

## Case Assignment Procedure

Assignments are made based on an attorney's availability, court preferences and case level determination. These determinations are made through semi-annual panel reviews. Attorney levels are as follows:

### **Criminal Court Case Levels:**

1. Misdemeanor
2. D and E Felonies
3. C, D, E Felonies
4. A-B Felonies
5. Homicide
6. All

### **Family Court Case Levels:**

1. Paternity
2. Child Support
3. Family Offense
4. Custody/ Visitation
5. IDV
6. Adolescent Offender
7. Article 10
8. All

## Case Assignment Procedure

### **Protocol for Assigning Cases:**

#### 1. Caseload

- Criminal Matters- An attorney can have no more than 5 cases a day
- Family Matters- An Attorney can have no more than 3 cases a day
- Caseload must be verified by running the Attorneys in Court Report. Which will total the daily number of court appearances for each attorney.

#### 2. Client Requests

- A client may request to have a specific attorney assigned
- A client may request to have a specific attorney not assigned
- Client requests are never guaranteed. An attorney must accept the assignment willingly.
- Clients may not request counsel to have a specific gender or ethnicity

#### 3. Attorney/Client Relationships

- Attorney and Client relationships are important. If a specific attorney has been assigned on a previous matter, the current assignment must be sent to previous counsel, unless otherwise noted.

#### 4. Bench Assignments

- All bench assignments are honored. If an attorney rejects a matter where they are assigned by a judge, the attorney is responsible for contacting the court to inform them of unavailability.

#### 5. Attorney Rotation

- Cases are to be assigned fairly by rotating attorneys listed on the Court List of Attorneys. These lists provide the names, levels, and availabilities for each attorney available to appear in a given court.

#### 6. Court List of Attorneys

- These lists of attorneys who showed interest in taking cases in a specific court are updated as soon as an attorney calls to change availability, court preferences, or when an attorney's case level changes.

7. Unaccepted Cases

- An attorney has 24 hours to accept a case, if the attorney has not accepted or rejected the case within that time frame, the assignment will be sent to someone else. If the client's return date is the same or following day, an attorney only has a few hours to accept a case. This is to ensure case assignment.

8. Assignment Verification Reports

- To verify assignment fairness, Assignment Verification Reports must be ran once monthly. These reports detail the number of assignments given to each attorney. These reports must be submitted to the Administrator for review.

## Case Assignment Procedure

### **Steps to Assigning Cases:**

1. Once a client is deemed eligible for assigned counsel, the case is sent to the Assigner for immediate attorney assignment.
2. The Assigner will check the case for any notation of a bench assignment or client request.
3. The Assigner will check for previous attorney assignments by searching the client's name in Defender Data. If an attorney was previously assigned, the assignment will be sent to previous counsel.
4. The Assigner must search the names of Petitioner/Respondents or co-defendants involved in the matter; the same attorney cannot be assigned to multiple parties.
5. If the client has not been previously assigned to counsel, the Assigner will check the Attorneys in Court Report, which is ran daily, to see what attorneys are going that court on the client's scheduled return date.
6. If an attorney is already appearing on that day, has the correct case level, and is under the limit for daily cases, the assignment should be sent to them first. This is to try and limit the number of attorneys appearing in a court in one day.
7. To assign a new attorney, the Assigner will rotate from the attorneys on the Court List of Attorneys.
8. Selections must be made randomly. Assigned Counsel will not tolerate assigners making assignments based on favoritism. This is verified by Assignment Verification Reports, which total the number of cases each attorney has received. Assignment Verification Reports are conducted every month and are reviewed by both the Criminal Panel Deputy Administrator and the Family Court Deputy Administrator.

## Criminal Special Term Selection Procedure

Criminal Special Term Bench Lists are rotating panels of qualified attorneys. Judges in Supreme and County Court will refer to these lists when making bench assignments.

- Criminal Special Terms (CST) lists are comprised of three panels: Homicide, Violent Felony, and All other felonies.
- CST Homicide Panel: Any attorney on our homicide panel is eligible for CST. They are selected via a randomized system.
- CST Violent Felony Panel: Any attorney on our A & B felony panel is eligible for this panel. They are selected via a randomized system.
- CST “All other felonies” Panel: Any attorney on our C, D, & E felony panel is eligible for this panel. They are selected via a randomized system.
- Once the Criminal Special Term Bench lists are determined and approved by the administrator, an updated list will be sent to all Judges and clerks in both Supreme Court and County Court.

## Criminal Special Term Protocols

1. An attorney selected for CST will serve for the entirety of the term. On the rarest of occasions, attorney removals are only determined by the court or Assigned Counsel administrator, a reasonable explanation is required.
2. Criminal Special Term lists must be a rotating list. An attorney can serve on a CST panel for no more than 3 terms per year.
3. All CST attorney determinations are chosen at random. This is done by using Microsoft Excel’s Randomize Selection tool.

### Panel Selections: Homicide

- An attorney must first express interest in joining the homicide panel.
- They must be approved for the A&B Felony panel.
- Prior to adding an attorney to the homicide panel an attorney must work on a homicide matter as co-counsel (second chair). Assigned Counsel needs to receive a report from the first chair attorney (active homicide panel member) detailing the prospective homicide attorney's progress on the matter before a determination is made.
- The first chair attorney must recommend the prospective homicide panel member for homicide panel placement.
- An attorney can only be placed on the homicide panel after the Administrator has approved the placement.
- Homicide panel placement must then be approved by the Administrator
- Selections are made based on merit only.
- New admissions to the homicide panel must be actively reviewed by Assigned Counsel's Deputy for Quality Assurance and the Administrator for the first three months.

### Panel Selections: SORA

- Annual notifications will be sent to all C, D, &E Felony panel members that they are eligible for the SORA panel.
- Once an attorney expresses interest in joining the SORA panel, they will be interviewed by the Administrator.
- A prospective SORA panel member must work on a SORA matter as co-counsel (second chair). The first chair attorney (active SORA panel member) must report the prospective SORA panel member's progress on the matter before a determination is made.
- The first chair attorney must recommend the prospective SORA panel member for SORA panel placement.
- SORA panel placement must then be approved by the Administrator.
- Selections are made based on merit only.
- New admissions to the SORA panel must be actively reviewed by Assigned Counsel's Deputy for Quality Assurance for the first three months.

### Panel Selections: 440.47

- Annual notifications will be sent to all A&B Felony panel members that they are eligible for 440.47 panel.
- Once an attorney expresses interest in joining the 440.47 panel, they will be interviewed by the Administrator.
- A prospective 440.47 panel member must receive training and written materials on how to handle CPL 440.47 related cases.
- After the training is completed, our CLE Director must then decide on whether a prospective 4470.47 panel member can join the panel.
- The Administrator must then approve the prospective panel member.
- Selections are based on merit only.
- New admissions to the 440.47 panel must be actively reviewed by Assigned Counsel's Deputy for Quality Assurance for the first three months.

### Panel Selections: A and B Felonies

- A prospective A & B felony panel member must express interest in joining the panel. This can be done during an annual panel review or throughout the year.
- A prospective A & B felony panel member must be approved for C, D, & E felonies.
- A prospective A & B felony panel member must be reviewed by both the Administrator and Deputy for Quality Assurance. Both must make a recommendation for the attorney joining the A & B felony panel.
- A prospective A & B felony panel member must serve as co-counsel on a matter prior to joining the panel. The first chair must report the progress of the prospective panel member to the Assigned Counsel Administrator and make a recommendation.
- Selections are based on merit only.
- New admissions to the A & B felony panel must be actively reviewed by Assigned Counsel's Deputy for Quality Assurance and the Administrator for the first three months.

### Panel Selections: C, D, and E Felonies

- A prospective C, D, & E felony panel member must express interest in joining the panel. This can be done during an annual panel review or throughout the year.
- A prospective C, D & E felony panel member must be approved for either D, & E felonies, or Misdemeanors.

- A prospective C, D, & E felony panel member must be reviewed by both the Administrator and Deputy for Quality Assurance. Both must make a recommendation for the attorney joining the C, D, & E felony panel.
- A prospective C, D, & E felony panel member must serve as co-counsel on a matter prior to joining the panel. The first chair must report the progress of the prospective panel member to the Assigned Counsel Administrator and make a recommendation.
- Selections are based on merit only.
- New admissions to the C, D, & E felony panel must be actively reviewed by Assigned Counsel's Deputy for Quality Assurance for the first three months.

#### Panel Selections: D and E Felonies

- A prospective D, & E felony panel member must express interest in joining the panel. This can be done during an annual panel review or throughout the year.
- A prospective D & E felony panel member must be approved for Misdemeanors.
- A prospective D, & E felony panel member must be reviewed by both the Administrator and Deputy for Quality Assurance. Both must make a recommendation for the attorney joining the D, & E felony panel.
- A prospective D, & E felony panel member must serve as co-counsel on a matter prior to joining the panel. The first chair must report the progress of the prospective panel member to the Assigned Counsel Administrator and make a recommendation.
- Selections are based on merit only.
- New admissions to the D, & E felony panel must be actively reviewed by Assigned Counsel's Deputy for Quality Assurance for the first three months.

#### Panel Selections: Misdemeanors and New Attorneys

- A prospective misdemeanor panel member must express interest in joining the Assigned Counsel Program.
- A resume and completed application but be submitted.
- A prospective new attorney must be interviewed by the Administrator.
- A prospective new attorney must complete the twelve-week training program and provide information on availability and court preferences.
- Once the training program is complete, the CLE director and the Administrator must approve the prospective new attorney for assignments.
- New admissions to the Assigned Counsel Program must be actively reviewed by Assigned Counsel's Deputy for Quality Assurance and the Administrator for the first three months.