

Assigned Counsel Rate Increase

Effective January 1, 2004

- 1) Chapter 62 (S.1406-B/A.2106-B) (Assigned Counsel Rate Increase – County Revenue Sharing)¹
 - a) **\$75** - in and out-of-court for all matters governed by County Law § 722, EXCEPT:
 - b) **\$60** –in and out-of-court “for representation of a person ... who is initially charged with a misdemeanor or lesser offense and no felony”
- 2) \$75 Rate
 - a) Felonies (except capital);
 - b) Violations of Probation (felony convictions);
 - c) Appeals (felonies, misdemeanors, violations);
 - d) SORA hearings/appeals;
 - e) Parole representation; Parole administrative appeals;
 - f) Family Court representation; and
 - g) Post-judgment motions, Writs of Habeas Corpus, CPL Article 440 motions (if counsel is assigned).
- 3) \$60 Rate
 - a) Misdemeanors
 - b) Violations
 - c) Traffic violations
 - d) Violations of Local Ordinances
 - e) Violations of Probation (misdemeanor convictions)
- 4) Statutory Maximums
 - a) when \$60 Rate applies = \$2400
 - b) when \$75 Rate applies = \$4400
- 5) Increases fees for experts/investigators pursuant to County Law § 722-c
 - a) Raises cap to **\$1000 Per Retainer**. Please note that the hourly rates for experts approved by Monroe County remains the same. These rates are posted on the web site.

¹ Fee increase effective January 1, 2004 and applies to work done on that date forward, not just to cases assigned on or after that date

- 6) **EXTRAORDINARY CIRCUMSTANCES** – “A trial or appellate court may provide for compensation in excess of the foregoing limits.” Applies to both attorney and expert fees.
- 7) How to bill cases started in 2003, but completed after January 1, 2004.
 - a) On the case log sheet, draw a discernable line under the last date worked in 2003.
 - b) When completing the voucher:
 - i) Write “Post-1/1/04” right above “Total in Court”;
 - ii) Draw a line above the in court line and fill in the post-1/1/04 hours worked;
 - iii) Write “hrs.@\$60”for misdemeanor or less cases or “hrs.@\$75” for all other cases above “hrs.@\$40”;
 - iv) Draw a line above the dollar amount line and fill in the amount of post 1/1/04 hours worked multiplied by the applicable rate.
 - c) Fill out the remainder of the voucher for the pre-1/1/04 hours and any expenses.
 - d) Total the lines for the reimbursement and submit.
- 8) Vouchers for cases assigned after January 1, 2004²
 - a) You will continue to receive the voucher printed on white paper for assigned cases at the \$75 rate.
 - b) Assigned cases at the \$75 rate assigned pursuant to §722-d of the County Law will be printed on the light green voucher you currently receive for §722-d assignments.
 - c) Assigned cases at the \$60 rate will be printed on yellow paper.
 - d) Assigned cases at the \$60 rate assigned pursuant to §722-d of the County Law will be printed on light blue paper.
 - e) There will be an additional blank for you to fill in the applicable hourly rate.
 - f) **EVEN THOUGH** there is no longer a distinction between in court and out of court time, you should still enter your time as such on the log sheet. This is to assist the judges in reviewing the vouchers.
- 9) **IMPORTANT:** Because the State of New York is now involved in partial reimbursement for part of the increase, **VOUCHERS MUST BE SUBMITTED WITHIN 20 BUSINESS DAYS OF CASE COMPLETION.** We will grant a grace period of 10 business for a total of 30 business days (approximately 6 weeks).³ The voucher regulations define case completion.

² We have tentative plans to use the system outlined. We are awaiting funding to update our database system to accommodate the changes.

³ Judge Pfeiffer insists on the 30-day deadline.