ACDP NEWS

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



A New Look. A Renewed Commitment.

We are excited to announce the launch of the newly redesigned website for the NCBA Assigned Counsel Defender Plan, Inc.!

More than simply a fresh look, our new website represents an important step forward in our ongoing efforts to strengthen communication, expand access to resources, and better serve the attorneys who dedicate themselves to providing quality representation to individuals and families throughout Nassau County.

Designed with both our panel attorneys and the public in mind, the new website offers a more modern, accessible, and user-friendly experience, making it easier to learn about our organization, access important information, and stay connected with the programs and resources available through the Assigned Counsel Defender Plan.

A Dedicated Resource for Our Panel Attorneys

One of the most important features of the redesigned website is its dedicated section for current panel members. This centralized resource is designed to provide attorneys with convenient access to information, forms, training opportunities, announcements, and other materials relevant to their work.

A New Look continued from Page 1

Our goal is simple: to make it easier for our attorneys to find the information and support they need, so they can spend less time navigating administrative processes and more time focusing on what matters most – their clients.

Connecting Our Work to the Community

The new website also provides an opportunity to introduce the public to the important work performed by the Assigned Counsel Defender Plan and its panel attorneys.

Through expanded information about our mission, programs, and services, we hope to increase awareness of the right to counsel and the vital role that assigned counsel plays in ensuring meaningful access to justice.

Reflecting Who We Are – and Where We're Going

The redesigned website also reflects the continued evolution of our organization. In recent years, the Assigned Counsel Defender Plan has undertaken a number of initiatives intended to strengthen the quality of representation, support the professional development of our attorneys, and modernize the administration of assigned counsel services. From improvements in technology and case management to expanded training and mentorship opportunities, each of these efforts reflects our commitment to building a stronger, more effective assigned counsel program. Our new website is another important part of that work.

It also introduces a message that captures the principles guiding our organization:

Equal Access. Exceptional Advocacy.

Those four words reflect both our responsibility to the people we serve and our commitment to the attorneys who make that representation possible.

We Invite You to Explore!

We encourage all panel members to visit the new website, explore its features, and become familiar with the resources available to them. As the site continues to develop, we look forward to adding new content, expanding available resources, and finding additional ways to support our panel. To that end, if there are any resources you'd like to see on the site that haven't made their way there yet, let us know!

Above all, we hope the new website serves as more than an information hub. We hope it becomes another means of strengthening the connections among our office, our attorneys, and the community we serve.

Because while our website may have a new look, our commitment remains unchanged: ensuring that every person, regardless of financial circumstances, has access to skilled, compassionate, and effective legal representation.

Visit us online at:
https://nassau18b.org/



Stronger Together:
Building a Culture of Collaboration

Because exceptional advocacy doesn't happen in isolation.

The practice of law can sometimes feel like a solitary endeavor. Attorneys are expected to navigate complex legal issues, make difficult strategic decisions, and advocate effectively for clients whose lives and futures may hang in the balance. For assigned counsel attorneys, who frequently work independently rather than within the structure of a traditional law firm or institutional defender's office, those responsibilities can be particularly demanding.

But effective advocacy doesn't have to be a solo undertaking.

At the NCBA Assigned Counsel Defender Plan, we believe that one of our greatest strengths is the collective knowledge, experience, and dedication of our panel attorneys. Creating opportunities for attorneys to share that knowledge, support one another, and develop their skills is essential to maintaining the highest standards of representation.

Learning From Experience: Our Mentoring Program

Recognizing the importance of guidance and professional support, the Assigned Counsel Defender Plan established a formal Mentoring Program that pairs attorneys newly admitted to the panel with experienced practitioners. Through these relationships, newer panel members have an opportunity to benefit from the practical wisdom of attorneys who have spent years navigating the complexities of criminal court practice.

While legal education provides the foundation for competent representation, there are lessons that can only be learned through experience: how to manage a challenging client relationship, prepare for a difficult hearing, evaluate strategic options, or navigate the unwritten realities of courtroom practice. Having a trusted colleague with whom to discuss those challenges can make an enormous difference.

The Mentoring Program is designed to provide that support during an attorney's first year on the panel, helping new members build confidence, strengthen their professional judgment, and develop the skills necessary to provide effective representation, but the relationship can be extended at will.

From Observation to Participation: The Second Chair Program

Our commitment to professional development extends beyond mentorship. Through the Second Chair Program, panel attorneys have opportunities to gain valuable trial experience by working alongside more experienced practitioners.

Collaboration
continued from page 3

Trial advocacy is a skill developed through preparation, observation, practice, and experience. By creating opportunities for attorneys to participate in trial proceedings with the guidance of seasoned litigators, the Second Chair Program helps bridge the gap between legal knowledge and practical courtroom experience.

These opportunities benefit not only participating attorneys but also the panel as a whole, strengthening our collective capacity to provide skilled, effective representation.

But having a Second Chair assigned to a case is not just reserved for instances where an attorney is working to build trial skills. In serious and complex cases, even the most seasoned and adept attorneys should have co-counsel at the defense table with them. In some cases, the amount of discovery alone warrants the appointment of a Second Chair.

The District Attorney's Office frequently has more than one ADA assigned to a case and there is no reason why the playing field should not be leveled. If you are an experienced attorney handling a complicated or serious matter, consider reaching out to the 18b Office to have a Second Chair assigned to the case.

Stronger Attorneys. Stronger Advocacy.

The Mentoring and Second Chair Programs reflect a broader commitment to fostering a culture in which professional growth, collaboration, and mutual support are recognized as essential components of excellent representation.

We encourage experienced panel attorneys to consider sharing their knowledge through these programs and invite attorneys interested in developing their skills to explore the opportunities available. We also encourage anyone handling a particularly complex matter or a matter with voluminous discovery, or any other challenging case, to reach out to the 18b Office to get paired with a Second Chair.

Because when we invest in one another, we strengthen the entire panel.

And when we strengthen the panel, we strengthen the representation we provide to the people who need it most.



The Human Side of Advocacy: Seeing the Person Beyond the Case

Every case begins with a set of facts. A criminal charge. A family court petition. An allegation, an investigation, or a legal dispute. But behind every case is a person.

For the individuals and families who rely upon assigned counsel, involvement in the legal system can be one of the most frightening and destabilizing experiences of their lives. They may be facing the possibility of incarceration, separation from their children, the loss of their livelihood, or consequences that will affect their families long after the legal proceedings have concluded.

For many, these challenges are compounded by poverty, trauma, mental health concerns, substance use disorders, housing instability, or other circumstances that make navigating the legal system particularly difficult. Recognizing those realities is not separate from effective legal advocacy. It is an essential part of it.

Understanding the Whole Person

Client-centered representation begins with a simple but powerful principle: the client is more than the legal problem that brought them into your office or courtroom. Effective advocacy requires more than identifying legal issues and developing sound arguments. It requires listening to clients, understanding their circumstances, recognizing their priorities, and ensuring that they have a meaningful voice in decisions that affect their lives.

An outcome that appears favorable from a purely legal perspective may not fully address a client's concerns or long-term needs. Taking the time to understand what matters most to the individual can help attorneys develop strategies that are not only legally effective but also responsive to the client's goals.

This approach does not diminish the attorney's role as a legal advocate. Rather, it strengthens the attorney-client relationship and promotes informed, meaningful participation in the representation.

The Importance of Trauma-Informed Advocacy

Many individuals involved in the criminal and family court systems have experienced trauma, whether through violence, family instability, poverty, discrimination, or prior encounters with institutions.

Trauma can affect how a person communicates, processes information, responds to stress, and interacts with authority figures. A client who appears withdrawn, distrustful, angry, or disengaged may be responding to experiences that are not immediately apparent.

Trauma-informed advocacy asks attorneys to remain mindful of these possibilities and to approach client interactions with patience, sensitivity, and respect.

It may mean taking additional time to explain a legal process, checking that a client understands the choices before them, being thoughtful about how sensitive questions are asked, or recognizing when a client's apparent reluctance to participate may reflect fear rather than indifference.

Importantly, trauma-informed representation does not require attorneys to become therapists or social workers. It simply recognizes that understanding the impact of trauma can improve communication, build trust, and support more effective advocacy.

The Human Side
continued from Page 5

Dignity Is Not Conditional

One of the most fundamental principles of our justice system is that every person is entitled to fair treatment and meaningful legal representation, regardless of their financial circumstances. That principle carries an equally important obligation: to recognize the inherent dignity of every client.

Our clients are not defined by the charges against them, the allegations in a petition, their financial circumstances, or the challenges they may be experiencing. They are parents, children, spouses, neighbors, and members of our community. They have histories, relationships, aspirations, and concerns that extend far beyond the courtroom.

Treating clients with dignity means ensuring that they are heard, that their questions are answered, that their decisions are respected, and that their circumstances are approached without judgment.

Compassion and Effective Advocacy Go Hand in Hand

Compassion is sometimes misunderstood as being at odds with the rigorous, objective judgment required of an attorney. In reality, the two are entirely compatible. An attorney can challenge evidence aggressively, negotiate strategically, and advocate forcefully while remaining sensitive to a client's circumstances and experiences. Indeed, understanding the human dimensions of a case can reveal information, identify potential resources, and illuminate alternatives that might otherwise be overlooked. For assigned counsel attorneys, whose clients often face significant barriers to navigating the legal system, that understanding can be especially important.

Our Commitment to Meaningful Representation

At the NCBA Assigned Counsel Defender Plan, our commitment to exceptional advocacy encompasses more than legal knowledge and courtroom skill. It includes representation that recognizes the dignity, individuality, and humanity of every person we serve.

By embracing client-centered, trauma-informed principles, we reaffirm our belief that quality representation must be both legally effective and deeply respectful of the people whose lives are affected by our work. Because behind every case is a person. And every person deserves to be seen, heard, and represented with skill, compassion, and dignity.

The response to our Mitigation Specialist program has been overwhelming and more and more panelists are employing the services of these experts every day. Mitigation Specialists can help you do the work of uncovering the person beyond the case.

Reach out to the 18b Office today to get the most updated contact information for our highly skilled and vetted Mitigation Specialists.





Continuing legal education is an essential part of effective advocacy. Whether keeping pace with developments in criminal law, exploring the intersection of immigration enforcement and criminal proceedings, or navigating the ethical challenges presented by emerging technology, staying informed helps attorneys provide the highest quality representation to their clients.

We are pleased to share several upcoming CLE opportunities covering timely and important issues affecting legal practice.

October 21, 2026
Ethical Legal Research with Generative AI and a Brief Shepard's® Best Practices Overview
Time: 12:30 PM
Format: Virtual, via Microsoft Teams
Credit: 1 New York Ethics CLE Credit

As generative artificial intelligence becomes increasingly integrated into legal practice, attorneys must understand not only its capabilities but also the professional responsibilities associated with its use.

This program examines the intersection of generative AI and legal ethics, including attorney competence, client confidentiality, supervisory responsibilities, and the risks associated with inaccurate or fabricated AI-generated information.

Participants will explore ethical considerations involving AI-assisted legal research, potential sanctions arising from improper use, and the importance of appropriate policies and safeguards. The presentation will also include a brief overview of Shepard's® citation tools and best practices for verifying legal authorities.

Wednesday, October 21 at 12:30 PM – Register Here

November 9, 2026
Preparedness & Safeguarding Parental Rights for Non-Citizen Families in Long Island Courts
Time: 12:30 PM - 1:30 PM
Format: Hybrid - in-person at Nassau County Bar Association
Credit: 1 CLE Credit, Areas of Professional Practice

Practical tools for attorneys representing non-citizen parents facing ICE risk, covering NY Standby Guardianship (SCPA § 1726), Powers of Attorney, the ICE Parental Interests Directive, and preserving parental rights for U.S. citizen and non-citizen kids.

Register Here

CLEs continued from page 7

November 12, 2026
MASTERING ORAL ARGUMENT: A discussion of best practices in New York's Appellate Courts
Time: 12:30 – 2:00 p.m.1.5 CLE credits (Areas of Professional Practice)
Format: Virtual
Credit: 1.5 CLE Credits, Areas of Professional Practice

Love it or hate it, oral argument is an essential component of quality client representation. With court calendars in full swing, now's a good time to work on upping your oral argument game. Join us for a thoughtful discussion of what works, mistakes to avoid, and how to answer those pesky hypothetical questions. The result: better sleep the night before and more confidence when you walk into court!

Presenters:
Matthew Bova, Co-Director, Court of Appeals Project and Director, Impact Litigation Project, Center for Appellate Litigation
Drew R. DuBrin, Assistant Public Defender, Appeals, Monroe County Public Defender's Office
Kelly Egan, Solo Practitioner, Rensselaer, NY
Emily Wall, Attorney in Charge of Appeals, Center for Family Representation

Moderator:
Claudia Trupp, Director of Quality Enhancement for Appellate and Post-Conviction Representation, New York State Office of Indigent Legal Services

The CLE is free but you must register online by Monday, November 9, 2026 at this link: https://airtable.com/appiRjDffOlsoLYXM/pagjiK2YLHxgLfj6Z/form

November 17, 2026
Annual Criminal Law & Procedure Update 2026
Time: 1:00 PM – 4:00 PM
Format: Hybrid – in-person attendance strongly recommended
Credit: 2.5 CLE Credits, Areas of Professional Practice; 0.5 CLE Credit, Ethics & Professionalism

A perennial favorite, the Annual Criminal Law & Procedure Update returns with a comprehensive review of recent developments in federal and state case law, statutory changes, and other important issues affecting criminal practice. Presented in conjunction with the NCBA Criminal Court Law & Procedure Committee and the NCBA Assigned Counsel Defender Plan, this program provides criminal practitioners with an opportunity to stay current on the legal developments that directly affect their work.

Moderator:
Lindsay Boorman, Esq.

NCBA Assigned Counsel Defender Plan Panelists:
Hon. Mark D. Cohen (ret.)
Touro University Jacob D. Fuchsberg Law Center
Kent Moston, Esq.
Legal Aid Society of Suffolk County

Complimentary lunch and printed materials will be provided to in-person attendees! Sponsored by NCBA Corporate Partner, PHP.

Register for the Annual Criminal Law & Procedure Update



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 Morochomorocho | September 30, 2026

Morochomorocho appealed a sentence imposed after a guilty plea by Suffolk County Court. The Second Department affirmed. The purported waiver of Morochomorocho's right to a DVSJA hearing under Penal Law § 60.12 was "improper" under People v N.H. (2026 NY Slip Op 02437), but on the record here, the appeal waiver remained valid because it "did not encompass" the DVSJA waiver.

https://www.nycourts.gov/reporter/current/3dseries/2026/2026_05556.shtml

Note: The holding here should not dissuade appellate counsel from arguing in future cases that an invalid DVSJA waiver infected the waiver of appeal, as this case depended on the specifics of the plea colloquy. Further, counsel can argue that a 60.12 waiver requires vacatur of the sentence only (see People v Delarosa [250 AD3d 625] [1st Dept 2026] [vacating sentence based on N.H. and remitting for resentencing without vacating plea]). The defense in Morochomorocho did not request this relief.

Matter of Monahan v Zindman | September 30, 2026

Zindman appealed from a Nassau County Family Court order finding, after a hearing, that she committed the family offense of second-degree harassment and imposing an order of protection against her. The Second Department reversed, denied the petition, and dismissed the proceeding. Family Court lacked subject matter jurisdiction over the family offense proceeding because "the parties [did] not have an intimate relationship." Although "what qualifies as an intimate relationship within the meaning of the Family Court Act § 812(1)(e) is determined on a case-by-case basis," the parties' indirect relationship by way of a third-party connection, lack of cohabitation, and minimal contact during visits between Zindman and petitioner's daughter established that Family Court lacked subject matter jurisdiction over the family offense.

https://www.nycourts.gov/reporter/current/3dseries/2026/2026_05538.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.

Lindsay.Boorman@nassau18b.org
Ingrid.Villagran@nassau18b.org
Debbie.Ally@nassau18b.org
Judith.Kabashi@nassau18b.org
Roberta.Costanza@nassau18b.org
Adelle.Herrera@nassau18b.org
Veronica.Franco@nassau18b.org
Stefanie.Giangregorio@nassau18b.org
Jessica.Pascuzzi@nassau18b.org

516-747-8448