



ASSIGNED COUNSEL PROGRAM

Robert N. Convissar, Chief Defender/Administrator

The Crosby Building
170 Franklin Street, Suite 400
Buffalo, NY 14202-2412

Phone (716) 856-8804
Fax (716) 856-0424

Date: _____

Re: _____

Dear Counselor:

Billing for representation on Family Court-type issues that is done in Supreme Court, including IDV Court, is now billable directly to and paid by the State, even though the assignments still come from our office.

Enclosed with this letter you will find a report of financial status and an order assigning counsel. **The voucher and activity sheet are now found online.** This form should be completed by typing in the information and then downloading it, rather than printing it out first and filling it in handwritten. The Compensation and Reimbursement Guidelines are now online as well. You can find the Guidelines at: <http://www.nycourts.gov/courts/ad4/AFC/AFC-reimb-guide.pdf>. Following completion of your representation in Supreme/IDV Court, please complete the state form following the directions found in this cover letter, the Compensation and Reimbursement Guidelines, and accompanying the voucher form. Read the directions carefully, as these vouchers are different from those associated with billing to our program. **Submit the state voucher and all required documentation and forms, including Order Appointing Counsel, Attorney Activity Sheet, receipts, etc. directly to our office.** We will forward them to the Judge before whom the case was heard for further processing. Please be sure to write the name of the Judge before whom the case was heard on the upper right hand corner of the voucher.

REPORT OF FINANCIAL STATUS: You are still responsible for submitting the completed report of financial status to this office no later than two weeks following the date of the assignment or of your first face to face meeting with the client, whichever is later. You should normally meet with your client well within two weeks of the assignment, and should do so prior to your first court appearance. **If you do not return the report within these time limits, and it turns out that, had the report been completed and returned in a timely manner, the defendant would have been declared ineligible, or there were material questions raised by the information on the report that could have been investigated had we received it early in the case, you may not be paid for work done after the two week time limit. However if you recently submitted a financial report for this client when this IDV case was in Family or criminal court prior to its being transferred to the IDV Court, you do not need to send another one in now.**

A client who is currently unemployed is not automatically qualified for assigned counsel; other sources of income, benefits, etc. should be listed and considered.

If you believe after interviewing the client, that he or she does not qualify, or if you have any question about his or her qualification, contact this office immediately. You must continue representation unless otherwise notified by the Court or by this office.

(over)



**NEW YORK STATE SUPREME COURT
APPELLATE DIVISION, FOURTH DEPARTMENT**

OFFICE of ATTORNEYS for CHILDREN
M. Dolores Denman Courthouse
50 East Avenue
Rochester, New York 14604
(585) 530-3170

TRACY M. HAMILTON

Director, Office of Attorneys for Children

HENRY J. SCUDDER

Presiding Justice

M E M O R A N D U M

To: Attorneys Appointed Pursuant to Judiciary Law 35 (8)

From: Tracy Hamilton, Attorneys for Children (AFC) Program Director

A handwritten signature in black ink, appearing to be "TH", written over the "From:" line.

Date: September 6, 2013

RE: Improved Judiciary Law 35 (8) Voucher Form

As you know, the AFC Program is now processing all Judiciary Law 35 (8) vouchers. We have eliminated the backlog.

Any vouchers received on or after August 1, 2013, must be prepared on the fillable form on the AFC Program website. To do so please go to www.courts.state.ny.us/ad4 then click on the AFC Program tab on the left hand side of the site, then to the Judiciary Law 35 (8) tab on the left hand side at the bottom of the page, and fill out the fillable form, endorse the form, and forward it to the appropriate Judge for signature.

The form has start and end times for activities. You are not required to put start and end times on the fillable form for activities before August 1, 2013; however you will be required to enter start and end times for any 35 (8) work you do on or after August 1, 2013. Please be sure to separate "wait time" for court appearances as out-of-court time, unless you are waiting in the courtroom.

The form now has a feature where you can add additional activity pages. The math is calculated automatically on each page and the total due is calculated on the first page of the voucher after total time is recorded. For complete instructions, please consult the website address above.

Please call me at 585/530-3176 with any questions.

Thank you.

cc: Supreme Court Clerks

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ERIE

Index No. _____

Plaintiff
Against
Defendant

ORDER ASSIGNING
COUNSEL PURSUANT
TO JUDICIARY LAW 35(8)

PRESENT:

JSC

Person to be represented: _____

Address: _____

Phone: _____

Upon a finding of financial inability to obtain counsel, based upon the statements of the parties and other information provided to the Court, and with due regard to the nature of the proceeding, the Court has determined that the appointment of counsel for the above named individual is required pursuant to provision of Judiciary Law 35(8). Accordingly it is

ORDERED that the attorney whose name appear below is hereby assigned to represent such person in this action on the issue of

shall be compensated as provided by law and it is further

ORDERED that counsel shall contact Plaintiff/Defendant to prepare for the hearing.

Counsel Assigned: _____

Address: _____

Telephone: _____

A copy of this Order shall be attached to any request for payment of attorney services.

Dated:

Enter:

JSC