
Assigned Counsel Defender Plan of Suffolk County

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Dear Panel Member:

I wish all of you a happy and healthy New Year. As we approach the new year, I would like to address several issues that have been re-occurring.

VOUCHER FORMS

The "in-house, long" forms are online in fillable PDF format. This format is the only acceptable form for billing. The form measures 8-1/2 X 14. Any other version of this form will no longer be accepted. The form must be on 8-1/2 by 14 paper. Further, the long forms with Mr. Quinlan's name are no longer accepted. These forms are improper.

All vouchers must be accompanied by the time sheet/activity sheet. That form is also online and in fillable PDF format. The web site is www.suffolk18b.org.

Parity for "in-court" and "out-of-court" time has long been a goal of the Bar Associations and defense advocates. The Legislature was convinced that preparation and research are as essential to proper representation of a client as court time. There are concerns about approving vouchers asking for significant compensation for "out-of-court" time. Judges have the responsibility to approve and fix the fees under County Law §722-b(3) and need to be shown that this time has been "reasonably expended". You have a responsibility under County Law §722-b(4) to provide that proof. If you do not, the judge may well reduce your request. By providing a detailed explanation of the services you provided "out-of-court", you make the judge's job easier and make it more likely that you will receive the compensation you request.

TIME BILLING:

Record keeping relation to "in-court" time is also important. Some attorneys may have picked up a few bad habits. They either have allowed their staff to prepare their vouchers with little input or they submit vouchers which habitually show the same amount of time for any Court appearance. You, as the attorney, are responsible for your time, preparation and submission of your vouchers. It is now very easy to compare vouchers and show the attorney that he/she could not have spent seven hours on trial, and conferenced three other cases, three hours each, on the same day. Whether or not this is a clerical error, it is your signature on the voucher certifying that the claim is true and correct. I suggest you keep a record in your file which allows you to note your time after you complete each appearance, rather than trying to reconstruct time later. If you are not on trial, but spend a larger than usual amount of time on a day, such as having to come back after lunch because of a prisoner problem, make a notation of that and include that information with your submission. This will aid the Court in approving it. Please be advised that billing for "wait time" is unacceptable and billing for several "continuances" should be limited.

FELONY CASES

I again suggest that attorneys assigned to felonies in District or Justice Courts advise, in writing, both the D.A.'s office and the County Clerk's office, of your appearance on cases that you believe will be indicted. By doing so, you insure that there will be a continuity of representation, as the local Courts often do not communicate the assignments to County Court. You should also instruct your client to advise the Court of your representation in case they are brought for arraignment in County Court without notice to you. It does not make sense to have a different 18b attorney assigned post-indictment. Unfortunately, any attorney who does not wish to "travel to County" cannot be an active member of the Felony Panel.

In these instances, separate vouchers must be submitted. A County Court Judge cannot sign off on a case held before the Justice Court, nor vice versa. The first voucher must state that defendant was indicted and provide the indictment number.

There have been many instances when attorneys on the felony panel have been assigned misdemeanor cases. Please note that these vouchers are to be billed at the \$60.00 rate. Even if you have represented the client on a previous felony and are later assigned to the misdemeanor docket, billing will be at \$60.00 per hour. This holds for a client who has been charged with a felony and when any accompanying misdemeanor charges are separated and before a different judge. Any voucher submitted otherwise will automatically be adjusted.

DISPOSITIONS

Disposition of all cases must clearly be indicated on the front page of all vouchers. If the case went to trial that also must be clearly written on the front of the voucher.

FAMILY COURT VOUCHERS

I ask that you limit the amount of family court vouchers being submitted on one case. I have been receiving numerous billings on the same dockets, sometimes within one month of the last "disposition" date and signed by the attorney on the same billing date. While I understand that Family Court cases are continuous, it is unnecessary to submit a voucher after every hearing or court date. If you are assigned a neglect case, you are to bill in 6 month increments, especially when you know that the next review and/or hearing date will be within that time frame. Any more "billing as you go" will be returned.

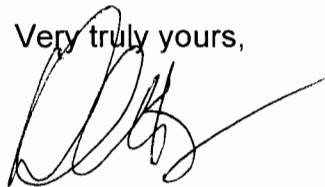
The Family Court Voucher has been slightly changed and that is the form that will be accepted. You can download the form at the web site, www.suffolk18b.org.

TIMELY SUBMISSIONS

The Assigned Counsel Defender Plan of Suffolk County honors payment on late submissions of vouchers. However, I am receiving vouchers for compensation being submitted two years and sometimes even more after the date of disposition. **Effective immediately, all vouchers must be submitted within 45 days from the date of disposition.** Any voucher submitted over 1 year later must be accompanied by an affirmation. In addition, any voucher submitted later than the disposition date of the fiscal year will be not be processed until the end of the year. I.E.; if you submit a voucher with disposition date of 2006, that voucher will be processed after all 2009, 2008, 2007, etc.

If you have any questions or problems, please feel free to contact my office.

Very truly yours,



DAVID H. BESSO

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