

PROCEDURE FOR EXPERT SERVICES

COUNTY LAW 722-C

County Law 722-c provides that the County will pay investigative, expert or Other services if the Court finds on an ex parte application:

1. They are necessary AND
2. Your client shows he/she is financially unable to obtain them

The attorney is to prepare and submit an ex parte application requesting The services of an expert. This Affirmation and Proposed Order must specifically indicate the services required AND the name and address of said expert.

- 1 Along with your affirmation supporting application, prepare and submit affidavit from client showing financial inability; simple and non-specific.

EX PARTE APPLICATION

1. Discuss with Court before making application.
2. \$1,000 limit unless "extraordinary circumstance"
3. Attorney Affirmation & Expert's affidavit must be submitted to Court.
4. Affidavit from client showing "financially unable"

Attorney Affirmation:

1. Efforts to find and retain expert
2. General statement of services anticipated.
3. Why the services are NECESSARY.
4. Expert's hourly or flat rate. Please refer to Guidelines for hourly rate!
5. Approximate time expert anticipated to spend.
6. Separate fee to testify, if any.
7. The "extraordinary circumstances"
 - a. Nature and seriousness of case
 - b. Issue involved.

Affidavit from Expert/Service Provider.

1. Justify rate or expected ~.
2. Explain reason of or unusual expenses.
3. support the "extraordinary circumstances."
4. DON'T ASK FOR AN OPEN ENDED ORDER.

The Expert or Service Provider

Attorneys on the 18-b panel work “pro bono” at reduced rates, experts can too. You need to be fully aware of ALL requirements, rules and procedures. CONTACT THE ASSIGNED COUNSEL DEFENDER PLAN OF SUFFOLK COUNTY OFFICE PRIOR TO ANY WORK COMMENCING ON A CASE.

Once an expert has been obtained, they are to contact the 18b Office to submit their credentials/licensing in order to be on a “list”. This list is maintained by the Suffolk County Defender’s Office for the sole purposes of keeping records of experts who have and/or are assigned according to ex-parte orders and for 18B attorneys who have requested the names of experts whom they can suggest to work up an assigned case.

Pursuant to County Law Section 722-c, “upon finding in an ex-parte proceeding that investigative, expert or other services are necessary... THE COURT SHALL AUTHORIZE COUNSEL, to obtain the services on behalf of the defendant or such other person. The court shall determine reasonable compensation for the services and direct payment to the person who rendered them or the person entitled to reimbursement. Only in extraordinary circumstances may the court provide for compensation in excess of one thousand dollars..” [Emphasis added]

Therefore, in order for you to work on an 18b case, an attorney must directly ask the Court for permission for such services through an ex-parte proceeding. The order must include your name and address and the services you are hired. AFTER THIS IS OBTAINED, you are to call the 18b Office to provide your credentials and copy of licenses for final approval.

COMPENSATION WHICH INCLUDES LUNCH, HOTELS, AIR FARE, VOUCHER PREP AND/OR ‘ADMINISTRATIVE’ EXPENSE, ETC. ARE NOT REIMBURSABLE.