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To All Assigned Counsel Plan Criminal Panel Experts:

I write to notify you of several changes to be implemented at the Office of the Assigned Counsel Plan (ACP). On June 11, 2007, the New York City Department of Investigation issued a report entitled "The New York City Department of Investigation's Findings Regarding Richard Gottfried and the New York City Assigned Counsel Plan." The report is available at http://www.nyc.gov/html/doi/pdf/acp_report6112007.pdf. We expect the changes outlined below will enhance the ACP's fraud prevention controls. We are notifying attorneys and judges of these changes as well.

1. Increased Staffing

The ACP recently hired a background review manager, a deputy director of payments, and a deputy director of audits.

2. Expert Application

Credentials will be verified at the time of the expert's initial application to the roster. Any expert who executed an expert application in the past that does not have the date of "ACP Revised 12-01-06" on its face, will need to complete the current version, available at www.nyc.gov/18b. Experts who have provided services in the past to panel attorneys must fill out the current version of the application and have their credentials verified by the ACP before they may receive payment for services rendered. Please contact (212) 676-0418 with any questions related to the expert application.

3. Appointment of Experts to Criminal Matters

Effective immediately, all attorneys seeking the appointment of an expert or other professional to a criminal case must submit an **affirmation** to the judge presiding over the case with a copy of the expert's **curriculum vitae**. Attorneys assigned to the case must also obtain a **signed order** from the judge appointing the expert to the case. Attached please find the affirmation and order that are to be used. In order for an expert to be paid, the affirmation and order must be completed in full and must include:

- a. The full name of the expert being requested
- b. The specific services required of the expert by the order and justification for those services
- c. The name and signature of the attorney utilizing the services of the expert

In instances where the expert is not currently on the ACP Expert Roster, the expert must complete an Expert Roster Application as a prerequisite for compensation by ACP.

4. Payment of Experts in Criminal Matters

Effective immediately, all experts seeking payment from ACP will be required to complete the attached payment voucher entitled "NYC Assigned Counsel Plan Expert Voucher for 722-C Services in Criminal Court and Supreme Court, Criminal Term." This replaces the current expert voucher entitled "Assigned Counsel Plan 722-C Services," and is available at www.nyc.gov/18b. This voucher must be signed by the attorney assigned to the case in addition to the expert and judge. The expert must also submit the attorney **affirmation** seeking the appointment of an expert as well as the **signed order** authorizing the appointment of an expert. All expert payment vouchers received on or after February 1, 2008 that do not conform to this protocol will be returned to the expert.

5. Billing in Excess of Statutory Maximums

Effective immediately, all requests for payment in excess of the statutory maximums (\$1,000 for experts) will be reviewed by an ACP supervisor. As has always been the case, when exceeding the cap you must submit with your voucher an affirmation setting forth the specific, extraordinary circumstances that required the unusual expenditure of time. The following are examples that may justify a request for a fee in excess of the statutory limits:

- a. Unusually complex factual or legal issues
- b. Novel issues of law requiring extensive legal research
- c. Protracted trials or other in-court proceedings which alone may raise compensation claim above statutory limit

6. Time Period for Submitting Vouchers

We have received several complaints from judges about late vouchers. In fact, judges report receiving vouchers as many as 2 or 3 years after the disposition, making it difficult to recall what work was actually conducted. Effective February 15, 2008, all expert vouchers not submitted within 45 days of the date of disposition of the case, or the date the expert has completed his or her work on the case (whichever occurs first) will be returned to the expert. Experts seeking compensation must submit to the judge presiding over the case a notarized letter justifying good cause for the delay. The judge then has the option of issuing an order directing the ACP to accept the payment voucher. The expert shall, within five business days, mail the original notarized letter and order to the ACP at which point the voucher will follow the typical review process.

7. 18b Web

18b Web is an internet based system currently being utilized by criminal panel attorneys to electronically submit vouchers to the ACP. During 2008 we will deploy 18b Web to the Expert Panel for processing of expert vouchers. We will contact you in the coming months with additional information.

The City acknowledges the fine work done by experts on the Expert Roster and thanks you in advance for your cooperation as we work to improve fraud prevention measures at the ACP.

Sincerely,



Scott Sigal
Deputy Criminal Justice Coordinator