

## Oneida County Supplemental Assigned Counsel Program

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Kimberly Strong Flint  
Contract Administrator

November 16, 2020

Dear Panel Attorney's,

I want to take this opportunity to write to all of our attorneys with an update on the current status of the Oneida County Supplemental Assigned Counsel Program (OCSACP) in light of the consequences of COVID-19 and the changes we are all experiencing. Our Courts are doing their best to keep the important work of justice for all moving forward under very challenging circumstances. With the positive impact to indigent defense of the Hurrell-Harring Settlement Fund, New York State is now able to provide financial support in much more significant ways. These new funds do come with both benefits and expectations, and we are working hard to ensure the transition is a smooth one for all concerned. I am pleased to report that with the help of the Hurrell-Harring Settlement Fund, the OCSACP is implementing several new initiatives intended to support our Criminal panel attorneys and increase the quality of representation we are able to provide to the indigent defendants we represent. At this time, these benefits are available to those on the Criminal panel only, however, work is well underway at the NYS Office of Indigent Legal Services to expand these benefits to include Family Court panel members as well.

The First benefit of the Hurrell-Harring Settlement, beginning in 2021, will allow the Oneida County Assigned Counsel Program to provide reimbursement of membership dues to the Oneida County Bar Association. This benefit is earned by the Criminal panel member upon acceptance of at least two assigned criminal cases. Membership dues reimbursement will be paid directly to the member upon proof of their payment to the Oneida County Bar Association. Oneida County Bar Association SEMPAS membership is also provided.

The Second benefit available to Criminal panel attorneys in 2021 will be the reimbursement of registration costs for any CLE classes taken by the member that focus on criminal appellate or criminal procedure topics. Reimbursement will be made upon proof of payment by the panel member.

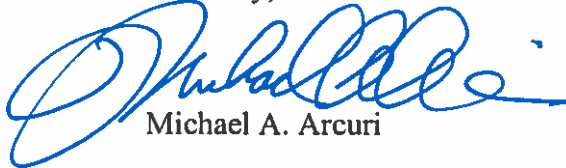
Third, the Hurrell-Harring Settlement also provides funds for Criminal Panel attorneys to use in the preparation of cases in defense of their clients. Funds are available for investigators, medical/psychiatric evaluations, expert witnesses, interpreters, transcriptionists and process servers. The intent is to remove any limitation to providing the best defense possible.

Lastly, I would again like to remind our panel members that the Assigned Counsel Program will be implementing a "Conflict Defender Attorney at First Appearance" program which will pay interested Criminal panel member attorneys to be assigned "on call" on a weekly basis (along with an additional \$150 for each appearance in court). I have attached a description of the new program which we expect to launch in early 2021. Any attorneys who have not already contacted our office who would be interested in acting in this capacity should contact myself or Kimberly Flint as we are beginning to make arrangements for the coming year.

We are hopeful that these new benefits will help defer some of the costs panel members incur when they agree to take criminal assigned counsel cases and appeals. Please remember, in order to qualify for these new benefits, *all attorneys must have filed a Membership Application* for acceptance (or Recertification) as a panel member of the Oneida County Supplemental Assigned Counsel Program. *This requirement applies to all attorneys*, Criminal and Family Court, in order to participate in the OCSACP and receive assignments. If you do not file your application, the courts will be notified and assignments will not be made to you by judges.

We truly appreciate and are proud of the great work that all of you do on a daily basis to provide representation to indigent defendants throughout Oneida County. We are excited about the new programs and initiatives which are now available to assist you in providing a better and more comprehensive defense to indigent defendants in Oneida County, and we look forward to continuing this important work together. Thank you all for your excellent work.

Sincerely,

A handwritten signature in blue ink, appearing to read "Michael A. Arcuri", is written over the typed name. The signature is fluid and cursive, with a large initial "M" and a long, sweeping tail.

Michael A. Arcuri

## MEMBERSHIP BENEFIT SUMMARY

The following is an outline of the benefits available through the Hurrell-Harring Settlement Fund in Oneida County. At this time they are available to those on the Criminal Panel only, however, New York State is currently working to expand these benefits to Family Court panel attorneys in the near future. They include:

### **COUNSEL AT FIRST APPEARANCE PROGRAM:**

Criminal Defender Conflict Attorney receives:

- On-call Rate: \$250 stipend for the week *plus* payment for all in-person appearances.
- CAP Assignments: If assigned to additional representation, traditional statutory rates apply.
- CAP Court Hours in Oneida County are:  
Mon-Sun 6:00 to 10:00 PM and Sat, Sun 7:30 to 9:30 AM; each week (7 days) will require the assigned attorney to provide on-call coverage for a minimum of 32 hours.

### **QUALITY IMPROVEMENT PROGRAMS:**

#### **Second Chair Program:**

- Participants assigned as "second chair" will receive regular statutory payment for work on cases alongside the principal assigned attorney.

#### **Attorney Mentoring Program:**

- There are two parts to this program, attorneys can participate with the Mentor Coordinator for Appeals; or with the Trial Mentor Coordinator.

#### **All Criminal Panel Attorneys:**

- Specialist Fees are now readily available to support cases and will range in costs due to the length of time expended and the specialty provided. Fees can be discussed with the Plan Administrator, and can include, but are not limited to the following:
  - Transcription @ \$2.50 per page, \$1.00 per copy page
  - Interpreters @ \$30 to \$75 per hour, in and out of court
  - Process Servers @\$40 to \$55 per service
  - Investigators @ \$55 to \$100 per service
  - Expert Witnesses @ \$65 to \$350 per hour
  - Psychological Evaluations @ \$2,300 per case
  - Record Research and Production @ \$25 to \$100 per case
  - Witness Fees, incl. statutory Rates and Mileage: \$15 per appearance plus mileage

#### **Criminal Panel Attorney Direct Membership Benefits:**

- Continuing Legal Education/Trainings/Conferences (to include annual Oneida County Bar Association fee (\$180 annually) and SEMPAS registration (\$200 annually).

To qualify to be a Criminal Panel Attorney and receive the above benefits, attorneys in the Oneida County Supplemental Assigned Counsel Program must accept a minimum of two assigned criminal cases in a calendar year.