
Assigned Counsel Defender Plan of Suffolk County

E-mail: suffolk18b@optonline.net

DAVID H. BESSO, ADMINISTRATOR

Website: www.suffolk18b.org

July 14, 2010

I would like to take this moment to go over proper procedure in regards to the acceptance of 18-b assignments. I have been receiving frequent notifications of assignments being accepted wherein the attorneys are not on the specific panels.

As you are aware, the panels are divided between the East-End Courts (which consist of Village and Justice Courts on the eastern end of Suffolk County) and the West End Courts (primarily District Court in Central Islip and village courts in Western Suffolk).

If you are on the East End Criminal Panel, the only assignments you should be accepting are those that derive out of the Courts on the eastern end of Long Island and vice-versa if you are on the West-End Panel. The acceptance of assignments is as follows:

EAST END MISDEMEANOR PANEL: Misdemeanor assignments out of the East End Courts. Example: Southampton Justice Court, Riverhead Justice Court, East Hampton Justice Court, etc.

WEST END MISDEMEANOR PANEL: Misdemeanor assignments out of the West End Courts, primarily District Court in Central Islip. (Example: Amityville Justice Court, Patchogue Justice Court)

Please note that even if you represented someone in the past, this does not ensure that you will automatically receive the assignment. Once your case is disposed, it is over. Any new assignments on the same defendant will be distributed according to the rotation schedule. For example: An East End Panelist represented John Doe in Southampton Justice Court a year ago and now has charges against him in District Court, Central Islip. This assignment will go to a panelist on the WEST END.

FELONY CASES: Felony assignments out of the East End Justice Courts and County Court in Riverhead will be assigned to EAST END FELONY PANELIST

Felony assignments out of the District Court, Central Islip and thereafter indicted to County Court will be assigned to a Felony Panelist. If you represent someone in District Court who thereafter gets indicted, you remain the assigned counsel. Any attorney who does not wish to "travel to County Court" cannot be an active member of the West End Felony Panel. Please note that If an assignment ends with a dismissal to indictment, both both East and West End Felony Panelists are eligible for such assignment.

PROCEDURE FOR INDICTED CASES:

If you are assigned a felony case in District or any of the Justice Courts, kindly advise 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.

When submitting vouchers for cases that have been indicted, please note that separate vouchers must be submitted. For Example: You are assigned a case in District Court and it is dismissed to indictment, the voucher must be prepared and filled out reflecting same and approved by the Judge in District Court. The "new voucher" will pick up when County appearance is scheduled, reflecting indictment number and appropriate Judge.

FELONY PANELISTS ACCEPTING MISDEMEANOR ASSIGNMENTS

No participating Felony Panelists should be accepting solely misdemeanor cases. The only exception is if you currently represent someone on Felony charges and they are then charged with related misdemeanors. If that person then gets charged two (2) days later with a separate misdemeanor charge, that assignment will go to a MISDEMEANOR PANELIST.

If a Felony Panelist is assigned a misdemeanor case on the D-11 Weekend Arraignment calendar, you may handle the arraignment only and immediately bill for the arraignment. Thereafter, the case will be assigned to a Misdemeanor Panelist, usually one who is participating on the calendar.

Any attorney who submits a voucher for a case where they are not a participating panelist will not be paid.

If you have any questions or concerns, please contact me.

Very truly yours,

DAVID H. BESSO