

**NEW YORK CITY DEPARTMENT OF FINANCE (DOF)**

**ASSIGNED COUNSEL PLAN, PAYMENT UNIT**

**RULES AND PROCEDURES FOR ATTORNEYS AND  
EXPERTS ON PAYMENTS**



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## **1. INTRODUCTION**

### **ABOUT THIS DOCUMENT:**

#### **DEFINITIONS:**

#### **A. THE ASSIGNED COUNSEL PLAN OF THE CITY OF NEW YORK (“ACP”)**

Department of Finance, **Payment Unit**, is responsible for paying the attorneys and experts who submit vouchers for professional services rendered. The Payment Unit compensates attorneys who represent indigent clients pursuant to section 722-c of the County Law in family and criminal matters. The unit also compensates experts, investigators and other professionals for services provided to indigent clients.

#### **B. 18-B WEB:**

The ACP assignment and payment system: This web-based computer system is available to 18-B criminal and family panel attorneys for submitting vouchers for payment. Attorneys must use this web-based system when billing on criminal or family matters. Experts for Criminal/Supreme courts are required to submit their vouchers online effective **April 14, 2014**.

**Experts for Family court are required to submit their vouchers through the online 18-B Web system for Orders of Assignment signed on or after August 3, 2015.** Order of Assignment must be submitted to Office of the Assigned Counsel Plan so that OACP can open the case voucher in the 18-B Web system. **All vouchers for Orders of Assignment signed before August 3, 2015 must be submitted via hard paper copies.**

## **PAYMENT RULES**

### **1. CRIMINAL MATTERS**

#### **A. COMPENSATION AND REIMBURSEMENT FOR ATTORNEYS IN CRIMINAL MATTERS**

##### **Panel Membership:**

An attorney must be a member of the Appellate Division of the First or Second Department's 18-B Panel to be compensated for services.

##### **Independent Record Keeping:**

Each panel attorney is responsible for maintaining independent time keeping records for each client represented under Article 18-B.

##### **18-B Web Training:**

Attorneys should attend a training session at the ACP on the use of the assignment and payment system 18-B Web or if they prefer, they can bill through the system and use the online training manual for assistance.

##### **Compensation Procedures:**

The procedures for submitting a voucher for compensation are set by the nature of the assignment:

##### **Primary Day (Arraignment) Assignments:**

Primary day assignments are made by the First or Second Department Administrator.

Primary Day assignments are considered 7-hour shift assignments, and attorneys will be compensated for the entire shift, regardless of the actual time the shift begins or ends.

Attorneys are notified of assignments via 18-B Web. Attorneys must download and print a voucher from 18-B Web to be completed at the end of the arraignment shift.

##### **Note:**

Upon shift completion, the paper voucher must be signed by the presiding judge in blue ink and mailed to the ACP, Payment Unit by the assigned attorney. Attorneys must also complete and submit an electronic voucher on 18-B Web. The ACP will only make payment upon receipt of both electronic and paper vouchers. The paper voucher must match the electronic version in order to be paid.

##### **Case Assignments:**

Upon receipt of the Order of Assignment, the ACP opens a voucher available in 18-B Web. For all docketed cases, the attorney must submit an electronic voucher via 18-B Web, including a complete record of the time expended on a case, and all ancillary expenses. Receipts and any necessary documentation justifying the work performed must be mailed to the ACP. The ACP, Payment Unit reviews the voucher justifications and receipts and makes adjustments for billing violations, such as double or over-billing. After the voucher is reviewed and validated by the Payment Unit, it is printed and sent to the last judge presiding over the case for review and approval. Upon judicial approval, the Payment Unit will submit payment information to the Financial Information Systems Agency (FISA), which will issue payment(s).

**Appeals:**

At disposition of the appellate case, the attorney must submit a paper voucher, including a complete record of the time expended on a case (timeframe: date, start and finish time) a record of all ancillary expenses with receipts, any necessary documentation justifying the work performed, and the brief.

**First Department:**

The attorney must submit the voucher entitled "Voucher for Compensation and Expense of Appointed Counsel under Article 18-B of the County Law" to the ACP. The ACP, Administrator, reviews the package and then forward to the ACP, Payment Unit for processing and payment.

**Second Department:**

The attorney must submit the voucher entitled "Second Department Appeal Attorney Voucher" Appellate Division, with a copy of the brief to the Office of Attorneys for Children at 335 Adams Street, Suite 2400, Brooklyn, New York 11201. The Office of Attorneys for Children will submit the voucher and brief to the Presiding Justice of the Appellate Division for review. Upon approval by the Presiding Justice, the appeal voucher and attachments are forwarded to ACP, Payment Unit for processing.

**Article 81**

At disposition of the Article 81 case, the attorney must submit a complete record of the time expended on a case (activities report), the judge's order, and affirmation of legal services with attorney's original signature. A record of all ancillary expenses with receipts and any necessary documentation justifying the work performed must be mailed to the ACP.

**Note:**

Cases not calendared by the court (**such as witness representation, sex offender registry hearings, extradition, lineups, and certain summonses**) cannot be processed using 18B Web. Instead, attorneys must submit a paper voucher. In these cases, attorneys must use the generic paper voucher entitled, "**Assigned Counsel Plan Attorney Voucher Citywide**".

**Time Period for Submission:**

Online vouchers must be submitted within forty- five (45) days of the date of the disposition of the case or, if the attorney ceases to represent the client prior to disposition, within forty-five (45) days of the last billable activity. Vouchers older than forty-five (45) days will be locked out of the 18-B Web system. The procedure for unlocking vouchers is as follows:

The attorney must submit an affirmation to the judge presiding over the case justifying good cause for the delay in submission.

- If the judge agrees with the justification for delay, he or she will sign an order directing the ACP, Payment Unit to accept the payment voucher.
- The attorney must then send the signed affirmation and order to the ACP, Payment Unit.
- Once the ACP, Payment Unit receives these documents, the voucher will be unlocked and the attorney may enter billing activity and submit the voucher for payment.

In cases that may require additional proceedings following disposition, attorneys should submit the voucher within 45 days of disposition as outlined above. If there are additional proceedings, the attorney should notify the Administrator or assignment coordinator that a new voucher needs to be opened.

**Compensation Rates :**

Compensation rates and caps are set by Section 722-b of Article 18-B of the County Law.

**Felony Proceedings:**

Attorneys who represent clients in or out of court on a felony matter are compensated at the rate of \$75.00 per hour. If a felony case is reduced to a misdemeanor and the felony attorney remains on the case, the hourly rate remains at \$75 per hour throughout the pendency of the case.

**Misdemeanor Proceeding:**

Attorneys who represent clients in or out of court on a misdemeanor matter are compensated at the rate of \$60 per hour.

**Payment above OCA guideline:**

Vouchers that set forth an hourly rate of compensation in excess of the rates set in Article 18B of the County Law will be submitted by the Department of Finance to the Administrative judge for approval.

**Compensation Guidelines:**

**In General:**

The following rules set out all compensation guidelines for the ACP. Attorneys who violate guidelines are subject to an audit at the discretion of the ACP.

**Online Voucher Preparation:**

All vouchers must be submitted online except those for Appeal, Parole, Generic, and Article 81.

**Billable Time:**

Attorneys may only bill for time spent working on a case and time present in and out of court on that case.

**Non-billable Time:**

A request for payment may only include work performed by the attorney assigned to the case. Time spent by others, including, but not limited to:

- Paralegals
- Secretaries and/or Administrative Assistants

They will not be compensated unless they have been assigned to a particular case by the court.

Other non-billable time includes; time spent preparing vouchers, time spent opening and closing a file, and travel to and from court.

**Daily Billing:**

The lunch period of one hour will not be compensated for by ACP as in-court time unless the judge reduced or eliminated the hour lunch break.

**Total Case Billing:**

The statutory maximum for billing on a felony case is \$4,400.00.

The statutory maximum for billing on a misdemeanor case is \$2,400.00.

**Note:**

The 18-B Web system verifies all appearance dates against OCA data. There will be instances in which court appearances entered by attorneys are not verified by OCA. In such instances, the attorney must send documentation from the court to the ACP confirming the court appearance. Upon receipt of such documentation, the voucher will continue through the payment process.

**Compensation In Excess of the Statutory Limit:**

In order to receive compensation in excess of the set statutory limits, an attorney must complete an affirmation online of "extraordinary circumstances" to the Payments Unit which will then be sent to the judge presiding over the case for review and approval. If the judge finds extraordinary circumstances, the judge will then return the affirmation and signed voucher to the ACP. The voucher will then follow normal payment procedures.

Factors which may be considered in determining whether extraordinary circumstances exist are: unusually complex factual or legal issues; novel issues of law requiring extensive legal research; and/or a lengthy trial or protracted in-court proceedings which alone raise the compensation claim above the statutory limits.

**Annual Billing:**

An attorney billing in excess of 2,300 hours in a calendar year may be audited by the ACP auditor to ensure accurate billing practices. If an auditor finds excessive or fraudulent billing after a voucher has been approved, DOF will present the findings to the judge who approved the voucher to obtain an order authorizing reduction of the voucher.

**Interim Payments:**

The attorney may submit interim vouchers for partial payment. Payment for interim vouchers follows the same process as vouchers submitted at the conclusion of a misdemeanor or felony case.

-Interim vouchers may be requested more than once a year per case due to exceptional circumstances and with judge's approval.

-Orders authorizing the submission of interim vouchers must be signed by the judge presiding over the case in order for them to be accepted by the ACP.

**Date, Time and Duration:**

In order to receive payment, attorneys must provide the date on which the services were rendered and the time expended on each activity. The time the billable activity began and ended must be accurate to the nearest five minutes.

**Double Billing:**

Double billing is never permitted. If an attorney is present in court to represent more than one client, the total time must be apportioned among the cases to reflect the actual time spent representing each client. Double billed time will be reduced by the ACP. The online system warns the attorney if there is double billing. The system will not pick up a double billing if you submit all vouchers at the same time. However, a double billing will show up once vouchers are validated.

**Ancillary Expenses:**

The ACP will pay reasonable expenses for representation if authorized by the judge when provided with complete documentation, including all original receipts. Acceptable forms of receipts are copies of canceled checks (front and back), vendor bills sent with redacted bank statement indicating that a check was negotiated by the vendor, or legible payment receipts with vendor acknowledgement of full payment. Expenses that may be considered for reimbursement include:

- Long distance telephone and fax charges
- Photocopying: limited to \$0.15 per page. The number of copies must be indicated. Photo copies made in an office will not be compensated.
- Postage: Federal Express, Certified Mail, and other similar methods will be considered for reimbursement. No regular postage will be reimbursed.
- Witness fees and process service
- Travel expenses: Parking fees with a receipt, not in excess of \$10, if expenses are in the course of:
  - returning home from a night arraignment shift, or
  - parking for a night court arraignment shift, or
  - returning home from an overnight arraignment shift.
  - Metro cards representing one-way fares provided to clients

**The following expenditures will not be reimbursed by the ACP Payments unit:**

- Office Overhead
- Meals purchased for clients
- Clothing purchased for clients
- Storage costs for files
- Bridges and tolls (unless judicial approval has been granted for travel to a facility for potential witness interview)
- Parking tickets
- Metro cards for clients in excess of single rides
- TRAVEL TIME (non-billable)

There may be unusual expenses that are not listed especially for out-of-town experts. Therefore, it is the judge's decision to decide what expenses to authorize to provide proper representation.



## **B. SERVICES OTHER THAN COUNSEL FOR CRIMINAL/SUPREME COURT - EXPERTS**

**For a list of Experts, see Expert Roster online at [www.nyc.gov/18b](http://www.nyc.gov/18b)**

**The following types of experts are commonly used for criminal cases:**

Psychiatrists  
Certified psychologists  
Physicians  
Pathologists  
Certified Social Worker  
Licensed investigators

**Forensic experts, including:**

Arson investigators  
Ballistics  
Fingerprints  
Handwriting  
Polygraph  
Photography  
Scientific Experts, including:  
Chemists  
Pharmacologists  
Toxicologists  
DNA  
Interpreters  
Translators  
Accountants  
Accident Re-constructionists

**Other expert services, including, but not limited to:**

Jury selection  
Venue  
Hypnosis  
Identification  
Sound Engineering

Note: Any expert services assigned by the judge will be paid by ACP.

**The ACP also compensates Court Reporters:**

ACP panel members can arrange for court reporters to be paid for transcription services. The attorney has to bring a "Minute Order Form/Receipt" to the judge for signature and then the court reporter will send the voucher and the signed minute order form to ACP for payment.

### **Appointment of Experts (other than Court Reporters) to Criminal Cases:**

Attorneys seeking the appointment of an expert to a criminal case must submit an affirmation to the judge presiding over the case. The affirmation must be accompanied by the expert's curriculum vitae. In order for the expert to be eligible for payment, the judge must provide to the attorney a signed order approving the expert's ancillary services. The affirmation and order are also available for download on 18-B Web.

### **Section 722-C Services other than counsel**

Upon a finding in an ex parte proceeding that investigative, expert or other services are necessary and the defendant or other person described in section two hundred forty-nine or section two hundred sixty-two of the family court act, article six-C of the correction law or section four hundred seven of the surrogate's court procedure act, is financially unable to obtain them, the court shall authorize counsel, whether or not assigned in accordance with a plan, to obtain the services on behalf of the defendant or such other person. The court upon a finding that timely procurement of necessary services could not await prior authorization may authorize the services nunc pro tunc. The court shall determine reasonable compensation for the services and direct payment to the person who rendered them or to the person entitled to reimbursement. Only in extraordinary circumstances may the court provide for compensation in excess of one thousand dollars per investigative, expert or other service provider. Each claim for compensation shall be supported by a sworn statement specifying the time expended, services rendered, expenses incurred and reimbursement or compensation applied for or received in the same case from any other source.

### **Fees Guidelines for Expert Services:**

The Chief Administrator of the Courts sets guidelines for the hourly rates for payment of non-lawyer professionals under Judiciary Law §35 and County Law §722-c. "All rates are subject to the statutory maximums for total compensation. Since the statute only permits exceeding the cap in an "extraordinary circumstances", the expert must be prepared to explain why their services were over the cap." Experts seeking enhanced rates must specify the enhanced rate on the Order of Assignment. All vouchers submitted that exceed the cap require the approval of the Administrative Judge.

### **Approved Experts:**

The ACP maintains a roster of experts whose credentials have been reviewed and who have been determined to meet the minimum requirements to provide expert services. There are two ways to be compensated for services:

- 1 "One-time experts" and those who do not wish to join the Roster must undergo limited background review in order to be eligible for payment.
- 2 If an expert wishes to join the Roster, the expert must fill out an application, provide 3 letters of recommendation and photo ID.

An expert whose name does not appear on the Roster may also be appointed, but will undergo a limited background review. The expert does not have to complete the expert application process and be approved for the Roster. The expert must also complete a **Substitute W-9 form** in order to be entered into the City's Financial Management System (FMS) in order to be paid.

### **Instructions for applying to the Roster are as follows:**

Anyone interested in joining the Expert Roster may obtain an application form from the Background Review Manager. Applicants are subject to verification of credentials, including but not limited to: Verification of license or certification in the field of expertise, if applicable.

**One-Time Experts:**

Experts who expect to render services on a one time basis, such as out-of-state experts retained on a single New York City case, may complete an abbreviated application process. They must contact the Background Reviewer to be placed on the Roster temporary until payment is processed and then removed. The expert must also complete a Substitute W-9 form in order to be entered into the City's Financial Management System (FMS) in order to be paid.

**Expert Compensation Rates:**

The Chief Administrator of the Courts sets hourly rates for payment of non-lawyer professionals under Judiciary Law §35 and County Law §722-c. If the judge agrees to a fee other than those set forth in OCA guidelines, this amount must appear on the original Order. The Administrative Judge will review the voucher after it is signed by the presiding judge. (only if requested by DOF or the attorney)

**Compensation Procedures:**

For court order dated on and after 4/14/14; Experts must submit online voucher for Criminal/Supreme cases by logging on to [www.nyc.gov/18b](http://www.nyc.gov/18b).

**Court Order before April 14, 2014:**

The expert seeking compensation must complete the paper payment voucher; "NYC Assigned Counsel Plan Expert Voucher for 722-c Services in Criminal Court and Supreme Court, Criminal Term" Form along with the worksheet and include the judge's order. This voucher requires the signature of the attorney assigned to the matter, the expert and the judge.

If the attorney feels that there is a discrepancy between the work presented on the voucher and services actually performed by the expert, he or she should contact the expert and not sign the voucher until the voucher is appropriate.

After the attorney signs the voucher then it will be submitted to the judge for signature.

**Interim Payments:**

Payment for interim vouchers follows the same process as vouchers submitted at the conclusion of a case.

- Interim vouchers may be requested more than once a year per case due to exceptional circumstances and the decision of the judge presiding over the case.

- Orders authorizing Interim vouchers must be signed by the judge presiding over the case in order for them to be accepted by the ACP.

- Expert must send a new order for each interim voucher submitted to ACP at 253 Broadway, Fl.8 for processing.

- No interim voucher will be processed until after ACP, Payments, receives the order signed by the judge authorizing the submission of an interim voucher. The Interim Order form is online at [www.nyc.gov/18B](http://www.nyc.gov/18B).

**Ancillary Expenses:**

The ACP will reimburse the following expenses incurred while performing expert services. Original receipts or copies of phone bills and other statements must accompany any claim of expense:

- Long distance telephone and fax charges

- Photocopying: \$0.15 per page limit. Number of copies must be indicated.
- Postage: Federal Express, Certified Mail and other similar methods will be considered for reimbursement. No regular postage.
- Witness fees and process service.

**Mileage:**

- 50.5 cents per mile, for Investigators only, for mileage incurred.
- Metro cards representing one-way fares provided to clients
- Reimbursement may be considered for reasonable expenses not listed here, to be determined by the judge order.

**The following expenditures will not be reimbursed by the Assigned Counsel Plan:**

- Meals purchased for clients
- Clothing purchased for clients
- Storage costs for files
- Bridges and tolls (unless judicial approval has been granted for travel to a facility for potential witness interview)
- Metro cards for clients in excess of single rides
- TRAVEL TIME (non-billable)

Airfare and lodging for the expert are not reimbursable in the absence of Judge's order. There may be unusual expenses that are not listed especially for out-of-town experts. Therefore, it is the judge's decision to decide what expenses to authorize to provide proper representation.

**Non-Local Experts:**

An attorney may use a non-local expert if he or she feels it is necessary for the proper representation of the client. If the attorney plans to retain an expert from outside the tri-state area where significant travel expenses are expected, the attorney must obtain judge order. Advise the judge about the need for travel and obtain authorization for the travel expenses from the judge. Attorneys must inform the non-local expert of the guidelines for expert compensation. The expert will proceed through the usual payment process.

**Relevant Forms Developed by the Office of the Court Administration and the ACP:**

The only forms that will be accepted by the ACP are those developed by OCA and the ACP. The forms are available as attachments to this document, are posted on the ACP website, or may be obtained by contacting the ACP.

## **2. FAMILY COURT MATTERS**

### **A. APPOINTMENT TO THE ASSIGNED COUNSEL FAMILY COURT PANEL:**

The Appellate Divisions of the First and Second Judicial Departments through the Attorneys for Children Program oversee the administration of policies and procedures for assignments in Family Court, *see* 22NYCRR 678.11.

### **B. COMPENSATION AND REIMBURSEMENT FOR ATTORNEYS IN FAMILY COURT MATTERS**

#### **Panel Membership:**

An attorney must be a member of the Assigned Counsel Family Court Panel to be compensated for services by the ACP. For information about application and approval to the Assigned Counsel Family Court Panel, see the Attorneys for Children Administrative Handbook, which is available online at:-

[http://www.nycourts.gov/courts/ad2/relatedlinks\\_lawguardian.shtml](http://www.nycourts.gov/courts/ad2/relatedlinks_lawguardian.shtml)

#### **Compensation Procedures**

##### **Intake:**

For information about assignment to intake in Family Court, see the Attorneys for Children Administrative Handbook, which is available online at:-

[http://www.nycourts.gov/courts/ad2/relatedlinks\\_lawguardian.shtml](http://www.nycourts.gov/courts/ad2/relatedlinks_lawguardian.shtml)

##### **Compensation:**

Work performed during intake shifts is reimbursed jointly by the ACP and the Attorneys for Children Program. ACP compensates attorneys who represent adults in family court.

##### **Procedures for compensation are as follows:**

At the conclusion of each intake shift, the assigned attorney must complete and sign two separate vouchers: one voucher for cases involving juveniles (JC200- Form A) and a second voucher for services rendered to adults (ACP Citywide Family Court intake Voucher). Both vouchers must be submitted directly to the Attorneys for Children Program. The Attorneys for Children Program will mail vouchers concerning adults to ACP for processing and payment.

##### **Family Court Cases for Attorneys Assignment:**

For information about assignment to family court cases, see the Attorneys for Children Administrative Handbook, which is available online at:-

[http://www.nycourts.gov/courts/ad2/relatedlinks\\_lawguardian.shtml](http://www.nycourts.gov/courts/ad2/relatedlinks_lawguardian.shtml)

##### **Compensation:**

##### **Procedures for compensation are as follows:**

At the conclusion of a family court matter, the assigned attorney must complete and submit the online voucher indicating the name of the last judge or presiding judge assigned to the

case. ACP will review and validate then send the voucher to court for signature/approval.

**Compensation Rates:**

The ACP compensates attorneys for family court representation at the rate of \$75 per hour. This rate applies to both in-court and out-of-court services.

**Compensation Guidelines**

**Billable Time:**

Attorneys may only bill for time spent working on a case and time present in and out of court on that case.

**Non-billable Time:**

A request for payment may only include work performed by the attorney assigned to the case. Time spent by others, including, but not limited to:

- Paralegals,
  - Secretaries, and/ or Administrative Assistants will not be compensated.
- TRAVEL TIME (non-billable)

Other non-billable time includes a mere recitation of "open file", "closed file", or "reviewed file" is not permitted. Additionally, "setting up a file" and "preparing a file for storage" is not permitted. Voucher preparation is not compensable. The failure to be specific with individual time records may result in your voucher being returned to you.

**Daily Billing:**

The lunch period of one hour will not be compensated by ACP as in-court time unless the judge approves the lunch break.

**Total Case Billing:**

The statutory maximum for billing on all cases is \$4,400.00.

**Compensation in Excess of the Statutory Limits (Over Cap):**

In order to receive compensation in excess of the set statutory limit, an attorney must complete an online affirmation of "extraordinary circumstances" along with their voucher and submit to ACP. ACP will send voucher to the judge for approval.

**Interim/Supplemental Payments:**

The attorney may submit interim/supplemental vouchers for partial payment. With the prior approval of the judge presiding, a supplemental voucher may be filed when additional legal services are required. Payment for interim voucher follow the same process as vouchers submitted at the conclusion of the case.

**Date, Time and Duration:**

In order to receive payment, attorneys must provide the date on which the services were rendered and the time expended on each activity. The time the billable activity began and ended must be accurate to the nearest five minutes.

**Double Billing:**

Double billing is not permitted. If an attorney is present in court to represent more than one client, the total time must be apportioned among the cases to reflect the actual time spent representing each client. Double billed time will be reduced by the Payment staff. The online system warns the attorney if there is double billing.

**Ancillary Expenses:**

The ACP will pay reasonable expenses of representation when provided with complete documentation, including all receipts which must be submitted with an attorney's payment voucher. Acceptable forms of receipts are copies of canceled checks (front and back), vendor bills sent with bank statement indicating that a check was negotiated by the vendor, or legible payment receipts with vendor acknowledgement of full payment. Expenses that may be considered for reimbursement include:

- Long distance telephone and fax charges
- Photocopying: \$0.15 per page limit. Number of copies must be indicated.
- Postage: Federal Express, Certified Mail, and other similar methods will be considered for reimbursement. No reimbursements will be made for regular postage.
- Witness fees and process service.
- Parking fees with a receipt, if expenses are in the course of returning home from night court, parking for night court shift, or returning home from night court.
- Metro cards representing one-way fares provided to clients.

**The following expenditures will not be reimbursed by the ACP:**

- Office Overhead
- Meals purchased for clients
- Clothing purchased for clients
- Storage costs for files
- Bridges and tolls (unless judicial approval has been granted for travel to a facility for potential witness interview)
- Metro cards for clients in excess of single rides
- TRAVEL TIME (non-billable)
- Airfare and lodging for the attorney are not reimbursable in the absence of judge's order.

For information about compensation guidelines, see the Attorneys for Children Administrative Handbook, which is available online at:-

[http://www.nycourts.gov/courts/ad2/relatedlinks\\_lawguardian.shtml](http://www.nycourts.gov/courts/ad2/relatedlinks_lawguardian.shtml)

**Cases transferred to IDV Court:**

Cases that start in Family Court and are transferred to IDV court are regarded as separate proceedings, requiring preparation and submission of separate vouchers.

## **C. SERVICES OTHER THAN COUNSEL FOR FAMILY COURT - EXPERTS**

For a list of Experts, see Expert Roster online at [www.nyc.gov/18B](http://www.nyc.gov/18B))

### **Experts:**

The following types of experts are currently allowed assignment for family cases:

Psychiatrists  
Certified Psychologists  
Physicians  
Pathologists  
Licensed social workers  
Licensed investigators

### **Forensic experts, including:**

Arson investigators  
Ballistics  
Fingerprints  
Handwriting  
Polygraph  
Photography

### **Scientific Experts, including:**

Chemists  
Pharmacologists  
Toxicologists  
DNA  
Interpreters  
Translators  
Accountants  
Accident re-constructionists

### **Other, expert services, including, but not limited to:**

Jury selection  
Venue  
Hypnosis  
Identification  
Sound Engineering

The attorney should not pay the experts directly.

If you have any questions, please contact the Director/Deputy Director of Payments for assistance.

### **Appointment of Experts (other than Court Reporters) to Family Court Cases:**

Attorneys seeking the appointment of an expert to a Family Court case must follow the



procedures outlined in the Administrative Handbook.

**Fees Guidelines for Expert Services:**

The Chief Administrator of the Courts sets guidelines for the hourly rates for payment of non-lawyer professionals under Judiciary Law §35 and County Law §722-c. “All rates are subject to the statutory maximums for total compensation. Since the statute only permits exceeding the cap in an “extraordinary circumstances”, the expert must be prepared to explain why their services were over the cap.” Experts seeking enhanced rates must specify that enhanced rate on the Order of Assignment. Vouchers on which experts have specified enhanced rates may require the signature/approval of the Administrative Judge.

**Approved Experts:**

Please refer to [www.nyc.gov/18b](http://www.nyc.gov/18b) for the most updated version of the verified Expert Roster of the Assigned Counsel Plan of the City of New York. The Assigned Counsel Plan has conducted a background review of the experts on this roster. The background review includes verification of the credentials of the expert. The current roster features scientific, mental health and medical experts. It also includes investigators, interpreters and other categories of professionals who provide services in support of indigent persons facing criminal charges in the courts of the City of New York.

All experts on the roster have met the Assigned Counsel Plan’s minimum requirements. The Assigned Counsel Plan does not endorse any of the experts on the roster and makes no representation regarding the quality of their work. It is the responsibility of each attorney to review the expert’s qualifications and prior work.

Inclusion on the roster in no way obligates the expert to continue to accept cases. Experts who have undergone a background review can opt not to be included on the roster; however, the background review must be completed before the expert can receive payment.

The current roster does not contain all of the experts who may be eligible to join the roster because of the new requirement that all experts undergo the background review and credentials verifications. This requirement applies to new applicants as well as to experts who were listed on previous rosters that are no longer valid.

The Assigned Counsel Plan will continue to update the current roster as additional background reviews of experts are completed. Thereafter, the roster will be updated at regular intervals as new applications are received and processed. To obtain an application, please visit the web page of the Assigned Counsel Plan at [www.nyc.gov/18b](http://www.nyc.gov/18b) .

**One-Time Experts:**

One-time experts undergo a limited background review and are then entered into 18-B web as vendors. Upon completion of the case to which the expert has been assigned, the expert is then deactivated in 18-B web. The expert must also complete a Substitute W-9 form in order to be entered into the City’s Financial Management System (FMS) in order to be paid.

**Compensation Rates:**

The Chief Administrator of the Courts sets hourly rates for payment of non-lawyer professionals under Judiciary Law §35 and County Law §722-c. If the judge agrees to a fee other than those set forth in OCA guidelines, this amount must appear on the original Order.

**Compensation Procedures:**

The expert seeking compensation must complete the payment voucher, 722C Voucher- Family Court." This voucher requires the signature of the expert and the judge. The expert must then fill out the voucher along with the worksheet and attach the judge's order and send it to the court where the presiding judge is located. The court will then send the approved voucher to Assigned Counsel Plan for payment.

**Ancillary Expenses:**

The ACP will reimburse the following expenses incurred while performing expert services:

- Long distance telephone and fax charges,
- Photocopying at a limit of \$0.15 per page. The number of copies must be indicated.
- Postage: certified mail, fed ex, no regular postages will be reimbursed.
- Witness fees and process service
- Travel expenses:
  - 50.5 cents per mile, for Investigators, but not Experts, for mileage incurred to or from a visit to a client.
- Other travel expenses, including food and lodging for the Expert is not reimbursable unless it is included in the judge's order.
- Metro cards representing one-way fares provided to clients.
- Reimbursement may be considered for reasonable expenses not listed here, to be determined by the judge's order.

**The following expenditures will not be reimbursed by the Assigned Counsel Plan:**

- Meals purchased for clients
- Clothing purchased for clients
- Storage costs for files
- Bridges and tolls (unless judicial approval has been granted for travel to a facility for potential witness interview)
- Metro cards for clients in excess of single ride (See comments under the attorney section as it relates to attorney expenses).
- TRAVEL TIME (non-billable)

Any expenses not listed here must be included in the judge's order to be eligible for reimbursement.

Please refer to the Attorney for Children Administrative Handbook available online at [http://www.nycourts.gov/courts/ad2/relatedlinks\\_lawguardian.shtml](http://www.nycourts.gov/courts/ad2/relatedlinks_lawguardian.shtml) for more information.

**Non-Local Experts:**

In the event that the required expertise is not available locally and the attorney plans to retain an expert from outside the tri-state area where significant travel expenses are expected, the attorney must obtain judge's order. Attorneys are charged with alerting the non-local expert of guidelines for expert compensation. The expert will proceed through the usual payment process.

## **Voucher Payments:**

### **Electronic Funds Transfer (EFT):**

The ACP recommends that vendors receive their ACP payments through the EFT Direct Deposit Program offered by the Department of Finance. Through this program, vendors receive payment directly to an authorized bank account, eliminating mailing delays and lost or damaged checks. An enrollment form is available on-line at the Department of Finance Website or by contacting the EFT Coordinator at (212) 291-4812.

### **Checks:**

Vendors who choose not to use the EFT payment option will be paid by check. There is a fee of \$3.50 for each paper check. Attorneys are encouraged to notify the ACP's Director/ Deputy of Payments if problems arise with checks issued by the Department of Finance. If the annual payment amount is over \$25,000, then the vendor must apply for EFT.

### **Changes to Personal Information:**

Vendors are expected to notify Payment Unit of any changes to personal information, such as address, tax status, or name by providing a letter to the ACP's Deputy Director of Payments on letterhead showing the information currently reflected on ACP records, the new information reflecting the change, and an updated Substitute W-9 Form and letter detailing change.

### **Relevant Forms Developed by the Office of Court Administration and the ACP:**

The only forms that will be accepted by the ACP are those developed by OCA and the ACP. The forms are available as attachments to this document, are posted on the 18B website, or may be obtained by contacting the ACP.

For information about expert guidelines, see the Law Guardian Program Administrative Handbook, which is available online at:

[http://www.nycourts.gov/courts/ad2/relatedlinks\\_lawguardian.shtml](http://www.nycourts.gov/courts/ad2/relatedlinks_lawguardian.shtml)

**CONTACT INFORMATION FOR ACP STAFF (ADMINISTRATORS AND PAYMENT UNIT)**

**Assigned Counsel Plan Payment Staff Directory**

***Mimi Shui-Han, Director of Payments.....212-291-4452***  
***ShuiM@finance.nyc.gov***

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**DIRECTORS FOR FAMILY MATTERS**

**DIRECTOR, JANE SCHREIBER, 1st JUDICIAL DEPT..... (212) 340-0514**  
**Caroline Diaz, Voucher/Payment Coordinator..... (212) 340-0595**

**DIRECTOR, HARRIET R. WEINBERGER, ESQ., 2nd JUDICIAL DEPT.... (718) 923-6351**  
**Gregory Chickel, Senior Court Analyst..... (718) 923-6356**

***Fax Number(s)***

**1<sup>st</sup> Judicial Department..... (212) 779-1891**  
**2<sup>nd</sup> Judicial Department..... (718) 624-5603**

**18 B WEB HELP, Technical Support.....18bwebhelp@cityhall.nyc.gov**

**EFT Manager (for direct deposit)**

**Peter Drury, DruryP@finance.nyc.gov..... (212) 291-4812**