit your vouchers, be sure you select the Enhanced billing rate for all work done on or after April 1! The rate for Attorney of the Day assignments on or after September 1, 2023 is also \$158 per hour. This is long overdue and we're so happy to see your important work being valued!



NCACDP Happenings

We've been very busy in the NCACDP offices lately and there is a lot to update you about.

As you all know, we recently designed and implemented the use of new NCACDP vouchers. The new vouchers are Excel spreadsheets, just like the old ones, but these vouchers automatically subtotal the amount due to you by year. This change was implemented at the request of the County. We want to say thank you to everyone for working with us as

we implement these new forms.

All of the vouchers are available on our website, and we want to remind you that each time you create a voucher, you should download a new one from our website to ensure there is no inadvertent transfer of information from an old voucher to a new one. Please also be sure to use the version of the Nassau County Claim Voucher that

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is on our website as well. If you have any questions regarding the use of the new vouchers, please call us in the office before you submit the voucher so that we can save you time and trouble. **Please remember to enter a date for each "activity" listed on your voucher and be sure to use the correct date format: dd/mm/yy.**

We also want to let you know that the NCACDP offices recently underwent a full technology overhaul, with new networking and workstation equipment installed. This is work that is intended to pave the way for our next major initiative, an electronic case management system. The new system, once installed, will allow you to manage all of your case time online and we are working with the County to ensure that our system will integrate with the County's electronic vouchering system to hopefully create a seamless payment process for you.

We are also working with the Nassau Academy of Law to plan a CLE regarding SORA hearings and appeals. We are still looking for attorneys who are interested in handling these matters, so please reach out to us if you are.

Keep an eye on your inbox for developments on all of these initiatives.



Don't Get Lost in Translation

As many of you can attest, there is an ever-increasing need to communicate with clients who speak languages other than your primary language. In just the last few weeks, we have fielded requests from our panelists to find interpreters for Ukrainian, Portuguese, and Georgian. With translators in increasing demand, it is sometimes difficult to locate a translator who speaks the language you need, at the time you need one. **NCACDP has been working to fill this gap and we are pleased to be able to offer our panelists access to LanguageLine Phone Interpreting!** LanguageLine Phone Interpreting offers on-demand access to translators in over 240 languages 24/7/365. In order to access the LanguageLine Phone Interpreting service, please call or email Lindsay Boorman at 516-747-8448 or lindsay.boorman@nassau18b.org to obtain your attorney ID number.

The Nassau County Bar Association Assigned
Counsel Defender Plan, Inc.

HOW TO ACCESS AN INTERPRETER:

1. DIAL: 1-866-874-3972
2. PROVIDE: 696875
3. INDICATE: the language you need
4. PROVIDE your attorney ID number.

Document the interpreter's name and ID number for your reference. Brief the interpreter and give any special instructions.

IMPORTANT INFORMATION:

WORKING WITH AN INTERPRETER - At the beginning of the call, interpreters identify themselves by name and ID number. Note this information for reference. Then tell the interpreter the nature of the call. Speak directly to the limited English proficient or Deaf or Hard of Hearing individual, not to the interpreter, pausing at the end of a complete thought. To ensure accuracy, your interpreter may ask for clarification or repetition.

3-WAY CALL – INITIATING/RECEIVING A CALL - Use the conference feature on your phone and follow the instructions provided to connect to an interpreter. If you are initiating the call, get the interpreter on the line first, then call the limited English proficient individual. If you are receiving a call, ask the caller to "Please Hold," and then conference in the interpreter.

PHONE INTERPRETING EQUIPMENT - If you have interpreting equipment, use one handset to call into LanguageLine, once connected to the interpreter, give the second handset to the limited English proficient individual.

CUSTOMER SERVICE - To provide feedback, commend an interpreter, or report any service concerns, visit www.LanguageLine.com and click on the "Client Resources" tab, scroll to "Voice of the Customer" and complete the form.

LEARN MORE Visit www.LanguageLine.com or call 1-800-752-6096 for more information on our language access solutions.



Scheduling:

NCACDP has shifted to a quarterly scheduling model for the Attorney of the Day assignments. Please keep an eye on your inbox for emails from Debbie according to the following schedule:

Quarter 1: November

Quarter 2: February

Quarter 3: May

Quarter 4: August

Please remember that in order to remain in good standing on the Panel, you must sign up for at least one date per quarter.

Attorney of the Day Cancellations:

Please remember that if, for any reason, you must cancel an Attorney of the Day assignment within 24 hours of the date of assignment, it is your responsibility to find coverage for that assignment.

Vouchers:

Please remember that all vouchers you submit **must** be on the new NCACDP voucher forms, regardless of when your work was performed. No vouchers using the old forms will be accepted. Please also be sure to use the version of the Nassau County Claim Voucher that is linked to on our website. **You must use the Nassau County Claim Voucher dated 11/98.**

There is no longer any need to separate in-court and out-of-court time. Rather, all of your time must be listed chronologically.

If you have a case with 2 different billing rates (i.e., a case where you did work before April 1st and after April 1st), you must submit a separate NCACDP voucher for each billing rate, however, you only need to submit one Nassau County Claim Voucher seeking the total amount due to you.

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Procedures continued

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Arraignment A/CAP Procedures:

In order to facilitate continuity of representation and to avoid any gap in a defendant's representation, cases which are arraigned in Arraignment A/CAP will be assigned for all purposes to the attorney who arraigns the case. Therefore, the part will only be staffed by members of the Felony Panel or Major Felony Panel. Any Misdemeanor Panelists interested in moving up to the Felony Panel, or Felony Panelists looking to be on the Major Felony Panel, please consider submitting an application.

If you are assigned to Arraignment A/CAP and are not eligible to be assigned to a case because you are not on the required panel (either Major Felony, or Misdemeanor) please advise the judge that you are ineligible for the assignment. The judge and clerk will have a Catch List and will assign the attorney whose name is on the relevant Catch List.

Each day you are the catching attorney, you must call Arraignment A/CAP to find out if you were assigned any cases. When you call, you should let the clerk know your preference for when and how to pick up the case paperwork.

Weekday Procedure:

On weekdays, if the Backup FSP panelist is a Major Felony Panelist, he or she will be the catching Major Felony attorney.

If the Backup FSP panelist is not on the Major Felony Panel, then the Primary FSP panelist will be the catching Major Felony attorney. On weekdays, the attorney assigned to Parts 10, 11, 12 & DVM will be the catching Misdemeanor attorney.

VERY IMPORTANT: If you are catching on a weekday, you must call Arraignment A/CAP (516-493-4334) at or about 3:00pm to find out if you were assigned to any cases.

Weekends & Holidays:

On weekends and holidays you will sign up to be the catching attorney.

The Long Beach or Glen Cove City Court clerks will reach out to members of those panels to determine who will be the catching attorney for each of those courts for all weekends and holidays. As with all other catching attorneys on weekends and holidays, you must call the part at or about 12:00pm to find out if you were assigned to any cases.

VERY IMPORTANT: If you are catching on a weekend or holiday, you must call Arraignment A/CAP (516-493-4334) at or about 12:00pm to find out if you were assigned to any cases.

Remember, you do not need to be physically present at the court to catch cases, you only need to call at the appointed time to find out if you have been assigned. The best number to call to reach Arraignment A is 516-493-4334.



IF YOUR CLIENT IS A NON-CITIZEN FACING CRIMINAL CHARGES OR APPEARING IN FAMILY COURT LIRIAC CAN HELP FREE OF CHARGE!

Do you know about the services of the Long Island Regional Immigration Assistance Center? Did you know that as a member of the 18B Panel, those services are available to you free of charge? Did you know that LIRIAC provides assistance in both criminal and family law cases?

WHO IS LIRIAC?

The Assistance Center is a result of a partnership between The Legal Aid Society of Suffolk County, Inc., the Legal Aid Society of Nassau County, Inc. and The NYS Office of Indigent Legal Services. They are dedicated to improving the legal representation of indigent non-citizens by providing consultations, expert advice, and training to appointed counsel on Long Island.

Their goal is to support appointed 18B counsel in helping your non-citizen clients to make informed choices regarding any adverse immigration consequences which may arise from a Family or Criminal Court proceeding.

**CALL OR EMAIL LIRIAC TODAY AT
(631) 853 – 7807 or LIRIAC@sclas.org**



Decisions of Note

People v Joyette | August 9, 2023

People's appeal | suppression | affirmed

The People appealed from a Queens County Supreme Court order granting the defendants' motions to suppress physical evidence after a hearing. The Second Department affirmed. Officers were looking for defendant Stewart at a location in Queens. According to an intelligence flyer, Stewart had an extradition warrant, might be at that location, and might be armed. There was no indication the warrant was active or the source of the information that he might be armed. The officers saw Stewart in the front passenger seat of a black Audi parked in the driveway and blocked the Audi in with a police car. As they approached the car, they could smell marijuana. They searched the car and found marijuana and a firearm under the passenger seat. Blocking the driveway constituted a stop requiring reasonable suspicion of criminal activity or danger to the police. The smell of marijuana would have provided reasonable suspicion, but the officers did not smell anything until after the stop occurred.

People v Joyette (2023 NY Slip Op 04216).

People v Parkins | August 9, 2023

SORA | insufficient notice | reversed

The defendant appealed from an Orange County Court order designating him a level two sexually violent offender. The Second Department reversed and designated him a level one sexually violent offender. The People conceded that the defendant did not receive the required 10-day statutory notice of their intent to seek a different determination than the Board. The Board assessed a total of 65 points under risk factors 2, 5, and 7, but did not assess points under risk factor 12 for lack of acceptance of responsibility. At the hearing, the People requested for the first time that 10 points be assessed under risk factor 12. The court granted the request, assessed the defendant 75 total points, and designated him a level two sex offender. The People failed to prove that the defendant did not accept responsibility for his conduct. Without the 10 points assessed under risk factor 12, the defendant was a presumptive risk level one offender; there was no basis for granting an upward departure.

People v Parkins (2023 NY Slip Op 04221).



Contact Us

Do you have colleagues who are interested in joining the 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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