



Data Officers Best Practices Guide



**Office of Indigent
Legal Services**

February 2021

Introduction

The ILS Data Officer Best Practices guide has been developed to assist Data Officers as they navigate the ILS reporting requirements. As a Data Officer, you will be expected to communicate, collaborate, and sometimes even guide mandated representation providers through the data reporting process.

This guide will focus on the following five Best Practices and give you concrete tips on what you should do to become and remain an active Data Officer:

Best Practice # 1:

Getting to Know the Mission of the NYS Office of Indigent Legal Services and the Role of the Data Officer

Best Practice # 2:

Communicating with your County Providers

Best Practice # 3:

Understanding ILS's Data Reporting Requirements

Best Practice # 4:

Learning About Each Provider's Case Management System (CMS)

Best Practice # 5:

Mastering your Coordinating Role in Data Reporting

Best Practice # 1: Getting to Know the Mission of the NYS Office of Indigent Legal Services and the Role of the Data Officer

The New York State Office of Indigent Legal Services (ILS) monitors, studies, and makes efforts to improve the quality of representation provided to public defense clients in New York State's Family and criminal courts. ILS recognizes that gathering accurate, comprehensive, and reliable data is an essential component of implementing indigent defense reform.

ILS is responsible for the distribution of State funds appropriated to the counties from the State's Indigent Legal Services Fund, which assists localities in meeting the duty to provide quality legal representation to persons unable to afford counsel.

In support of ILS's efforts to gather data pursuant to Executive Law § 832(4), ILS has required that each of the 52 New York State counties and New York City designate a "Data Officer" whose primary function is to work with ILS in executing these data reporting requirements.

As a Data Officer, you are the primary point of contact between ILS and the mandated representation providers in your county on matters related to data reporting. Therefore, it is imperative that you are well versed in ILS data reporting requirements and the data reporting deadlines throughout the year. ILS has developed several different resources to keep Data Officers informed about existing and emerging data reporting requirements, which will be described in this Best Practices guide.

What you should do:

- [Review the ILS Website \(ils.ny.gov\)](http://ils.ny.gov)

The *Annual Data Reporting* tab on the ILS website is regularly updated, and you will be able to find PDF versions of all the forms (i.e., the Performance Measures Progress Report, the Annual Financial Report, and the ILS-195) you are expected to complete. ILS recommends using the PDF version of each reporting form while you work with providers in your county to gather information to report. The *Annual Data Reporting* section of the webpage also contains Frequently Asked Questions (FAQs), instructional videos, a glossary of terms, and worksheets that may help you when questions arise.

- [Review Prior ILS Data Officer Trainings](#)

When you are on the *Annual Data Reporting* tab, you can also click on the subsection entitled "*Data Officers*". This will direct you to the Data Officer homepage which provides you additional resources for your role. ILS hosts a series of WebEx trainings aimed at updating Data Officers on reporting requirements, answering questions about the role of the Data Officer, and providing tips on how to navigate your role with the institutional provider and assigned counsel program

in your county. All trainings are recorded and uploaded to the *Data Officer* section of the ILS website.

- [Join the ILS Data Officer Listserv \(dataofficers@listserv.com\)](mailto:dataofficers@listserv.com)

The Data Officer Listserv was created to provide a space for ILS to communicate with Data Officers and for Data Officers to communicate with each other. We encourage Data Officers to share tips and success stories, as well as challenges you may face as you manage all the data requirements for your county. Sign up for the Data Officer Listserv, where you can ask questions about reporting and receive updates on Data Officer Trainings, reporting deadlines, and updates from ILS.

- [Meet the ILS Research Team and Reach Out for Assistance](#)

The Research Team at ILS is always here to assist you. You can contact each of us directly or reach out through the two designated data and reporting email inboxes that are monitored by several of us:

- data@ils.ny.gov
- performance@ils.ny.gov

Meet the ILS Research Team:

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Best Practice # 2: Communicating with your County Providers

One of the biggest challenges of your role as Data Officer may be how to communicate effectively with your county providers. It is important that you regularly communicate with county providers to ensure that they are up to date on what reporting requirements are, and that you work together to gather and submit data to ILS.

What you should do:

- Complete/Review/Update Provider Flow Charts

In the Materials section at the end of this Best Practices Guide, you will find examples of data flow charts for assigned counsel programs and institutional providers. You can use these flow charts to keep track of how each mandated representation provider in your county tracks the life of a case. Flow charts should be submitted to ILS via data@ils.ny.gov and should be updated when changes occur.

- Learn How All Mandated Providers Represent Clients in Both Criminal and Family Court Matters

Data Officers should be familiar with the current data collection process for both criminal and Family Court matters in each mandated provider office in their county. ILS recommends asking the following questions as a first step:

1. Who collects the data and how is the data collected?
2. What forms are used to collect data? (e.g., intake forms etc.). Can I have a blank copy of these forms?
3. What data is submitted and to whom? Who enters the data into the Case Management System?
4. What are the challenges in the data collection process?

- Stay Connected with Provider Data Entry Staff

Data Officers should meet regularly with data entry staff to understand how and when they receive data about criminal and Family Court cases and how these data are entered into their Case Management System. Data Officers should also be aware of any changes to data entry staff members' responsibilities and practices. Meetings between Data Officers and data entry staff can take place either in person or by phone / video call.

- Update Staff on Any Changes to Data Reporting Requirements or Reporting Deadlines

Data Officers should promptly notify data entry staff at county providers of any changes to ILS data reporting requirements or reporting deadlines.

Best Practice # 3: Understanding ILS’s Data Reporting Requirements

The primary function of Data Officers is to assist providers in the *timely* and *accurate* submission of required data reports to ILS. There are four main reporting deadlines:

Report	Reporting Frequency	Reporting Deadline
ILS-195	Annually	April 1
Annual Financial Report	Annually	April 1
Performance Measures	Bi-annually	April 30 & October 30

What you should do:

- Become Familiar with the Purpose of Each Report
 - The **Annual Financial Report** is submitted annually and should be completed by the county. This report asks counties and New York City to indicate how much money was spent on indigent legal services during the previous calendar year.
 - The **ILS-195** is an annual report completed by the mandated representation providers in collaboration with the Data Officer. It allows ILS to monitor attorney caseloads and office staffing, to track progress towards compliance with criminal caseload standards in 2023, and to monitor the number of arraignments conducted and the outcomes of these arraignments. The ILS-195 also collects data regarding the services attorneys provide, case outcomes, and other matters relevant to the assessment of quality of public defense services.
 - The **Performance Measures Progress Report** is a bi-annual report completed by mandated representation providers in collaboration with the Data Officer. This report gathers information on the use of funding for implementation of the counsel at first appearance, caseload relief, and quality of representation reforms included in the Statewide expansion contract of the *Hurrell-Harring* settlement agreement.
- Review the PDF Form of Each Report in this Guide’s *Materials* Section

At the end of this Best Practices guide, a *Materials* section is included. Here, Data Officers should review the PDF forms of the Annual Financial Report, the ILS-195, and the Performance Measures Progress Report to make sure that they are up to date about all ILS data reporting requirements. If you have any questions about the forms, please contact us at data@ils.ny.gov.

Best Practice # 4: Learning about Each Provider's Case Management System (CMS)

A functional Case Management System will make adhering to the ILS data collection and reporting requirements easier. It is imperative that each provider has a Case Management System. As the Data Officer, you should work with each provider to ensure that their Case Management System is able to record all the data outlined in our requirements.

The most commonly used Case Management Systems include:

- defenderData
- IntelliX
- LaserFiche
- Law Manager
- Logis
- NYSDA's PDCMS
- PIKA
- Tecana

What you should do:

- Learn What System Each Provider Uses and How It is Used

The Case Management Systems listed above are a few of the ones that are used in mandated provider offices across New York State. As a Data Officer, it is important that you know the type of case management system that each mandated provider uses. You may also play a role in acquiring a new Case Management System that best fits the growing data requirements. ILS is available to answer your questions about any technological challenges you may be experiencing and to connect you to other providers that are using a case management system you may be exploring.

- Ensure That the Case Management System at Each Provider Records All Data Required by ILS

It is critical that accurate and complete data be entered into the Case Management System. The information that is recorded in the Case Management System is crucial during reporting periods. Across the three reports, ILS requires data on several case characteristics including, but not limited to, the examples below. Data Officers should make sure all data required by ILS are recorded in providers' Case Management System:

- When the case is opened or closed
- If expert services were used
- Which attorney represented the client at arraignment
- If a different attorney took over the case after arraignment
- The type of case
- Time spent on a case
- Number of cases assigned to individual attorneys
- Number of cases that received counsel at arraignment

Best Practice #5: Mastering your Coordinating Role in Data Reporting

Whether it is the Data Officer or the provider who compiles the data needed to complete each report, and ultimately submits the report, will differ between mandated representation providers. However, it is the Data Officer's job to coordinate with the providers to ensure that all the data is collected in an *accurate* and *timely* manner. It is important for Data Officers to keep track of which reports are due when, particularly because some reports (the ILS-195 and the Performance Measures) use the same survey site ("QuestionPro") for report submission. This may lead a provider to think that they have fulfilled all data reporting requirements because they filled out a report through the survey site, while in reality, only one of the two required reports may have been submitted.

What you should do:

- Develop a Plan to Work Closely with Data Entry Staff and Chief Defenders

Each Data Officer should develop and agree with providers on a plan that specifies how they work together to compile all data required by ILS. In addition, the Data Officer should make sure to review all reports for accuracy and consistency before submission to ILS. ILS recommends the Data Officer reaches out to each provider well in advance of the reporting deadlines to ensure timely filing.

- Collect and Review Source Documents

A *source document* refers to the document or source from which the information originates for each individual case that is entered into the provider's Case Management System. Examples of source documents can include a CAFA intake form, a pre-printed case file folder, a case closing form, a voucher for reimbursement / payment, etc. Data Officers should collect and review all source documents used by providers in their county.

- Complete the ILS-195 Source Document Form

In the Materials section at the end of this Best Practices Guide, you will find the *ILS-195 Source Documents Form*. Data Officers should fill out all the gray-shaded "Source Documents" areas on this form, starting at Question 11. This will help you identify which source documents are used by each provider. Completed ILS-195 Source Document Forms (one per provider) as well as blank copies of all source documents referred to in the Form should be submitted to ILS via data@ils.ny.gov.

Materials

Table of Contents:

- I. Example of an Assigned Counsel Program Data Flow Chart
- II. Example of an Institutional Provider Data Flow Chart
- III. Annual Financial Report
- IV. ILS-195
- V. Performance Measures Progress Report
- VI. ILS-195 Source Documents Form

I. Example of an Assigned Counsel Program Data Flow Chart

Assigned Counsel Program Template

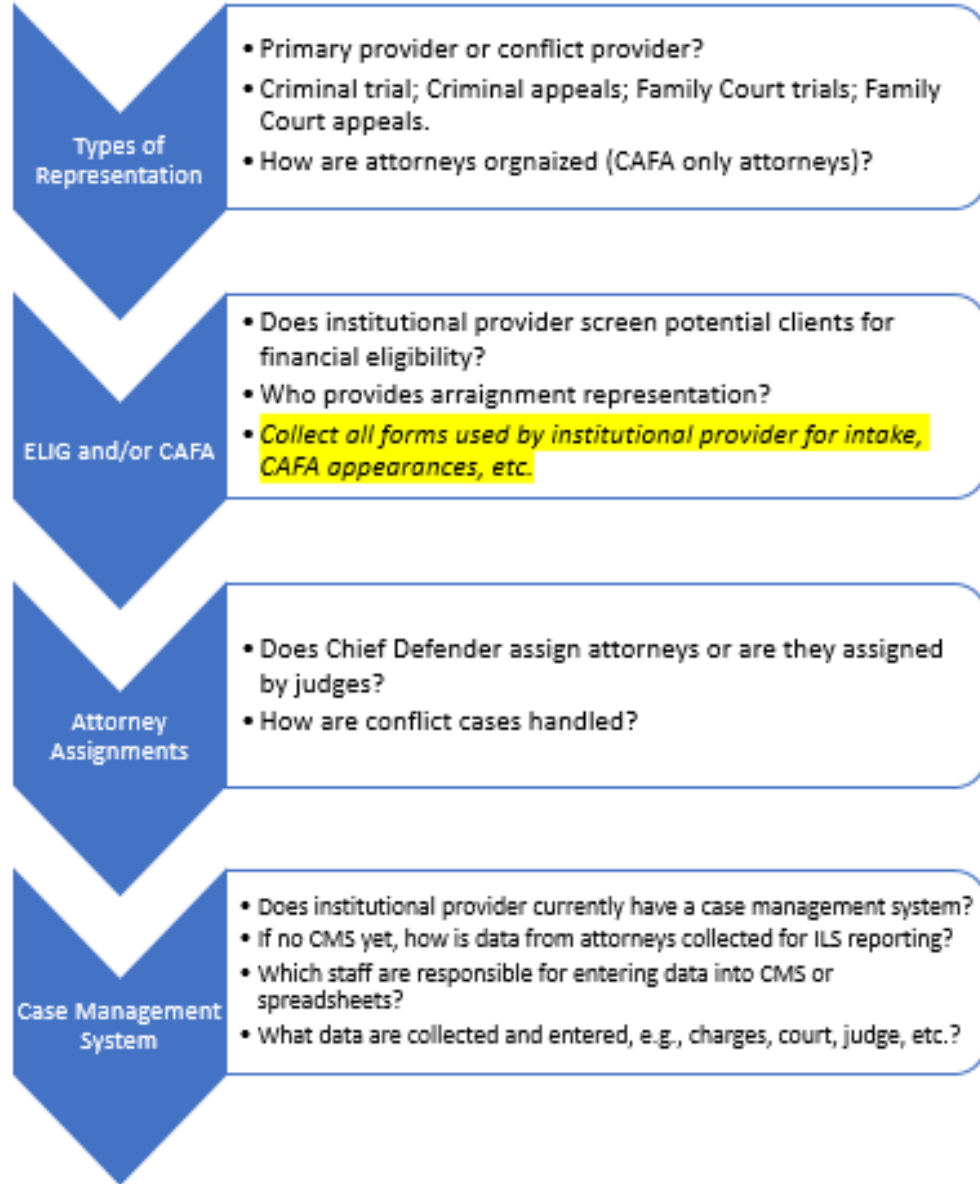


Additional Information (for example):

- The ACP is the conflict provider for criminal court cases but is the primary provider for family court representation.
- The ACP Administrator assigns attorneys for criminal court cases, but the family court judges assign family court cases.

II. Example of an Institutional Provider Data Flow Chart

Institutional Provider Template



Additional Information (for example):

- The institutional provider is the primary provider for criminal court cases but is the conflict provider for family court representation.

III. Annual Financial Report

**NEW YORK STATE OFFICE OF INDIGENT LEGAL SERVICES
2020 ANNUAL EXPENDITURE REPORT**

COUNTY/CITY: _____

CHIEF EXECUTIVE OFFICER: _____

This annual report has been developed in accordance with the provisions of County Law §722-f(2). It should be filed **no later than April 1, 2021**, to the New York State Office of Indigent Legal Services either via email at countyfinancialreports@ils.ny.gov or in hard copy to:

Office of Indigent Legal Services
c/o Director of Research
80 South Swan St., Suite 1147
Albany, NY, 12210

Completion of the certification on page 4 is a representation to the completeness and accuracy of all information presented in this form and any attachments hereto.

PART A – FINANCIAL INFORMATION

I. SUMMARY FINANCIAL INFORMATION

		Calendar Year 2020 (Enter details in Section II)
Total Expenditures		
Less: Revenue Sources		
	Federal Funds	
	State Funds	
	Private Source Funds	
Net Local Funds Calendar Year 2020		

Note:

- Section II should be completed first to compute the amounts for total expenditures and each category of revenue. The totals from the detailed schedules should be entered in the applicable space in the summary.
- “Total Expenditures” includes all expenses of the county or city applied to providing services (counsel and services other than counsel) pursuant to Article 18-B of the County Law. Such expenditures are hereinafter referred to as “Article 18-B expenditures.”
- “Local Funds” are all funds expended by a county or city for Article 18-B services and expenses, other than funds received from the federal government, the State, or a private source where the locality does not have authority or control over payment of such funds by such private source. “Local Funds” is computed by subtracting the total of all revenue sources from the total expenditures.

**NEW YORK STATE OFFICE OF INDIGENT LEGAL SERVICES
2020 ANNUAL EXPENDITURE REPORT**

II. EXPENDITURES AND REVENUES FOR CALENDAR YEAR 2020

1. **Detail of Article 18-B Expenditures** for the period of January 1, 2020 to December 31, 2020.

Note:

- The determination of expenditures for this report should use the same basis of accounting applied to the preparation of the financial statements. Expenditures include direct charges and indirect expenditures allocated pursuant to the cost allocation plan developed in accordance with OMB Circular A-87.

Category		Expenditures	
Public Defender			
	Personal Services		
	Equipment and Capital Outlay		
	Contractual Expenditures		
	Employee Benefits		
	Total Public Defender		
Legal Aid Bureau or Society			
Bar Association Rotational Plan			
Office of Conflict Defender			
Total Article 18-B Expenditures (to Summary)			

Note:

- **Public Defender:** Expenditures allocated to the Public Defender's office that are attributable to the services defined in Article 18-B of the County Law. Do not include payments to a legal aid bureau or society or counsel assigned under a bar association rotational plan or representation is provided by an Office of Conflict Defender.
- **Legal Aid Bureau or Society:** Expenditures charged to the county or city by a legal aid bureau or society designated by the county or city for services defined in Article 18-B of the County Law.
- **Bar Association Rotational Plan:** Expenditures charged to the county or city for services defined in Article 18-B of the County Law performed by counsel assigned pursuant to an approved plan of a bar association.
- **Office of Conflict Defender:** Expenditures allocated to the office of Conflict Defender where such office has been established pursuant to the provisions in Article 18-B of the County Law.

**NEW YORK STATE OFFICE OF INDIGENT LEGAL SERVICES
2020 ANNUAL EXPENDITURE REPORT**

2. **Detail of Revenue Sources** for the period of January 1, 2020 to December 31, 2020:

Note:

- Include revenues received by the county or city where such revenues are specifically designated for the support of or as reimbursement for expenditures attributable to the services defined in Article 18-B of the County Law. The determination of revenues for this report should use the same basis of accounting applied to the preparation of the financial statements.

a. **Federal Funds** – includes all federal aid specifically designated to support or reimburse Article 18-B expenditures. Please itemize by program or category of aid and amount.

Note:

- Revenues from Federal sources include funds received directly from a Federal agency and funds received from other entities that are classified as Federal program moneys pursuant to OMB Circular A-133. For example, applicable revenues received through the Byrne Formula Grant Program.

Program	Program Revenue
Total Federal Funds (record in Summary of Financial Information)	

b. **State Funds** – includes all State aid specifically designated to support or reimburse Article 18-B expenditures. Please itemize by program or category of aid and amount. Examples include certain revenues received through Correction Law §606 reimbursements.

Program	Program Revenue
Total State Funds (record in Summary of Financial Information)	

c. **Private Source Funds** – all funds from private sources specifically designated to support or reimburse Article 18-B expenditures, where the county or city does not have authority or control over payment of such funds by such private source. Please itemize by source and amount.

Private Source	Revenue
Total Private Funds (record in Summary of Financial Information)	

**NEW YORK STATE OFFICE OF INDIGENT LEGAL SERVICES
2020 ANNUAL EXPENDITURE REPORT**

PART B – CERTIFICATION

I, _____, as chief executive officer of the County/City of _____, certify that the above is a true and complete statement of the information provided.

Signature

Date

IV. ILS-195

ILS-195: Reporting Form for Providers of Mandated Representation

General instructions

Each provider of mandated representation must file an annual report with the Office of Indigent Legal Services (ILS) pursuant to New York County Law §722-f. Providers will fulfill this requirement through submission of a form known as the ILS-195. There are three parts to this form; Part 3 submission is not required until 2022.

Next to each question in the form, you will find an 'Instructions & Definitions' link containing information on the data that are being requested. We ask that you consult these instructions and definitions while filling out the form, and contact ILS with any outstanding questions. There are also hyperlinks to additional resources included at the top of the screen throughout the form for your reference. Note that as you are filling out the form, you are able to click 'Save Answers and Continue Later' at the bottom of each page if you need to come back to the form at another time. In that case, you will be prompted to enter your email address. Please do so and select "Continue". You will then receive an email with a new link. Use that new link to return to where you left off. Before submitting the form, you may choose to print your responses. Please note that the printout will only show questions for which an answer was provided.

Every provider of representation must file a separate submission. A 'provider' of representation is a public defender office, conflict defender office, legal aid society, assigned counsel program, or any other office, firm, individual, or entity that provides representation to persons financially unable to afford counsel in criminal or Family Court cases as defined in NY County Law Article 18-B. We consider assigned counsel 'providers' to exist in counties even where no formal administration exists and judges assign counsel. Except in New York City, we consider providers to be specific to a county. Where a single organization supplies representation in multiple counties (sometimes called a 'regional' program), separate forms must be submitted for services provided by that organization in each county respectively. Where one person or entity oversees two or more providers according to this definition (as, for example, where public defender offices oversee assigned counsel systems) separate reports must be submitted for each provider.

All questions refer to the most recent calendar year (January 1 – December 31), and responses must be submitted prior to the reporting deadline (April 1 following the year in question).

Data submitted on this form should be consistent both with the instructions and definitions included in the form, and with ILS' *Definitions for Reporting Counts of Criminal Cases to the Office of Indigent Legal Services*. Data Officers must review the ILS-195 report prior to submission. The Data Officer is the person designated by the county to oversee and assure the accuracy and consistency of data submitted to ILS.

If you have any questions or are not sure who your county's Data Officer is, please contact ILS at data@ils.ny.gov.

**Please refer to the instructions and definitions when completing this form.
Throughout, 'last calendar year' refers to the period January 1-December 31.
The reporting deadline is April 1.**

Please enter the following information for your provider.

County/City: _____
Provider: _____
Your name: _____
Your street address: _____
City: _____
Zip Code: _____
Your telephone number: _____
Your email address: _____

Instructions and Definitions

A **provider** of representation is a public defender office, conflict defender office, legal aid society, assigned counsel program, or any other office, firm, individual, or entity that provides representation to persons financially unable to afford counsel in criminal cases as defined in NY County Law Article 18-B. We consider assigned counsel 'providers' to exist in counties even where no formal administration exists and judges assign counsel. Except in New York City, we consider providers to be specific to a county. Where a single organization supplies representation in multiple counties (sometimes called a 'regional' program), separate forms must be submitted for services provided by that organization in each county respectively. Where one person or entity oversees two or more providers according to this definition (as, for example, where public defender offices oversee assigned counsel systems) separate reports must be submitted for each provider.

Screener questions

[These questions facilitate skip patterns.]

A. Is this **provider** an **institutional provider**, or an **assigned counsel provider**?

[If institutional provider, skip questions 10 and 14. Also skip screener question B.]

Instructions and Definitions

A **provider** of representation is a public defender office, conflict defender office, legal aid society, assigned counsel program, or any other office, firm, individual, or entity that provides representation to persons financially unable to afford counsel in criminal cases as defined in NY County Law Article 18-B. We consider assigned counsel ‘providers’ to exist in counties even where no formal administration exists and judges assign counsel. Except in New York City, we consider providers to be specific to a county. Where a single organization supplies representation in multiple counties (sometimes called a ‘regional’ program), separate forms must be submitted for services provided by that organization in each county respectively. Where one person or entity oversees two or more providers according to this definition (as, for example, where public defender offices oversee assigned counsel systems) separate reports must be submitted for each provider.

Institutional providers are providers of representation which employ staffs of attorneys to provide representation, and include public defender offices, conflict defender offices, and legal aid societies. This includes providers where staff are part-time and deliver services out of their respective private law offices. This may also include law firms or individual attorneys who provide representation in cases pursuant to a contract.

Assigned counsel providers are providers of representation which do not employ a staff of attorneys to provide representation, but instead compensate attorneys hourly for the time they spend on individual cases pursuant to County Law § 722(3).

B. [Only asked if responds ‘assigned counsel’ to screener question A] Is this **provider** notified of all **new cases opened** at the time of opening?

If yes check here: []

If no check here: []

[If no, skip questions 11 and 13.]

Instructions and Definitions

A provider opens a new case when representation and/or advice is provided to a client by an attorney, as detailed in ILS’ *Definitions for Reporting Counts of Criminal Cases to the Office of Indigent Legal Services*

However, some providers (particularly in assigned counsel contexts) may not know that cases have been opened if, for example, an attorney accepts an assignment directly from a judge. In such cases, the assigned counsel administrator may not be notified of the new case until after the case is ended when the attorney bills for their time.

As stated in ILS’ *Definitions for Reporting Counts of Criminal Cases to the Office of Indigent Legal Services*, providers who are not informed of all new cases opened at the time of opening may report counts of closed cases instead for certain questions. The precise wording of the *Definitions* is as follows:

“When reporting caseload counts, providers should report counts of all newly opened cases across all categories specified in ILS’ caseload standards for the time period requested (generally the previous

year). Where providers are not informed of the opening of cases in a timely manner they may report counts of cases that closed during the time period requested. In this situation, the same definitions must be applied for the purpose of counting cases. This is of importance because it is common for more than one case against a single client to be disposed together – creating the appearance, at the point of closing, that only one case is being closed, whereas in fact multiple cases are being closed simultaneously. For providers reporting cases according to this rule, it is essential that the total number of cases being closed is recorded accurately in accordance with these definitions.”

Part 1

1. How many **individuals** were on **staff** at this **provider** on December 31 of the last calendar year in the following categories? Please respond with numbers only. Decimal points are not allowed. A blank entry will result in an error message – please enter ‘0’ where applicable.

	Attorneys	Investigators	Social Workers	Other Staff	TOTAL
Individuals	_____	_____	_____	_____	Comp.

Instructions and Definitions

‘Individuals’ refers to the total number of persons on staff, whether part-time or full-time, as of December 31 of the year for which data are being reported. Only individuals involved in providing representation to persons financially unable to afford counsel in criminal cases as defined in NY County Law Article 18-B should be counted. No person should be counted in more than one category.

‘Staff’ includes all persons who are employed by the office in a full- or part-time capacity. For assigned counsel providers, ‘staff’ includes only the staff employed to run the program itself (i.e. the administrator and any supporting staff) and not attorneys accepting assignments.

An **‘Attorney’** is a person admitted to the New York State Bar, or awaiting Bar admission and acting pursuant to a Practice Order. To be counted here, they must have been engaged either in providing legal representation to clients, in supervising or managing others who provide legal representation to clients, or managing an assigned counsel provider.

‘Investigators’ includes all persons responsible for assisting defense counsel with factual investigations including but not limited to identifying and interviewing witnesses and reviewing evidence. Do not include persons in this category if their primary responsibilities are process serving and/or screening of clients for financial eligibility.

‘Social Workers’ includes all persons licensed as social workers pursuant to Title 8, Article 154, Section 7704 of New York State Education Law and Part 74 and Section 52.30 of the Regulations of the

Commissioner of Education, as well as persons performing sentencing advocacy services, client and/or case management services, or mitigation investigation services, whether or not as licensed social workers.

'Other Staff' includes any non-attorney professional who is not an investigator or social worker according to these definitions.

It may be useful to refer to the ILS *Employee Statistics Worksheet* for assistance with this question. That worksheet allows you to enter details for all persons employed in your provider, and generates this table automatically. [Click here to access the worksheet.](#)

A **provider** of representation is a public defender office, conflict defender office, legal aid society, assigned counsel program, or any other office, firm, individual, or entity that provides representation to persons financially unable to afford counsel in criminal cases as defined in NY County Law Article 18-B. We consider assigned counsel 'providers' to exist in counties even where no formal administration exists and judges assign counsel. Except in New York City, we consider providers to be specific to a county. Where a single organization supplies representation in multiple counties (sometimes called a 'regional' program), separate forms must be submitted for services provided by that organization in each county respectively. Where one person or entity oversees two or more providers according to this definition (as, for example, where public defender offices oversee assigned counsel systems) separate reports must be submitted for each provider.

2. Of the **attorneys on staff** on December 31 of the last calendar year, how many **supervised the work of others**? Please respond with numbers only. Decimal points are not allowed. A blank entry will result in an error message – please enter '0' where applicable.

Instructions and Definitions

Anybody who is responsible for overseeing or managing the work of others should be counted as a **'supervisor'**. This includes managers, even if they do not handle cases or clients directly at all.

3. How many hours is a **'full-time'** employee expected to work weekly in this **provider**? (e.g. 37.5) Please respond with numbers only. Decimal points are allowed. A blank entry will result in an error message – please enter '0' where applicable.

Instructions and Definitions

Please specify the number of hours that a person must work in a week to be considered 'full-time' in your provider. For some providers persons working 37.5 hours a week or more are considered 'full-time', for others it may be different.

4. How many **full-time equivalent (FTE) staff** were employed by this **provider** on December 31 of the last calendar year? Please respond with numbers only. Decimal points are allowed. A blank entry will result in an error message – please enter '0' where applicable.

	Attorneys	Investigators	Social Workers	Other Staff	TOTAL
FTEs	_____	_____	_____	_____	Comp.

Instructions and Definitions

'Staff' includes all persons who are employed by the office in a full- or part-time capacity. For assigned counsel providers, 'staff' includes only the staff employed to run the program itself (i.e. the administrator and any supporting staff) and not attorneys accepting assignments.

Counting 'staff' in **full-time equivalent** terms is done as follows. One staff-person who works full-time in your program is counted as '1', whereas a staff member who works less than full-time is counted according to the proportion of a full-time position that they work (e.g. a staff person working 50% of full-time is counted as '0.5'). A program with one full-time and one 50% part-time attorney, for example, would therefore have '1.5 full-time equivalent' attorney staff. This same approach should be taken with each category of staff.

An '**Attorney**' is a person admitted to the New York State Bar, or awaiting Bar admission and acting pursuant to a Practice Order. To be counted here, they must have been engaged either in providing legal representation to clients, in supervising or managing others who provide legal representation to clients, or managing an assigned counsel provider.

'**Investigators**' includes all persons responsible for assisting defense counsel with factual investigations including but not limited to identifying and interviewing witnesses and reviewing evidence. Do not include persons in this category if their primary responsibilities are process serving and/or screening of clients for financial eligibility.

'**Social Workers**' includes all persons licensed as social workers pursuant to Title 8, Article 154, Section 7704 of New York State Education Law and Part 74 and Section 52.30 of the Regulations of the Commissioner of Education, as well as persons performing sentencing advocacy services, client and/or case management services, or mitigation investigation services, whether or not as licensed social workers.

'**Other staff**' includes any non-attorney professional who is not an investigator or social worker according to these definitions.

It may be useful to refer to the ILS Employee Statistics Worksheet for assistance with this question. Click here to access the worksheet.

- Of the **FTEs** reported in the previous question, how many work on **criminal** representation, and how many on **family** representation, whether at the trial or appellate level? Please respond with numbers only. Decimal points are allowed. A blank entry will result in an error message – please enter ‘0’ where applicable. Note that the values presented in the ‘total’ bottom row are populated automatically based on your previous answers. If the totals presented seem incorrect, please review your answers to previous questions and/or provide an explanation below.

	Attorneys	Investigators	Social Workers	Other Staff	TOTAL
Criminal	_____	_____	_____	_____	Comp.
Family	_____	_____	_____	_____	Comp.
Total	Q4 response shown	Q4 response shown	Q4 response shown	Q4 response shown	Q4 response shown

Instructions and Definitions

‘Criminal’ refers to persons engaged in representation in criminal cases, whether at the trial, appellate, or post-disposition level.

‘Family’ refers to persons engaged in representation in Family Court cases, as defined under County Law Article 18-B, whether at the trial or appellate level.

FTE staff dedicated to criminal and family court respectively are broken out as follows. If a single staff person maintained a caseload of **both criminal and family court cases** we ask that you report what proportion of time they spent on each. In addition, we ask that you do not include time that is devoted to supervisory tasks, including and administrative tasks associated with supervisory responsibilities. For example, if Attorney 1 is a full-time employee that spends 30% of their time on criminal cases, 30% on family court cases, and 40% of their time on supervision, you should add 0.3 to the total number of full-time equivalent attorneys in criminal practice, and 0.3 to the number in family court. If Attorney 2 is a part-time (40%) employee that spends 75% of their time on criminal cases and 25% on non-criminal cases, you should add 0.3 (found by multiplying 0.4 by 0.75) to the total number of full-time equivalent attorneys in criminal practice, and 0.1 (found by multiplying 0.4 by 0.25) to the number of full-time equivalent attorneys in family court practice.

Your responses from the previous question are shown in the **‘total’** row: please assure your responses to this question sum appropriately to those totals.

It may be useful to refer to the ILS *Employee Statistics Worksheet* for assistance with this question. Click here to access the worksheet.

6. Please report the **provider’s total expenditures on personal services (PS)** in the last calendar year. Please respond with numbers only – no letters, commas, or special characters (including dollar signs and dashes). Decimal points are allowed. A blank entry will result in an error message – please enter ‘0’ where applicable.

	Attorneys	Investigators	Social Workers	Other Staff	TOTAL
PS expenditures	_____	_____	_____	_____	Comp.

Instructions and Definitions

‘Expenditures on personal services’ are those on salaries, wages, and fringe benefits of staff. Accordingly, please enter the totals expended by your provider for personal services for the individuals in each category of staff in the last calendar year. **‘Staff’** includes all persons who are employed by the office in a full- or part-time capacity. For assigned counsel providers, ‘staff’ includes only the staff employed to run the program itself (i.e. the administrator and any supporting staff) and not attorneys accepting assignments. Only expenditures related to providing representation to persons financially unable to afford counsel in criminal cases as defined in NY County Law Article 18-B should be counted.

Expenditures on **‘Attorneys’** are those for persons admitted to the New York State Bar, or awaiting Bar admission and acting pursuant to a Practice Order. Such persons must have been engaged either in providing legal representation to clients, in supervising or managing others who provide legal representation to clients, or managing an assigned counsel provider. Note, however, that only expenditures for salaries, wages, and fringe benefits to **attorneys on staff** with a provider are considered **‘personal services’** and should be reported here. Expenditures for **assigned counsel** attorney case representation are considered **‘other than personal services’** and should not be reported here.

Expenditures on **‘Investigators’** are those for all persons responsible for assisting defense counsel with factual investigations including but not limited to identifying and interviewing witnesses and reviewing evidence. Do not include persons in this category if their primary responsibilities are process serving and/or screening of clients for financial eligibility.

Expenditures on **‘Social Workers’** are those for all persons licensed as social workers pursuant to Title 8, Article 154, Section 7704 of New York State Education Law and Part 74 and Section 52.30 of the Regulations of the Commissioner of Education, as well as persons performing sentencing advocacy services, client and/or case management services, or mitigation investigation services, whether or not as licensed social workers.

Expenditures on **‘Other Staff’** are those for any non-attorney professional who is not an investigator or social worker according to these definitions.

It may be useful to refer to the ILS *Employee Statistics Worksheet* for assistance with this question.

7. Please report the OTPS expenditures breakdown for **criminal** representation and **family** representation, whether at the trial or appellate levels. Please only enter numbers in the first six?? columns. You cannot enter data in the 'TOTAL' column. These boxes will automatically show a "-". Please respond with numbers only – no letters, commas, or special characters (including dollar signs and dashes). Decimal points are allowed. A blank entry will result in an error message – please enter '0' where applicable. Note that the values presented in the 'total' bottom row are populated automatically based on your previous answers. If the totals presented seem incorrect, please review your answers to previous questions and/or provide an explanation below.

	Attorneys	Investigators	Social Workers	Expert Witnesses	Other Persons	All other OTPS	TOTAL
Criminal	_____	_____	_____	_____	_____	_____	
Family	_____	_____	_____	_____	_____	_____	
Total	Comp.	Comp.	Comp.	Comp.	Comp.	Comp.	Comp.

Instructions and Definitions

'**OTPS expenditures**' are those on items other than salaries, wages, and fringe benefits of staff. They include payments for supplies, equipment, training and CLE attendance, mileage, professional licensing fees, legal and other professional print material (books, periodicals, etc.), electronic legal research, utilities and contractual services. All payments to persons not on the staff of the provider (assigned counsel attorneys, contracted investigators, social workers, expert witnesses, interpreters, process servers, court reporters, etc.) should be regarded as 'other than personal services'. In this question, we are requesting that OTPS on attorneys, investigators, social workers, expert witnesses, and other non-attorney professionals be broken down into the amounts expended in criminal and family court cases respectively.

Expenditures in the '**criminal**' category are those relating to representation in criminal cases, whether at the trial, appellate, or post-disposition levels.

Expenditures in the '**family**' category are those relating to representation in family cases, whether at the trial or appellate levels.

8. Please report any other expenditures that were not covered by the categories above. Please respond with numbers only – no letters, commas, or special characters (including dollar signs and dashes). Decimal points are allowed. A blank entry will result in an error message – please enter '0' where applicable.

9. Total **expenditures** for this **provider**: Note that the value presented here is calculated automatically based on your previous answers. If this value seems incorrect, please review your answers to previous questions.

[Comp., sum of totals in questions 6, **Error! Reference source not found.** and 8.]

10. [Question 10 is for assigned counsel providers only. Institutional providers will skip to Question11.] How many **attorneys** were paid pursuant to County Law Article 18-B over the past year for work in **criminal** and **family** court cases respectively? Please respond with numbers only. Decimal points are not allowed. A blank entry will result in an error message – please enter '0' where applicable.

Criminal cases

Family court cases

Instructions and Definitions

This question requests the total count of **individual attorneys** who have received any compensation for providing representation under County Law Article 18-B in either criminal or family court cases, whether at the trial or appellate levels. Attorneys who have been compensated for cases in both categories should be counted *separately* in each.

Part 2

11. Please report the total number of **new cases opened** in the following categories in the last calendar year. Please respond with numbers only. Decimal points are not allowed. A blank entry will result in an error message – please enter ‘0’ where applicable.

[Assigned counsel providers not notified of newly open cases per their response on Screener Question B will skip to question 12. All other providers answer question 11.]

Violent Felonies	_____
Other Felonies	_____
Misdemeanors and Violations	_____
Parole Violations	_____
Post-Dispositions	_____
Appeals of a Guilty Plea	_____
Appeals of a Verdict	_____
Family Court	_____
Family Court Appeals	_____

Instructions and Definitions

This question requests the numbers of **new cases opened** in the last calendar year, also known as the program’s incoming caseload. They are divided into nine categories.

These categories correspond to the caseload standards established by ILS in our report *A Determination of Caseload Standards pursuant to § IV of the Hurrell-Harring v. The State of New York Settlement*. ILS has also issued guidance on how exactly cases should be counted for reporting in this section in the document *Definitions for Reporting Counts of Criminal Cases to the Office of Indigent Legal Services*. Please refer to the *Definitions* with any questions regarding how cases should be categorized, or how and when advice and/or representation provided to clients should be counted as a ‘**case**’.

ILS has not issued any definitions for **Family court** or **Family Court Appeals** cases. We request you submit to us the count of new cases as it appears in the provider’s records.

12. Please report the total number of **cases closed** in the following categories in the last calendar year. Please respond with numbers only. Decimal points are not allowed. A blank entry will result in an error message – please enter ‘0’ where applicable.

Violent Felonies	_____
Other Felonies	_____
Misdemeanors & Violations	_____
Parole Violations	_____
Post-Dispositions	_____
Appeals of a Guilty Plea	_____
Appeals of a Verdict	_____
Family Court	_____
Family Court Appeals	_____

Instructions and Definitions

This question requests the numbers of **cases closed** in the last calendar year. They are divided into eight categories.

'**Cases closed**' are cases where representation has terminated either because a final disposition was reached in court, or for some other reason such as the discovery of a conflict of interest, or the client opting to change counsel. A case that results in a mistrial is considered a 'closed' case. '**Cases closed**' also include those cases of **Juvenile Offenders** and **Adolescent Offenders** initiated in the criminal Youth Part but later removed to Family Court pursuant to CPL Article 722. The date of case closure is the date of the termination of representation, and not another date such as the date on which an **assigned counsel** provider receives a voucher from an attorney for their services. In **institutional providers**, cases transferred or reassigned between attorneys within the provider should not be counted as 'closed' by the first attorney and 'opened' by the second. Cases closed should be categorized according to the initial top charge. For example, a case where a defendant was initially charged with a violent felony should be counted in the violent felonies row, even if the defendant was ultimately convicted of a lesser charge, or not convicted at all. Cases should *not* be considered 'closed' if clients have absconded (whether or not a bench warrant was issued by a court). Misdemeanor cases dismissed when the client is found incapacitated under CPL § 730 should be counted as closed. Cases other than misdemeanors where the client is found incapacitated under CPL § 730 should remain open.

For criminal appeals to an intermediate appellate court, cases are closed when representation has terminated because an appellate order was issued and, if requested to do so by the client, counsel has made a motion for permission to appeal to the Court of Appeals, and the motion has been denied or granted.

These categories correspond to the caseload standards established by ILS in our report *A Determination of Caseload Standards pursuant to § IV of the Hurrell-Harring v. The State of New York Settlement*. ILS has also issued guidance on how exactly cases should be counted for reporting in this section in the document *Definitions for Reporting Counts of Criminal Cases to the Office of Indigent Legal Services*. Please refer to the *Definitions* with any questions regarding how cases should be categorized, or how

and when advice and/or representation provided to clients should be counted as a 'case'. **Assigned counsel** providers reporting totals of cases closed should refer particularly to the section of the definitions headed '**Reference periods for reporting**'.

ILS has not issued any definitions for **Family Court** or **Family Court Appeals** cases. For the purposes of ILS-195 reporting, a **Family Court Appeal** should be considered closed when representation has terminated because an appellate order was issued and, if requested to do so by the client, counsel has made a motion for permission to appeal to the Court of Appeals, and the motion has been denied or granted.

13. Please report the total number of cases **pending** in the following categories on December 31 of the last calendar year. Please respond with numbers only. Decimal points are not allowed. A blank entry will result in an error message – please enter '0' where applicable.

[Assigned counsel providers not notified of new cases will skip this question.]

Violent Felonies	_____
Other Felonies	_____
Misdemeanors & Violations	_____
Parole Violations	_____
Post-Dispositions	_____
Appeals of a Guilty Plea	_____
Appeals of a Verdict	_____
Family Court	_____
Family Court Appeals	_____

Instructions and Definitions

This question requests the numbers of cases open at the end of the last calendar year in eight categories, also known as the program's **pending** caseload. They are divided into eight categories.

These categories correspond to the caseload standards established by ILS in our report *A Determination of Caseload Standards pursuant to § IV of the Hurrell-Harring v. The State of New York Settlement*. ILS has also issued guidance on how exactly cases should be counted for reporting in this section in the document *Definitions for Reporting Counts of Criminal Cases to the Office of Indigent Legal Services*. Please refer to the *Definitions* with any questions regarding how cases should be categorized, or how and when advice and/or representation provided to clients should be counted as a 'case'.

ILS has not issued any definitions for **Family Court** or **Family Court Appeals** cases. We request you submit to us the count of pending cases as it appears in the provider's records.

14. Please report the total number of **hours of attorney time** reported for **cases closed** in the following categories in the last calendar year. Please respond with numbers only. Decimal points are allowed to reflect fractions of an hour. A blank entry will result in an error message – please enter ‘0’ where applicable.

[Question 14 is for assigned counsel providers only. Institutional providers will skip to Question 15.]

	<i>Attorney time</i>
Violent Felonies	_____
Other Felonies	_____
Misdemeanors & Violations	_____
Parole Violations	_____
Post-Dispositions	_____
Appeals of a Guilty Plea	_____
Appeals of a Verdict	_____
Family Court	_____
Family Court Appeals	_____

Instructions and Definitions

This question requests the **aggregate number of hours of work spent by attorneys** on **cases closed** in the last calendar year. Time dedicated by non-attorneys (e.g. investigators) should not be included. ILS set standards for the number of hours attorney should spend, on average, per case, in its report *A Determination of Caseload Standards pursuant to § IV of the Hurrell-Harring v. The State of New York Settlement*.

Cases should be counted consistent with the definitions set forth in *Definitions for Reporting Counts of Criminal Cases to the Office of Indigent Legal Services*. **'Cases closed'** are cases where representation has terminated either because a final disposition was reached in court, or for some other reason such as the discovery of a conflict of interest, or the client opting to change counsel. A case that results in a mistrial is considered a 'closed' case. 'Cases closed' also include those cases of **Juvenile Offenders** and **Adolescent Offenders** initiated in the criminal Youth Part but later removed to Family Court pursuant to CPL Article 722. The date of case closure is the date of the termination of representation, and not another date such as the date on which an **assigned counsel** provider receives a voucher from an attorney for their services. In **institutional providers**, cases transferred or reassigned between attorneys within a provider should not be counted as 'closed' by the first attorney and 'opened' by the second. Cases closed should be categorized according to the initial top charge. Thus, a case where a defendant was initially charged with a violent felony should be counted in the violent felonies row, even if the defendant was ultimately convicted of a lesser charge, or not convicted at all. Cases should *not* be

considered 'closed' if clients have absconded (whether or not a bench warrant was issued by a court). Misdemeanor cases dismissed when the client is found incapacitated under CPL § 730 should be counted as closed. Cases other than misdemeanors where the client is found incapacitated under CPL § 730 should remain open.

The following simplified example shows how these numbers should be computed. If in the last calendar year a program closed just two violent non-felony cases and three misdemeanor/violation cases, the total number of hours of attorney time in these cases is computed as follows.

Attorney hours expended in non-violent felony case one: 24 hours
 Attorney hours expended in non-violent felony case two: 18 hours
 Total attorney hours expended in non-violent felony cases: 18 + 24 = **42 hours**

Attorney hours expended in misdemeanor/violation case one: 4.5 hours
 Attorney hours expended in misdemeanor/violation case two: 7.5 hours
 Attorney hours expended in misdemeanor/violation case three: 9 hours
 Total attorney hours expended in misdemeanor/violation cases: 4.5 + 7.5 + 9 = **21 hours**

ILS has also issued guidance on how exactly cases should be counted for reporting in this section in the document *Definitions for Reporting Counts of Criminal Cases to the Office of Indigent Legal Services*. Please refer to the *Definitions* with any questions regarding how cases should be categorized, or how and when advice and/or representation provided to clients should be counted as a 'case'.

ILS has not issued any definitions for **Family** court or **Family Court Appeals** cases. We request you submit to us the breakdown of attorney time as it appears in the provider's records.

- Please note the types of **any other cases** in which this **provider** supplied representation which are not included in the counts reported above, and where possible note the numbers of those cases.

Type of case	Number of cases (if known)

Instructions and Definitions

Where providers supply representation in cases other than those captured in the categories in the questions above, they should note those cases here, and to the greatest extent possible quantify how many such cases there were.

'Other cases' includes any other instances of providing advice and/or representation to a person in association with a legal matter pursuant to established professional standards for providers of

mandated representation, but which are not included among the categories of cases described in the *Definitions for Reporting Counts of Criminal Cases to the Office of Indigent Legal Services*. Cases in which advice and representation was provided to persons not yet charged with an offense should be counted here.

Part 3

16. Is this program the primary provider of arraignment representation in the county?
- a. Yes
 - b. No

17. Please report the total numbers of **arraignments** in **criminal** cases at which you provided representation in the last calendar year for each of the following three categories: violent felonies, other felonies, and misdemeanors & violations. Then indicate for each arraignment what the outcome / outcomes were by counting them in the applicable categories below. Please respond with numbers only. Decimal points are not allowed. A blank entry will result in an error message – please enter ‘0’ where applicable.

	Violent Felonies	Other Felonies	Misdemeanors & Violations
Total arraignments	_____	_____	_____
...at which client was in custody prior to arraignment	_____	_____	_____
...at which client was ROR’d	_____	_____	_____
...at which client was released under non-monetary conditions	_____	_____	_____
...at which bail was set	_____	_____	_____
...at which client was remanded	_____	_____	_____
...at which client received an ACD	_____	_____	_____
...at which client’s case was dismissed	_____	_____	_____
...at which client pleaded guilty	_____	_____	_____

Instructions and Definitions

An **arraignment** is defined consistent with Executive Law § 832(4)(a)(i) as “the first appearance by a person charged with a crime before a judge or magistrate, with the exception of an appearance where no prosecutor appears and no action occurs other than the adjournment of the criminal process and the unconditional release of the person charged (in which event Arraignment shall mean the person’s next appearance before a judge or magistrate).” We note that, depending on case assignment procedures, providers may not necessarily supply representation for all arraignments in cases in which they are

assigned. Hence, the **total number of arraignments** reported here may not match the total number of **new cases opened** reported in Part 2 of the form.

Arraignments **‘at which client was in custody prior to arraignment’** are those where the client was arrested and in custody prior to the proceeding. This includes persons arrested pursuant to an arrest warrant, and those arrested without a warrant.

Arraignments **‘at which client was ROR’d’** are those at which the client was released on his or her own recognizance (“ROR’d”) following the arraignment.

Arraignments **‘at which client was released under non-monetary conditions’** are those in which the client was released under non-monetary conditions following the arraignment

Arraignments **‘at which bail was set’** are those at which the court required some financial condition set forth under Criminal Procedure Law (CPL) §520.10 to be satisfied for the client to obtain his or her release. This may include any one of the nine forms of bail or bond set forth under CPL §520.10(1).

Arraignments **‘at which client was remanded’** are those at which the client was ordered remanded pursuant to CPL 530.20(b)(1), including those cases in which the court was not authorized to set bail under CPL 530.20(2) and those cases in which a competency evaluation was ordered under CPL 730.

Arraignments **‘at which client received an ACD’** are those at which the client received an Adjournment in Contemplation of Dismissal pursuant to CPL §§ 170.55 or 170.56 during the proceeding.

Arraignments **‘at which the client’s case was dismissed’** are those at which the case was dismissed during the proceeding.

Arraignments **‘at which the client pleaded guilty’** are those where the client pleaded guilty to any charge.

18. Please report the number of criminal cases closed in the last calendar year in which any of the following services were provided. Please respond with numbers only. Decimal points are not allowed. A blank entry will result in an error message – please enter ‘0’ where applicable.

	Violent Felony	Other Felony	Misdemeanor & Violation	Parole Violation	Post- Disposition	Appeal, Guilty Plea	Appeal, Verdict
Investigator used	_____	_____	_____	_____	_____	_____	_____
Expert retained	_____	_____	_____	_____	_____	_____	_____
Interpreter retained	_____	_____	_____	_____	_____	_____	_____
Social worker used	_____	_____	_____	_____	_____	_____	_____

Instructions and Definitions

Cases should be counted consistent with the definitions set forth in *Definitions for Reporting Counts of Criminal Cases to the Office of Indigent Legal Services*. '**Cases closed**' are cases where representation has terminated either because a final disposition was reached in court, or for some other reason such as the discovery of a conflict of interest, or the client opting to change counsel. A case that results in a mistrial is considered a 'closed' case. 'Cases closed' also include those cases of **Juvenile Offenders** and **Adolescent Offenders** initiated in the criminal Youth Part but later removed to Family Court pursuant to CPL Article 722. The date of case closure is the date of the termination of representation, and not another date such as the date on which an **assigned counsel** provider receives a voucher from an attorney for their services. In **institutional providers**, cases transferred or reassigned between attorneys within a provider should not be counted as 'closed' by the first attorney and 'opened' by the second. Cases closed should be categorized according to the initial top charge. Thus, a case wherein a defendant was initially charged with a violent felony should be counted in the violent felonies row, even if the defendant was ultimately convicted of a lesser charge, or not convicted at all. Cases should *not* be considered 'closed' if clients have absconded (whether or not a bench warrant was issued by a court). Misdemeanor cases dismissed when the client is found incapacitated under CPL § 730 should be counted as closed. Cases other than misdemeanors where the client is found incapacitated under CPL § 730 should remain open.

Cases should be counted as '**investigator used**' when an investigator was assigned to a case from among staff within an office, or was retained for an individual case. '**Investigator**' includes persons responsible for assisting defense counsel with factual investigations including but not limited to identifying and interviewing witnesses and reviewing evidence. We do not consider investigation to include process serving and/or screening of clients for financial eligibility; cases where these services were provided should not be counted among 'investigator used' unless other factual investigation also occurred.

Cases should be counted as '**expert retained**' when an expert was retained, whether or not payment was made. All cases where experts were retained should be counted including those where they were retained for consultation only but did not testify in court.

Cases should be counted as '**interpreter retained**' when an interpreter was retained by the defense to assist with client communication. Cases involving use of interpreters provided by a court, or persons acting informally as interpreters without being retained, should not be counted.

Cases should be counted as '**social worker used**' when a social worker was used in the case. Social workers include all persons licensed as social workers pursuant to Title 8, Article 154, Section 7704 of New York State Education Law and Part 74 and Section 52.30 of the Regulations of the Commissioner of Education, as well as persons performing sentencing advocacy services, client and/or case management services, or mitigation investigation services, whether or not as licensed social workers. Social workers may be assigned to a case from among staff within an office, or retained for an individual case.

19. Of the felony, misdemeanor and violation cases disposed in the last calendar year, please report how many were: Please respond with numbers only. Decimal points are not allowed. A blank entry will result in an error message – please enter ‘0’ where applicable.

	Violent Felonies	Other Felonies	Misdemeanors & Violations
Disposed at trial – fully acquitted	_____	_____	_____
Disposed at trial – found guilty of any charge	_____	_____	_____
Disposed at trial – dismissal	_____	_____	_____
Disposed by guilty plea to top charge	_____	_____	_____
Disposed by guilty plea to a lesser charge	_____	_____	_____
Adjournment in Contemplation of Dismissal	_____	_____	_____
Covered or dismissed in satisfaction of other case	_____	_____	_____
Otherwise dismissed	_____	_____	_____
Other court dispositions	_____	_____	_____

Instructions and Definitions

This question asks about cases which were disposed in the last calendar year. Cases which do not end with a court disposition – for example, those where representation ends due to discovery of a conflict of interest – should not be counted in this question at all. Instead they are counted in a subsequent question.

The question requests information on violent felony, other felony, misdemeanor and violation cases only. Do not include any counts of post-disposition, parole violation, or appeal cases.

Cases should be counted as **‘disposed at trial – fully acquitted’** when the client was fully acquitted of all charges at trial.

Cases should be counted as **‘disposed at trial – found guilty of any charge’** when the client was found guilty of any charge at trial.

Cases should be counted as **‘disposed at trial – dismissal’** when the case was dismissed during the trial. This may occur, for example, pursuant to granting of a motion under CPL § 280 for mistrial, or the granting of a trial order of dismissal pursuant to CPL § 290.

Cases should be counted as **‘disposed by guilty plea to top charge’** when the client pleaded guilty to the most serious charge on the accusatory instrument or indictment.

Cases should be counted as **‘disposed by guilty plea to lesser charge’** when the client pleaded guilty to any lesser charge than the most serious one of which they were accused. This may include pleas to charges that were not initially ‘lesser included’ charges, but were ultimately arrived at as part of a plea deal.

Cases should be counted as **‘Adjournment in Contemplation of Dismissal’** when the case was disposed as Adjournment in Contemplation of Dismissal pursuant to CPL §§ 170.55 or 170.56. For this purpose, “disposed” includes any ACD granted in the last calendar year whether or not it has been dismissed.

Cases should be counted as **‘covered or dismissed in satisfaction of other case’** when the case was dismissed as a result of an agreement in another case. (For example, the client pleaded guilty in another case, with the consequence this case was dismissed.)

Cases should be counted as **‘otherwise dismissed’** if they were dismissed but not included in any other category in this table (e.g. dismissed as a result of an agreement in another case, or dismissed during trial).

Cases should be counted under **‘other court dispositions’** when disposed by a court in any other manner.

Cases should be counted consistent with the definitions set forth in *Definitions for Reporting Counts of Criminal Cases to the Office of Indigent Legal Services*.

20. Please report the manner of disposition for all appellate cases in this program in the last calendar year. Cases where representation ended before disposition should *not* be included in these counts. Please respond with numbers only. Decimal points are not allowed. A blank entry will result in an error message – please enter ‘0’ where applicable.

	Defendants’ Appeals of Guilty Pleas	Defendants’ Appeals of Verdicts	People’s Appeals
Affirmed	_____	_____	_____
Reversed or Modified	_____	_____	_____
Anders brief filed and case dismissed	_____	_____	_____
Other disposition (dismissed for other reason, withdrawn, etc.)	_____	_____	_____

Instructions and Definitions

Providers should record counts of all disposed appeals of judgments of conviction and/or sentence, upon guilty plea, or upon verdict. Cases which ended for reasons other than a court disposition (e.g. representation ended when client found ineligible for services) should not be counted. Appeals of denied 440 motions should not be counted.

Cases should be counted consistent with the definitions set forth in *Definitions for Reporting Counts of Criminal Cases to the Office of Indigent Legal Services*. Those *Definitions* state that “A new [appellate] case must be counted whenever leave is granted to appeal to a higher court. A direct appeal should be counted as a case; in the event such an appeal fails and leave is granted to appeal to a higher court, a

new appellate case should be counted. Filing of a notice of appeal should not be counted as a new appellate case in the absence of an assignment to conduct appellate representation.”

Cases should be counted as **defendant’s appeals** when the provider represents a client appealing a judgment of conviction and/or sentence.

Cases should be counted as **people’s appeals** when the provider represents a client in a case where the people have appealed. This includes appeals from pretrial orders, and appeals from trial or sentencing orders.

A case should be counted as **affirmed** if the appellate court affirmed the judgment of the lower court without any changes.

A case should be counted as **reversed or modified** if the appellate court reversed the judgment of the lower court, or modified it in any way. Cases should be so counted regardless of the relief offered by the court to the appellant, if any.

A case should be counted as **Anders brief filed and case dismissed** if a brief was submitted in accordance with *Anders v. California*, 386 U.S. 738 (1967) asserting that a case presents only legally frivolous issues *and* the case was subsequently dismissed.

A case should be counted as **other disposition** if the case was disposed in any other way, such as through dismissal for any reason other than an *Anders* brief, or the case was withdrawn.

21. In the last calendar year, in how many closed appellate cases were the following activities performed? All cases should be included in these counts regardless of the way in which they were closed. Please respond with numbers only. Decimal points are not allowed. A blank entry will result in an error message – please enter ‘0’ where applicable.

	Appeals of a Guilty Plea	Appeals of a Verdict
Met with Client in Person	_____	_____
Made Oral Argument	_____	_____
Moved for Permission to Appeal to the New York Court of Appeals	_____	_____

Instructions and Definitions

Providers should record counts of all appellate cases, whether the case was disposed by a court or ended for some other reason (e.g. representation ended when client found ineligible for services).

Cases should be counted consistent with the definitions set forth in *Definitions for Reporting Counts of Criminal Cases to the Office of Indigent Legal Services*. Those *Definitions* state that “A new [appellate] case must be counted whenever leave is granted to appeal to a higher court. A direct appeal should be counted as a case; in the event such an appeal fails and leave is granted to appeal to a higher court, a

new appellate case should be counted. Filing of a notice of appeal should not be counted as a new appellate case in the absence of an assignment to conduct appellate representation.”

A case should be counted as **Met with Client in Person** if counsel met with the client in person at least once during the representation.

A case should be counted as **Made Oral Argument** if counsel appeared and made oral argument on the client’s behalf during the representation.

A case should be counted as **Moved for Permission to Appeal to the New York Court of Appeals** if counsel made such a motion at the conclusion of the case.

22. Please report the total number of **criminal cases closed** in the last calendar year, broken out as follows. Please respond with numbers only. Decimal points are not allowed. A blank entry will result in an error message – please enter ‘0’ where applicable.

	Violent Felonies	Other Felonies	Misdemeanors & Violations
Represented through arraignment only	_____	_____	_____
Represented only after arraignment	_____	_____	_____

Instructions and Definitions

Cases where representation was **‘through arraignment only’** are those where representation by this provider began at or before arraignment, but ended after arraignment and before the next court proceeding.

Cases where representation was **‘only after arraignment’** are those where representation by this provider began after arraignment.

Cases should be counted consistent with the definitions set forth in *Definitions for Reporting Counts of Criminal Cases to the Office of Indigent Legal Services*. **‘Cases closed’** are cases where representation has terminated either because a final disposition was reached in court, or for some other reason such as the discovery of a conflict of interest, or the client opting to change counsel. A case that results in a mistrial is considered a ‘closed’ case. ‘Cases closed’ also include those cases of **Juvenile Offenders** and **Adolescent Offenders** initiated in the criminal Youth Part but later removed to Family Court pursuant to CPL Article 722. The date of case closure is the date of the termination of representation, and not another date such as the date on which an **assigned counsel** provider receives a voucher from an attorney for their services. In **institutional providers**, cases transferred or reassigned between attorneys within a provider should not be counted as ‘closed’ by the first attorney and ‘opened’ by the second. Cases closed should be categorized according to the initial top charge. Thus, a case wherein a defendant was initially charged with a violent felony should be counted in the violent felonies row, even if the defendant was ultimately convicted of a lesser charge, or not convicted at all. Cases should *not* be considered ‘closed’ if clients have absconded (whether or not a bench warrant was issued by a court). Misdemeanor cases dismissed when the client is found incapacitated under CPL § 730 should be

counted as closed. Cases other than misdemeanors where the client is found incapacitated under CPL § 730 should remain open.

23. In how many **criminal cases closed** in the last calendar year were the following true? Please respond with numbers only. Decimal points are not allowed. A blank entry will result in an error message – please enter ‘0’ where applicable.

	Violent Felony	Other Felony	Misdemeanor & Violation	Parole Violation	Post- Disposition	Appeal, Guilty Plea	Appeal, Verdict
Representation ended when conflict discovered	_____	_____	_____	_____	_____	_____	_____
Representation ended when client found financially ineligible	_____	_____	_____	_____	_____	_____	_____
Juvenile Offender removed to Family Court	_____	_____	_____	_____	_____	_____	_____
Adolescent Offender removed to Family Court	_____	_____	_____	_____	_____	_____	_____
Representation ended prior to case disposition for any other reason (e.g. client retained private counsel)	_____	_____	_____	_____	_____	_____	_____

Instructions and Definitions

This question asks about cases which were closed for reasons other than a court disposition. Cases which ended in a court disposition – for example, the client was found guilty – should not be counted in this question at all. Instead they are counted in a previous question.

Cases in which representation ended because a **‘conflict [was] discovered’** are those where a conflict of interest was discovered preventing representation from continuing. Such cases should be counted no matter when during the case the conflict was discovered.

Cases in which representation ended because a client was **‘found financially ineligible’** are those which ended because a client was deemed not to be financially eligible to receive public defense services. This does not include clients ordered to pay part of the cost of their representation pursuant to NY County Law §722-d. Such cases should be counted no matter when during the case the ineligibility was discovered.

Cases in which the **‘Juvenile Offender removed to Family Court’** are those in which the client in the case was 13, 14 or 15 years old at the time of the alleged offense (and as defined in CPL § 1.20(42)), and the client was originally arraigned in the criminal court Youth part, but the case was subsequently removed to Family Court pursuant to CPL § 722.22.

Cases in which the **‘Adolescent Offender removed to Family Court’** are those in which the client in the case was 16 or 17 years old at the time of an alleged felony offense, and the client was originally arraigned in the criminal court Youth part as an Adolescent Offender (as defined in CPL § 1.20(44)) , but the case was subsequently removed to Family Court pursuant to CPL § 722.23.

Cases in which representation **‘ended prior to case disposition for any other reason’** are those where representation ended prior to the disposition of the case by a court, but for reasons other than those enumerated elsewhere in this question. These may include that the client opted to retain private counsel.

Cases should be counted consistent with the definitions set forth in *Definitions for Reporting Counts of Criminal Cases to the Office of Indigent Legal Services*. **‘Cases closed’** are cases where representation has terminated either because a final disposition was reached in court, or for some other reason such as the discovery of a conflict of interest, or the client opting to change counsel. A case that results in a mistrial is considered a ‘closed’ case. ‘Cases closed’ also include those cases of **Juvenile Offenders** and **Adolescent Offenders** initiated in the criminal Youth Part but later removed to Family Court pursuant to CPL Article 722. The date of case closure is the date of the termination of representation, and not another date such as the date on which an **assigned counsel** provider receives a voucher from an attorney for their services. In **institutional providers**, cases transferred or reassigned between attorneys within a provider should not be counted as ‘closed’ by the first attorney and ‘opened’ by the second. Cases closed should be categorized according to the initial top charge. Thus, a case wherein a defendant was initially charged with a violent felony should be counted in the violent felonies row, even if the defendant was ultimately convicted of a lesser charge, or not convicted at all. Cases should *not* be considered ‘closed’ if clients have absconded (whether or not a bench warrant was issued by a court). Misdemeanor cases dismissed when the client is found incapacitated under CPL § 730 should be counted as closed. Cases other than misdemeanors where the client is found incapacitated under CPL § 730 should remain open.

24. In how many felony cases closed in the last calendar year were clients categorized as **Adolescent Offenders** (16-17 years old), whether or not the case was removed? Please respond with numbers only. Decimal points are not allowed. A blank entry will result in an error message – please enter ‘0’ where applicable.

Violent Felonies

Other Felonies

Adolescent Offender (16-17 years old) cases

Instructions and Definitions

Cases in which the client was categorized as an **‘Adolescent Offender (16-17 years old)’** are those in which the client in the case was 16 or 17 years old at the time of the alleged felony offense, and the

client was originally arraigned in the criminal court Youth Part as an Adolescent Offender (as defined by CPL § 1.20(44)), whether or not the case was removed.

Cases should be counted consistent with the definitions set forth in *Definitions for Reporting Counts of Criminal Cases to the Office of Indigent Legal Services*. '**Cases closed**' are cases where representation has terminated either because a final disposition was reached in court, or for some other reason such as the discovery of a conflict of interest, or the client opting to change counsel. A case that results in a mistrial is considered a 'closed' case. 'Cases closed' also include those cases of **Juvenile Offenders** and **Adolescent Offenders** initiated in the criminal Youth Part but later removed to Family Court pursuant to CPL Article 722. The date of case closure is the date of the termination of representation, and not another date such as the date on which an **assigned counsel** provider receives a voucher from an attorney for their services. In **institutional providers**, cases transferred or reassigned between attorneys within a provider should not be counted as 'closed' by the first attorney and 'opened' by the second. Cases closed should be categorized according to the initial top charge. Thus, a case wherein a defendant was initially charged with a violent felony should be counted in the violent felonies row, even if the defendant was ultimately convicted of a lesser charge, or not convicted at all. Cases should *not* be considered 'closed' if clients have absconded (whether or not a bench warrant was issued by a court). Misdemeanor cases dismissed when the client is found incapacitated under CPL § 730 should be counted as closed. Cases other than misdemeanors where the client is found incapacitated under CPL § 730 should remain open.

25. In how many violent felony **cases closed** in the last calendar year were clients categorized as **Juvenile Offenders** (13-15 years old), whether or not the case was removed? Please respond with numbers only. Decimal points are not allowed. A blank entry will result in an error message – please enter '0' where applicable.

Juvenile Offender (13-15 years old) Cases

Instructions and Definitions

Cases in which the client was categorized as a '**Juvenile Offender (13-15 years old)**' are those in which the client in the case was 13, 14 or 15 years old at the time of the alleged offense (and as defined by CPL § 1.20(42)), and the client was originally arraigned in the criminal court Youth Part as a Juvenile Offender, whether or not the case was removed.

Cases should be counted consistent with the definitions set forth in *Definitions for Reporting Counts of Criminal Cases to the Office of Indigent Legal Services*. '**Closed**' cases are cases where representation has terminated either because a final disposition was reached in court, or for some other reason such as the discovery of a conflict of interest, or the client opting to change counsel. A case that results in a mistrial is considered a 'closed' case. 'Closed' cases also include those cases of **Juvenile Offenders** and **Adolescent Offenders** initiated in the criminal Youth Part but later removed to Family Court pursuant to CPL Article 722. The date of case closure is the date of the termination of representation, and not another date such as the date on which an **assigned counsel** provider receives a voucher from an attorney for their services. In **institutional providers**, cases transferred or reassigned between attorneys

within a provider should not be counted as 'closed' by the first attorney and 'opened' by the second. Cases closed should be categorized according to the initial top charge. Thus, a case wherein a defendant was initially charged with a violent felony should be counted in the violent felony column, even if the defendant was ultimately convicted of a lesser charge, or not convicted at all. Cases should *not* be considered 'closed' if clients have absconded (whether or not a bench warrant was issued by a court). Misdemeanor cases dismissed when the client is found incapacitated under CPL § 730 should be counted as closed. Cases other than misdemeanors where the client is found incapacitated under CPL § 730 should remain open.

26. Is there anything else you'd like us to know about the information submitted in this report? This question is *optional*.

27. Are there any documents you would like to share with us in addition to the information submitted in this report? If so, please upload here. This question is *optional*.

[Button to upload documents appears here.]

Once you click on the button below, the completed form will be sent to ILS.

[Click here to submit final form.](#)

V. Performance Measures Progress Report



Indigent Legal Services

Performance Measures Progress Report April 2021

Thank you for completing the April 2021 Performance Measures Progress Report (Progress Report). Each County's criminal defense providers, (i.e., other than the five counties currently engaged in the *Hurrell-Harring* settlement agreement) and each of the eleven criminal defense providers in New York City are expected to file a completed Progress Report with ILS twice a year (i.e., by October 30th and April 30th of each year). The Progress Report form outlined in this survey is intended to gather information on the use of funding for implementation of the counsel at first appearance, caseload relief, and quality improvement reforms introduced in the *Hurrell-Harring* settlement agreement and subsequently extended to the rest of the state via Executive Law § 832 (4).

When possible, the information provided in the Progress Report should **ONLY** reflect the use of funding as allocated in the five-year contract supporting statewide implementation of the *Hurrell-Harring* settlement agreement reforms. The Progress Report is **due for submission by April 30, 2021**. Subsequent Progress Reports will be due for submission to ILS on a semi-annual basis thereafter.

INSTRUCTIONS

Please review the following instructions before completing the Progress Report.

Review the County's Budget Items Approved in the Five-Year Contract: The

budget items, as outlined in Attachment B-1 of your county's five-year contract (Contract) supporting statewide implementation of the *Hurrell-Harrington* settlement agreement should be used as a reference to complete the Progress Report form. Please email ILS at performance@ils.ny.gov if Attachment B-1 is unavailable to you when completing the Progress Report form. See below for a sample of Attachment B-1.

Print and/or Save the Progress Report form for future reference: It may be useful to print and/or save the Progress Report form for future reference. The form is attached as a PDF document to the email ILS sent on April 1, 2021. Alternatively, the Progress Report form may be downloaded from the ILS website at <https://www.ils.ny.gov/content/annual-data-reporting>

Any questions and/or concerns on the Progress Report form should be emailed to performance@ils.ny.gov prior to April 30, 2021.

Sample of Attachment B-1

Budget Expenditure Item	Year 1 4/1/18 – 3/31/19
PUBLIC DEFENDER'S OFFICE	
CASELOAD RELIEF	
Personnel:	
Supervisor	\$80,000.00
Assistant Public Defender	\$70,000.00
Paralegal	\$44,737.00
Secretary	\$35,000.00
Fringe Benefits:	
For positions	\$43,000.00
Data Officer (stipend)	\$20,000.00
Caseload Relief - Subtotal	\$292,737.00
QUALITY IMPROVEMENT	
Contracted/Consultant:	
Expert Services	\$80,000.00
Investigator	\$15,000.00
Subtotal Contracted/Consultant	\$95,000.00
OTPS:	
Computer Equipment	\$20,000.00
Legal Reference	
Material/Books/Transcripts	\$10,000.00

This is a sample of the budget for a hypothetical Public Defender Office.

Note the lines for personnel and Contracted/Consultant entries

Subtotal OTPS	\$30,000.00
Quality Improvement - Subtotal	\$125,000.00
COUNSEL AT FIRST APPEARANCE Personnel/Contracted/Consultant/OTPS:	\$0.00
Counsel at First Appearance - Subtotal	\$0.00
PUBLIC DEFENDER'S OFFICE - TOTAL	\$417,737.00

As the preparer of this form, please provide your name and contact information. Even if you are preparing this form on behalf of someone else, we would like you to provide your name and your contact information so we can reach out to you in case we have any questions about the data you reported.

First Name

Last Name

Phone

Email Address

Position / Job Title

Name of your employer

* Please indicate if you are preparing this form for a / an

- Public Defender's Office
 - Conflict Defender
 - Assigned Counsel Program
 - Other
-

* Please indicate in which county this provider is located (for any borough in New York City, please select the "New York City" option)

- Albany County
- Allegany County
- Broome County
- Cattaraugus County
- Cayuga County
- Chautauqua County
- Chemung County
- Chenango County
- Clinton County
- Columbia County
- Cortland County
- Delaware County
- Dutchess County
- Erie County
- Essex County
- Franklin County
- Fulton County
- Genesee County
- Greene County
- Hamilton County
- Herkimer County

- Jefferson County
- Lewis County
- Livingston County
- Madison County
- Monroe County
- Montgomery County
- Nassau County
- New York City
- Niagara County
- Oneida County
- Onondaga County
- Ontario County
- Orange County
- Orleans County
- Oswego County
- Otsego County
- Putnam County
- Rensselaer County
- Rockland County
- Saint Lawrence County
- Saratoga County
- Schenectady County
- Schoharie County

- Schuyler County
 - Seneca County
 - Steuben County
 - Suffolk County
 - Sullivan County
 - Tioga County
 - Tompkins County
 - Ulster County
 - Warren County
 - Washington County
 - Wayne County
 - Westchester County
 - Wyoming County
 - Yates County
-

* Are you the designated ILS Data Officer for your county?


- Yes
 - No
-

* Has the county designated an ILS Data Officer?

- Yes
 - No
-

* Please provide the name of the ILS Data Officer:

Please provide the starting date (mm/dd/yyyy) of his/her position. If the exact starting day is unknown, please report the first of the month as the starting date.



* Please provide a description of the progress toward the designation of an ILS Data Officer. If unknown, please type "Unknown" in the text box below.

* Does your institution / organization use an electronic case management system?

Yes

No

* What case management system does your institution / organization use?

- defenderData
 - IntelLinx
 - LaserFiche
 - Law Manager
 - LegalServer
 - Logis
 - PDCMS
 - PIKA
 - Tecana
 - Other
-

* 1. Please report the **number of attorney positions** that are funded as of March 31, 2021 by budget expenditure items listed in the “Caseload Relief,” “Quality Improvement,” and “Counsel at First Appearance” categories of the contract (see Attachment B-1). For each attorney position, please provide the **type, starting date**, indicate if it was a **new hire, an upgrade of an existing hire** (i.e., an increase in hours), or an attorney position placed **on contract**, and select if the attorney **provides representation at arraignment**. Then, enter the **total number of cases assigned** to the attorney **between April 1, 2020 and March 31, 2021**.

INSTRUCTIONS AND DEFINITIONS

General Instructions	<p>As this question tries to get a cumulative overview of attorney positions <u>since the implementation of the statewide reforms</u>, answers to this question should include <u>all</u> attorney positions that were funded through the Contract on the last business day of the reporting period (i.e., March 31, 2021).</p> <p>Answers to this question should not include attorneys who received stipends or were paid as assigned counsel pursuant to NY County Law § 722-b (1). Attorneys receiving funding for mentoring programs, second-chair programs, or litigation support also should not be included where they were not filling a position created by this funding.</p>
Type of Contract	
<i>New Hire</i>	refers to any new attorney position, part- or full-time, that was filled on the last business day of the reporting period (i.e., March 31, 2021), including, but not limited to, ACP attorney-administrators and other ACP attorney staff.
<i>Upgrade of Existing Hire</i>	refers to any attorney position that existed prior to the reporting period, and for which the number of hours worked was increased as of the last business day of the reporting period (i.e., March 31, 2021). For example, an existing attorney whose position changed from part- to full-time would be included in this category. Salary increases that are not accompanied by an increase in the number of hours worked should not be included.
<i>On Contract</i>	refers to any individual attorney who occupies a position through a contract to provide services under this funding, and who was working under that contract on the last business day of the reporting period (i.e., March 31, 2021). It excludes contractors who did not occupy a position, such as those who received stipends, were paid as assigned counsel pursuant to NY County Law § 722-b-1, or who received funding for mentoring programs, second-chair programs, or litigation support.
Re-hire within the same position	If a position was filled by an individual, the individual left, and another individual was hired (i.e., a re-hire within the same position), please count this as one hire and only report the starting date for the first individual.
Number of Cases	
<i>Total Number of Cases</i>	This should include cases assigned between April 1, 2020 and March 31, 2021. Please include all cases, including cases at which representation was provided just for arraignment. For attorneys whose positions were upgraded (i.e., hours were added to their contract), please estimate the number of additional cases they were assigned as a result of the upgraded position.

	Type of Position	Starting Date (mm/yyyy)	New Hire, Upgrade of Existing Hire, or On Contract	Provides representation at arraignment
Attorney Position 1	-- Select -- ▼		-- Select -- ▼	-- Select --
* Attorney Position 2	-- Select -- ▼		-- Select -- ▼	-- Select --
* Attorney Position 3	-- Select -- ▼		-- Select -- ▼	-- Select --
* Attorney Position 4	-- Select -- ▼		-- Select -- ▼	-- Select --
* Attorney Position 5	-- Select -- ▼		-- Select -- ▼	-- Select --
* Attorney Position 6	-- Select -- ▼		-- Select -- ▼	-- Select --
* Attorney Position 7	-- Select -- ▼		-- Select -- ▼	-- Select --
* Attorney Position 8	-- Select -- ▼		-- Select -- ▼	-- Select --
* Attorney Position 9	-- Select -- ▼		-- Select -- ▼	-- Select --

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Attorney
Position
10

<input type="text" value="-- Select --"/>	<input type="text"/>	<input type="text" value="-- Select --"/>	<input type="text" value="-- Select --"/>
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Attorney
Position
11

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Attorney
Position
12

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Attorney
Position
13

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Attorney
Position
14

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Attorney
Position
15

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Attorney
Position
16

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Attorney
Position
17

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Attorney
Position
18

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Attorney
Position
19

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*	Attorney Position 20	-- Select -- ▼		-- Select -- ▼	-- Select --
*	Attorney Position 21	-- Select -- ▼		-- Select -- ▼	-- Select --
*	Attorney Position 22	-- Select -- ▼		-- Select -- ▼	-- Select --
*	Attorney Position 23	-- Select -- ▼		-- Select -- ▼	-- Select --
*	Attorney Position 24	-- Select -- ▼		-- Select -- ▼	-- Select --
*	Attorney Position 25	-- Select -- ▼		-- Select -- ▼	-- Select --
*	Attorney Position 26	-- Select -- ▼		-- Select -- ▼	-- Select --
*	Attorney Position 27	-- Select -- ▼		-- Select -- ▼	-- Select --
*	Attorney Position 28	-- Select -- ▼		-- Select -- ▼	-- Select --

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Attorney Position 29	-- Select -- ▼		-- Select -- ▼	-- Select --
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Attorney Position 30	-- Select -- ▼		-- Select -- ▼	-- Select --
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Attorney Position 31	-- Select -- ▼		-- Select -- ▼	-- Select --
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Attorney Position 32	-- Select -- ▼		-- Select -- ▼	-- Select --
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Attorney Position 33	-- Select -- ▼		-- Select -- ▼	-- Select --
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Attorney Position 34	-- Select -- ▼		-- Select -- ▼	-- Select --
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Attorney Position 35	-- Select -- ▼		-- Select -- ▼	-- Select --
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Attorney Position 36	-- Select -- ▼		-- Select -- ▼	-- Select --
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Attorney Position 37	-- Select -- ▼		-- Select -- ▼	-- Select --
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Attorney
Position
38

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Attorney
Position
39

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Attorney
Position
40

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Attorney
Position
41

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Attorney
Position
42

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Attorney
Position
43

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Attorney
Position
44

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Attorney
Position
45

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Attorney
Position
46

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Attorney
Position
47

-- Select -- ▼		-- Select -- ▼	-- Select --
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Attorney
Position
48

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Attorney
Position
49

-- Select -- ▼		-- Select -- ▼	-- Select --
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Attorney
Position
50

-- Select -- ▼		-- Select -- ▼	-- Select --
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* 2. Please estimate the **total number of cases** at which **representation at arraignment** was provided as a result of the Contract funding. Include cases represented by hired attorneys, contracted attorneys, and attorneys receiving stipends for arraignment representation. Do not include arraignments on the felony indictment here, unless it was the defendant's first court appearance.

INSTRUCTIONS AND DEFINITIONS

General Instructions

Please include arraignments covered by:

- Assigned counsel panel attorneys who are paid an hourly rate or a stipend funded by the Contract to provide representation at arraignment.
- Attorneys who are hired with Contract funding (i.e., any attorney listed in Question 1)
- Attorneys whose base salaries are not funded by the Contract, but who are paid extra through the Contract (via hourly rates or stipends) to provide representation at arraignment.

- * 3. Please report **the number of non-attorney positions** that are funded as of March 31, 2021 by budget expenditure items listed in the “Caseload Relief,” “Quality Improvement,” and “Counsel at First Appearance” categories of the contract (see Attachment B-1). For each non-attorney position, please provide the **type, starting date**, and indicate if it was a **new hire, an upgrade of an existing hire** (i.e., an increase in hours), or a non-attorney position placed **on contract**.

INSTRUCTIONS AND DEFINITIONS	
General Instructions	<p>As this question tries to get a cumulative overview of non-attorney positions <u>since the implementation of the statewide reforms</u>, answers to this question should include <u>all</u> non-attorney positions that were funded through the Contract on the last business day of the reporting period (i.e., March 31, 2021).</p> <p>Answers to this question should include non-attorneys receiving funding for improvement of specialized services (e.g., investigators, social workers, and others such as experts, stenographers, interpreters, etc.) and non-attorney administrative support staff (e.g., secretaries, paralegals, case managers, grants managers, data officers, etc.). It should not include currently employed non-attorneys who receive stipends (e.g., a stipend issued to a currently staffed grants administrator).</p>
Type of Contract	
New Hire	refers to any new non-attorney position, part- or full-time, that was filled on the last business day of the reporting period (i.e., March 31, 2021). It includes, when applicable, ACP administrators.
Upgrade of Existing Hire	refers to any non-attorney position that was filled prior to the reporting period, and that was filled on the last business day of the reporting period (i.e., March 31, 2021), and for which the number of hours worked was increased. For example, an existing social worker whose position changed from part- to full-time would be included in this category. Salary increases that are not accompanied by an increase in the number of hours worked should not be included.
On Contract	refers to any individual non-attorney who occupies a position through a contract to provide services under this funding, and who was working under that contract on the last business day of the reporting period (i.e., March 31, 2021). It excludes contractors who did not occupy a position, such as those who received stipends.
Re-hire within the same position	If a position was filled by an individual, the individual left, and another individual was hired (i.e., a re-hire within the same position), please count this as one hire and only report the starting date for the first individual.

Type of Position	Starting Date (mm/yyyy)	New Hire, Upgrade of Existing Hire, or On Contract
------------------	-------------------------	--

Non-attorney Position 1	-- Select -- ▼		-- Select -- ▼
* Non-attorney Position 2	-- Select -- ▼		-- Select -- ▼
* Non-attorney Position 3	-- Select -- ▼		-- Select -- ▼
* Non-attorney Position 4	-- Select -- ▼		-- Select -- ▼
* Non-attorney Position 5	-- Select -- ▼		-- Select -- ▼
* Non-attorney Position 6	-- Select -- ▼		-- Select -- ▼
* Non-attorney Position 7	-- Select -- ▼		-- Select -- ▼
* Non-attorney Position 8	-- Select -- ▼		-- Select -- ▼
* Non-attorney Position 9	-- Select -- ▼		-- Select -- ▼
* Non-attorney Position 10	-- Select -- ▼		-- Select -- ▼
* Non-attorney Position 11	-- Select -- ▼		-- Select -- ▼
* Non-attorney Position 12	-- Select -- ▼		-- Select -- ▼
* Non-attorney Position 13	-- Select -- ▼		-- Select -- ▼

* Non-attorney Position 14	-- Select -- ▼		-- Select -- ▼
* Non-attorney Position 15	-- Select -- ▼		-- Select -- ▼
* Non-attorney Position 16	-- Select -- ▼		-- Select -- ▼
* Non-attorney Position 17	-- Select -- ▼		-- Select -- ▼
* Non-attorney Position 18	-- Select -- ▼		-- Select -- ▼
* Non-attorney Position 19	-- Select -- ▼		-- Select -- ▼
* Non-attorney Position 20	-- Select -- ▼		-- Select -- ▼

* 4. a. Please estimate the **total number of training events** hosted, sponsored, or co-sponsored by the Contract funding between April 1, 2020 and March 31, 2021. Training events include, but are not limited to, professional conferences and Continuing Legal Education (CLE) and non-CLE programs.

* 4. b. Please estimate **the total number of attorneys** whose attendance at training events was supported by the funding provided in the Contract between April 1, 2020 and March 31, 2021. This includes money spent towards for instance registration costs, mileage, flights, accommodations, etc., associated with the attorney attending the training. The training itself does not necessarily have to be hosted, sponsored or co-sponsored by the Contract funding.

* 5. a. For the expenditures on **expert services** listed in the Contract (see Attachment B-1), please estimate for the period between April 1, 2020 and March 31, 2021 the total amount spent in US dollars. This estimate should not include the salaries of experts; we are asking for an estimate of contracted expert services only.

INSTRUCTIONS AND DEFINITIONS

General Instructions

Question 5 asks to report how much of the Contract funding was **actually spent** towards contracted expert services and contracted investigative services between April 1, 2020 and March 31, 2021. In the county's budget (Attachment B-1) you can see how much funding is allocated to each of these items. However, we ask you to report the **actual money spent** towards these goals. For instance, if \$5,000 was allocated in the Contract towards expert services but no money has yet been spent towards this goal, please fill in "0".

Expert Services

Expert services should include non-attorney professional services, such as consulting and testifying experts, as well as interpreters, social workers, case managers, mitigation specialists, and other expert services. It does not include process servers and transcript services.

- * 5. b. For the expenditures on **investigative services** listed in the Contract (see Attachment B-1), please estimate for the period between April 1, 2020 and March 31, 2021 the total amount spent in US dollars. This estimate should not include the salaries of investigators; we are asking for an estimate of **contracted investigative services** only.

- * 6. a. Please estimate for the period between April 1, 2020 and March 31, 2021 the **total number of cases** in which **expert services** were used. Include all cases in which expert services were provided as a result of Contract funding made available to contract with experts and Contract funding made available to hire experts as salaried employees.

INSTRUCTIONS AND DEFINITIONS	
Expert Services	Expert services should include non-attorney professional services, such as consulting and testifying experts, as well as interpreters, social workers, case managers, mitigation specialists, and other expert services. It does <u>not</u> include process servers and transcript services.

- * 6. b. Please estimate for the period between April 1, 2020 and March 31, 2021 the **total number of cases** in which **investigative services** were used. Include all cases in which investigative services were provided as a result of Contract funding made available to contract with investigators and Contract funding made available to hire investigators as salaried employees.

7. a. Please provide a brief description (i.e., including any applicable examples) of how the Contract funding has been used to reduce the number of cases assigned to attorneys.

7. b. Please provide a brief description (i.e., including any applicable examples) of any challenges currently being addressed in supporting caseload relief.

8. a. Please provide a brief description (i.e., including any applicable examples) of efforts made with the use of the Contract funds to ensure the appearance of defense counsel at arraignment.

8. b. Please provide a brief description (i.e., including any applicable examples) of any challenges currently being addressed in ensuring countywide arraignment coverage.

9. a. Please provide a brief description (i.e., including any applicable examples) of how the Contract funding has been used to improve the overall quality of mandated criminal defense representation. Only include information that has not already been provided in your answers to questions 7 and 8.

9. b. Please provide a brief description (i.e., including any applicable examples) of any challenges currently being addressed in ensuring the overall quality improvement of mandated criminal defense representation. Only include information that has not already been provided in your answers to questions 7 and 8.

10. What assistance, if any, can be provided by the Office of Indigent Legal Services to support your county's efforts in resolving any of the challenges reported in Questions 7.b., 8.b., and 9.b. regarding caseload relief, counsel at first arraignment, and overall quality improvement of mandated criminal defense representation?

11. Please use this section to provide any additional information to further clarify or explain, or to provide additional comments to any of the questions in the Progress Report form.



Indigent Legal Services

VI. ILS-195 Source Documents Form

ILS-195: Reporting Form for Providers of Mandated Representation

General instructions

Each provider of mandated representation must file an annual report with the Office of Indigent Legal Services (ILS) pursuant to New York County Law §722-f. Providers will fulfill this requirement through submission of a form known as the ILS-195. There are three parts to this form; Part 3 submission is not required until 2022.

Next to each question in the form, you will find an ‘Instructions & Definitions’ link containing information on the data that are being requested. We ask that you consult these instructions and definitions while filling out the form, and contact ILS with any outstanding questions. There are also hyperlinks to additional resources included at the top of the screen throughout the form for your reference. Note that as you are filling out the form, you are able to click ‘Save Answers and Continue Later’ at the bottom of each page if you need to come back to the form at another time. In that case, you will be prompted to enter your email address. Please do so and select “Continue”. You will then receive an email with a new link. Use that new link to return to where you left off. Before submitting the form, you may choose to print your responses. Please note that the printout will only show questions for which an answer was provided.

Every provider of representation must file a separate submission. A ‘provider’ of representation is a public defender office, conflict defender office, legal aid society, assigned counsel program, or any other office, firm, individual, or entity that provides representation to persons financially unable to afford counsel in criminal or Family Court cases as defined in NY County Law Article 18-B. We consider assigned counsel ‘providers’ to exist in counties even where no formal administration exists and judges assign counsel. Except in New York City, we consider providers to be specific to a county. Where a single organization supplies representation in multiple counties (sometimes called a ‘regional’ program), separate forms must be submitted for services provided by that organization in each county respectively. Where one person or entity oversees two or more providers according to this definition (as, for example, where public defender offices oversee assigned counsel systems) separate reports must be submitted for each provider.

All questions refer to the most recent calendar year (January 1 – December 31), and responses must be submitted prior to the reporting deadline (April 1 following the year in question).

Data submitted on this form should be consistent both with the instructions and definitions included in the form, and with ILS’ *Definitions for Reporting Counts of Criminal Cases to the Office of Indigent Legal Services*. Data Officers must review the ILS-195 report prior to submission. The Data Officer is the person designated by the county to oversee and assure the accuracy and consistency of data submitted to ILS.

If you have any questions or are not sure who your county’s Data Officer is, please contact ILS at data@ils.ny.gov.

**Please refer to the instructions and definitions when completing this form.
Throughout, ‘last calendar year’ refers to the period January 1-December 31.
The reporting deadline is April 1.**

Please enter the following information for your provider.

County/City: _____

Provider: _____

Your name: _____

Your street address: _____

City: _____

Zip Code: _____

Your telephone number: _____

Your email address: _____

Instructions and Definitions

A **provider** of representation is a public defender office, conflict defender office, legal aid society, assigned counsel program, or any other office, firm, individual, or entity that provides representation to persons financially unable to afford counsel in criminal cases as defined in NY County Law Article 18-B. We consider assigned counsel ‘providers’ to exist in counties even where no formal administration exists and judges assign counsel. Except in New York City, we consider providers to be specific to a county. Where a single organization supplies representation in multiple counties (sometimes called a ‘regional’ program), separate forms must be submitted for services provided by that organization in each county respectively. Where one person or entity oversees two or more providers according to this definition (as, for example, where public defender offices oversee assigned counsel systems) separate reports must be submitted for each provider.

Screener questions

[These questions facilitate skip patterns.]

- A. Is this **provider** an **institutional provider**, or an **assigned counsel provider**?

[If institutional provider, skip questions 10 and 14. Also skip screener question B.]

Instructions and Definitions

A **provider** of representation is a public defender office, conflict defender office, legal aid society, assigned counsel program, or any other office, firm, individual, or entity that provides representation to persons financially unable to afford counsel in criminal cases as defined in NY County Law Article 18-B. We consider assigned counsel ‘providers’ to exist in counties even where no formal administration exists and judges assign counsel. Except in New York City, we consider providers to be specific to a county. Where a single organization supplies representation in multiple counties (sometimes called a ‘regional’ program), separate forms must be submitted for services provided by that organization in each county respectively. Where one person or entity oversees two or more providers according to this definition (as, for example, where public defender offices oversee assigned counsel systems) separate reports must be submitted for each provider.

Institutional providers are providers of representation which employ staffs of attorneys to provide representation, and include public defender offices, conflict defender offices, and legal aid societies. This includes providers where staff are part-time and deliver services out of their respective private law offices. This may also include law firms or individual attorneys who provide representation in cases pursuant to a contract.

Assigned counsel providers are providers of representation which do not employ a staff of attorneys to provide representation, but instead compensate attorneys hourly for the time they spend on individual cases pursuant to County Law § 722(3).

- B. [Only asked if responds ‘assigned counsel’ to screener question A] Is this **provider** notified of all **new cases opened** at the time of opening?

If yes check here: []

If no check here: []

[If no, skip questions 11 and 13.]

Instructions and Definitions

A provider opens a new case when representation and/or advice is provided to a client by an attorney, as detailed in ILS’ *Definitions for Reporting Counts of Criminal Cases to the Office of Indigent Legal Services*

However, some providers (particularly in assigned counsel contexts) may not know that cases have been opened if, for example, an attorney accepts an assignment directly from a judge. In such cases, the assigned counsel administrator may not be notified of the new case until after the case is ended when the attorney bills for their time.

As stated in ILS’ *Definitions for Reporting Counts of Criminal Cases to the Office of Indigent Legal Services*, providers who are not informed of all new cases opened at the time of opening may report counts of closed cases instead for certain questions. The precise wording of the *Definitions* is as follows:

“When reporting caseload counts, providers should report counts of all newly opened cases across all categories specified in ILS’ caseload standards for the time period requested (generally the previous

year). Where providers are not informed of the opening of cases in a timely manner they may report counts of cases that closed during the time period requested. In this situation, the same definitions must be applied for the purpose of counting cases. This is of importance because it is common for more than one case against a single client to be disposed together – creating the appearance, at the point of closing, that only one case is being closed, whereas in fact multiple cases are being closed simultaneously. For providers reporting cases according to this rule, it is essential that the total number of cases being closed is recorded accurately in accordance with these definitions.”

Part 1

1. How many **individuals** were on **staff** at this **provider** on December 31 of the last calendar year in the following categories? Please respond with numbers only. Decimal points are not allowed. A blank entry will result in an error message – please enter ‘0’ where applicable.

	Attorneys	Investigators	Social Workers	Other Staff	TOTAL
Individuals	_____	_____	_____	_____	Comp.

Instructions and Definitions

‘Individuals’ refers to the total number of persons on staff, whether part-time or full-time, as of December 31 of the year for which data are being reported. Only individuals involved in providing representation to persons financially unable to afford counsel in criminal cases as defined in NY County Law Article 18-B should be counted. No person should be counted in more than one category.

‘Staff’ includes all persons who are employed by the office in a full- or part-time capacity. For assigned counsel providers, ‘staff’ includes only the staff employed to run the program itself (i.e. the administrator and any supporting staff) and not attorneys accepting assignments.

An **‘Attorney’** is a person admitted to the New York State Bar, or awaiting Bar admission and acting pursuant to a Practice Order. To be counted here, they must have been engaged either in providing legal representation to clients, in supervising or managing others who provide legal representation to clients, or managing an assigned counsel provider.

‘Investigators’ includes all persons responsible for assisting defense counsel with factual investigations including but not limited to identifying and interviewing witnesses and reviewing evidence. Do not include persons in this category if their primary responsibilities are process serving and/or screening of clients for financial eligibility.

‘Social Workers’ includes all persons licensed as social workers pursuant to Title 8, Article 154, Section 7704 of New York State Education Law and Part 74 and Section 52.30 of the Regulations of the

Commissioner of Education, as well as persons performing sentencing advocacy services, client and/or case management services, or mitigation investigation services, whether or not as licensed social workers.

‘Other Staff’ includes any non-attorney professional who is not an investigator or social worker according to these definitions.

It may be useful to refer to the ILS *Employee Statistics Worksheet* for assistance with this question. That worksheet allows you to enter details for all persons employed in your provider, and generates this table automatically. [Click here to access the worksheet.](#)

A **provider** of representation is a public defender office, conflict defender office, legal aid society, assigned counsel program, or any other office, firm, individual, or entity that provides representation to persons financially unable to afford counsel in criminal cases as defined in NY County Law Article 18-B. We consider assigned counsel ‘providers’ to exist in counties even where no formal administration exists and judges assign counsel. Except in New York City, we consider providers to be specific to a county. Where a single organization supplies representation in multiple counties (sometimes called a ‘regional’ program), separate forms must be submitted for services provided by that organization in each county respectively. Where one person or entity oversees two or more providers according to this definition (as, for example, where public defender offices oversee assigned counsel systems) separate reports must be submitted for each provider.

2. Of the **attorneys on staff** on December 31 of the last calendar year, how many **supervised the work of others**? Please respond with numbers only. Decimal points are not allowed. A blank entry will result in an error message – please enter ‘0’ where applicable.

Instructions and Definitions

Anybody who is responsible for overseeing or managing the work of others should be counted as a **‘supervisor’**. This includes managers, even if they do not handle cases or clients directly at all.

3. How many hours is a **‘full-time’** employee expected to work weekly in this **provider**? (e.g. 37.5) Please respond with numbers only. Decimal points are allowed. A blank entry will result in an error message – please enter ‘0’ where applicable.

Instructions and Definitions

Please specify the number of hours that a person must work in a week to be considered 'full-time' in your provider. For some providers persons working 37.5 hours a week or more are considered 'full-time', for others it may be different.

4. How many **full-time equivalent (FTE) staff** were employed by this **provider** on December 31 of the last calendar year? Please respond with numbers only. Decimal points are allowed. A blank entry will result in an error message – please enter '0' where applicable.

	Attorneys	Investigators	Social Workers	Other Staff	TOTAL
FTEs	_____	_____	_____	_____	Comp.

Instructions and Definitions

'Staff' includes all persons who are employed by the office in a full- or part-time capacity. For assigned counsel providers, 'staff' includes only the staff employed to run the program itself (i.e. the administrator and any supporting staff) and not attorneys accepting assignments.

Counting 'staff' in **full-time equivalent** terms is done as follows. One staff-person who works full-time in your program is counted as '1', whereas a staff member who works less than full-time is counted according to the proportion of a full-time position that they work (e.g. a staff person working 50% of full-time is counted as '0.5'). A program with one full-time and one 50% part-time attorney, for example, would therefore have '1.5 full-time equivalent' attorney staff. This same approach should be taken with each category of staff.

An **'Attorney'** is a person admitted to the New York State Bar, or awaiting Bar admission and acting pursuant to a Practice Order. To be counted here, they must have been engaged either in providing legal representation to clients, in supervising or managing others who provide legal representation to clients, or managing an assigned counsel provider.

'Investigators' includes all persons responsible for assisting defense counsel with factual investigations including but not limited to identifying and interviewing witnesses and reviewing evidence. Do not include persons in this category if their primary responsibilities are process serving and/or screening of clients for financial eligibility.

'Social Workers' includes all persons licensed as social workers pursuant to Title 8, Article 154, Section 7704 of New York State Education Law and Part 74 and Section 52.30 of the Regulations of the Commissioner of Education, as well as persons performing sentencing advocacy services, client and/or case management services, or mitigation investigation services, whether or not as licensed social workers.

'Other staff' includes any non-attorney professional who is not an investigator or social worker according to these definitions.

It may be useful to refer to the ILS Employee Statistics Worksheet for assistance with this question. Click [here](#) to access the worksheet.

- Of the **FTEs** reported in the previous question, how many work on **criminal** representation, and how many on **family** representation, whether at the trial or appellate level? Please respond with numbers only. Decimal points are allowed. A blank entry will result in an error message – please enter ‘0’ where applicable. Note that the values presented in the ‘total’ bottom row are populated automatically based on your previous answers. If the totals presented seem incorrect, please review your answers to previous questions and/or provide an explanation below.

	Attorneys	Investigators	Social Workers	Other Staff	TOTAL
Criminal	_____	_____	_____	_____	Comp.
Family	_____	_____	_____	_____	Comp.
Total	Q4 response shown	Q4 response shown	Q4 response shown	Q4 response shown	Q4 response shown

Instructions and Definitions

‘Criminal’ refers to persons engaged in representation in criminal cases, whether at the trial, appellate, or post-disposition level.

‘Family’ refers to persons engaged in representation in Family Court cases, as defined under County Law Article 18-B, whether at the trial or appellate level.

FTE staff dedicated to criminal and family court respectively are broken out as follows. If a single staff person maintained a caseload of **both criminal and family court cases** we ask that you report what proportion of time they spent on each. In addition, we ask that you do not include time that is devoted to supervisory tasks, including and administrative tasks associated with supervisory responsibilities. For example, if Attorney 1 is a full-time employee that spends 30% of their time on criminal cases, 30% on family court cases, and 40% of their time on supervision, you should add 0.3 to the total number of full-time equivalent attorneys in criminal practice, and 0.3 to the number in family court. If Attorney 2 is a part-time (40%) employee that spends 75% of their time on criminal cases and 25% on non-criminal cases, you should add 0.3 (found by multiplying 0.4 by 0.75) to the total number of full-time equivalent attorneys in criminal practice, and 0.1 (found by multiplying 0.4 by 0.25) to the number of full-time equivalent attorneys in family court practice.

Your responses from the previous question are shown in the **‘total’** row: please assure your responses to this question sum appropriately to those totals.

It may be useful to refer to the ILS *Employee Statistics Worksheet* for assistance with this question. Click [here](#) to access the worksheet.

6. Please report the **provider’s total expenditures on personal services (PS)** in the last calendar year. Please respond with numbers only – no letters, commas, or special characters (including dollar signs and dashes). Decimal points are allowed. A blank entry will result in an error message – please enter ‘0’ where applicable.

	Attorneys	Investigators	Social Workers	Other Staff	TOTAL
PS expenditures	_____	_____	_____	_____	Comp.

Instructions and Definitions

‘Expenditures on personal services’ are those on salaries, wages, and fringe benefits of staff. Accordingly, please enter the totals expended by your provider for personal services for the individuals in each category of staff in the last calendar year. **‘Staff’** includes all persons who are employed by the office in a full- or part-time capacity. For assigned counsel providers, ‘staff’ includes only the staff employed to run the program itself (i.e. the administrator and any supporting staff) and not attorneys accepting assignments. Only expenditures related to providing representation to persons financially unable to afford counsel in criminal cases as defined in NY County Law Article 18-B should be counted.

Expenditures on **‘Attorneys’** are those for persons admitted to the New York State Bar, or awaiting Bar admission and acting pursuant to a Practice Order. Such persons must have been engaged either in providing legal representation to clients, in supervising or managing others who provide legal representation to clients, or managing an assigned counsel provider. Note, however, that only expenditures for salaries, wages, and fringe benefits to **attorneys on staff** with a provider are considered **‘personal services’** and should be reported here. Expenditures for **assigned counsel** attorney case representation are considered **‘other than personal services’** and should not be reported here.

Expenditures on **‘Investigators’** are those for all persons responsible for assisting defense counsel with factual investigations including but not limited to identifying and interviewing witnesses and reviewing evidence. Do not include persons in this category if their primary responsibilities are process serving and/or screening of clients for financial eligibility.

Expenditures on **‘Social Workers’** are those for all persons licensed as social workers pursuant to Title 8, Article 154, Section 7704 of New York State Education Law and Part 74 and Section 52.30 of the Regulations of the Commissioner of Education, as well as persons performing sentencing advocacy services, client and/or case management services, or mitigation investigation services, whether or not as licensed social workers.

Expenditures on **‘Other Staff’** are those for any non-attorney professional who is not an investigator or social worker according to these definitions.

It may be useful to refer to the ILS *Employee Statistics Worksheet* for assistance with this question.

7. Please report the OTPS expenditures breakdown for **criminal** representation and **family** representation, whether at the trial or appellate levels. Please only enter numbers in the first six?? columns. You cannot enter data in the ‘TOTAL’ column. These boxes will automatically show a “-“. Please respond with numbers only – no letters, commas, or special characters (including dollar signs and dashes). Decimal points are allowed. A blank entry will result in an error message – please enter ‘0’ where applicable. Note that the values presented in the ‘total’ bottom row are populated automatically based on your previous answers. If the totals presented seem incorrect, please review your answers to previous questions and/or provide an explanation below.

	Attorneys	Investigators	Social Workers	Expert Witnesses	Other Persons	All other OTPS	TOTAL
Criminal	_____	_____	_____	_____	_____	_____	
Family	_____	_____	_____	_____	_____	_____	
Total	Comp.	Comp.	Comp.	Comp.	Comp.	Comp.	Comp.

Instructions and Definitions

‘**OTPS expenditures**’ are those on items other than salaries, wages, and fringe benefits of staff. They include payments for supplies, equipment, training and CLE attendance, mileage, professional licensing fees, legal and other professional print material (books, periodicals, etc.), electronic legal research, utilities and contractual services. All payments to persons not on the staff of the provider (assigned counsel attorneys, contracted investigators, social workers, expert witnesses, interpreters, process servers, court reporters, etc.) should be regarded as ‘other than personal services’. In this question, we are requesting that OTPS on attorneys, investigators, social workers, expert witnesses, and other non-attorney professionals be broken down into the amounts expended in criminal and family court cases respectively.

Expenditures in the ‘**criminal**’ category are those relating to representation in criminal cases, whether at the trial, appellate, or post-disposition levels.

Expenditures in the ‘**family**’ category are those relating to representation in family cases, whether at the trial or appellate levels.

8. Please report any other expenditures that were not covered by the categories above. Please respond with numbers only – no letters, commas, or special characters (including dollar signs and dashes). Decimal points are allowed. A blank entry will result in an error message – please enter ‘0’ where applicable.

9. Total **expenditures** for this **provider**: Note that the value presented here is calculated automatically based on your previous answers. If this value seems incorrect, please review your answers to previous questions.

[Comp., sum of totals in questions 6, **Error! Reference source not found.** and 8.]

10. [Question 10 is for assigned counsel providers only. Institutional providers will skip to Question 11.] How many **attorneys** were paid pursuant to County Law Article 18-B over the past year for work in **criminal** and **family** court cases respectively? Please respond with numbers only. Decimal points are not allowed. A blank entry will result in an error message – please enter ‘0’ where applicable.

Criminal cases

Family court cases

Instructions and Definitions

This question requests the total count of **individual attorneys** who have received any compensation for providing representation under County Law Article 18-B in either criminal or family court cases, whether at the trial or appellate levels. Attorneys who have been compensated for cases in both categories should be counted *separately* in each.

Part 2

11. Please report the total number of **new cases opened** in the following categories in the last calendar year. Please respond with numbers only. Decimal points are not allowed. A blank entry will result in an error message – please enter ‘0’ where applicable.

[Assigned counsel providers not notified of newly open cases per their response on Screener Question B will skip to question 12. All other providers answer question 11.]

- Violent Felonies** _____
- Other Felonies** _____
- Misdemeanors and Violations** _____
- Parole Violations** _____
- Post-Dispositions** _____
- Appeals of a Guilty Plea** _____
- Appeals of a Verdict** _____
- Family Court** _____
- Family Court Appeals** _____

Q11 Source Documents

Please indicate below from what source document(s) the requested information about the total number of new cases for each of these categories is pulled.

Instructions and Definitions

This question requests the numbers of **new cases opened** in the last calendar year, also known as the program’s incoming caseload. They are divided into nine categories.

These categories correspond to the caseload standards established by ILS in our report *A Determination of Caseload Standards pursuant to § IV of the Hurrell-Harring v. The State of New York Settlement*. ILS has also issued guidance on how exactly cases should be counted for reporting in this section in the document *Definitions for Reporting Counts of Criminal Cases to the Office of Indigent Legal Services*. Please refer to the *Definitions* with any questions regarding how cases should be categorized, or how and when advice and/or representation provided to clients should be counted as a ‘**case**’.

ILS has not issued any definitions for **Family court** or **Family Court Appeals** cases. We request you submit to us the count of new cases as it appears in the provider’s records.

12. Please report the total number of **cases closed** in the following categories in the last calendar year. Please respond with numbers only. Decimal points are not allowed. A blank entry will result in an error message – please enter ‘0’ where applicable.

Violent Felonies	_____
Other Felonies	_____
Misdemeanors & Violations	_____
Parole Violations	_____
Post-Dispositions	_____
Appeals of a Guilty Plea	_____
Appeals of a Verdict	_____
Family Court	_____
Family Court Appeals	_____

Q12 Source Documents

Please indicate below from what source document(s) the requested information about the total number of cases closed for each of these categories is pulled.

Instructions and Definitions

This question requests the numbers of **cases closed** in the last calendar year. They are divided into eight categories.

'Cases closed' are cases where representation has terminated either because a final disposition was reached in court, or for some other reason such as the discovery of a conflict of interest, or the client opting to change counsel. A case that results in a mistrial is considered a 'closed' case. **'Cases closed'** also include those cases of **Juvenile Offenders** and **Adolescent Offenders** initiated in the criminal Youth Part but later removed to Family Court pursuant to CPL Article 722. The date of case closure is the date of the termination of representation, and not another date such as the date on which an **assigned counsel** provider receives a voucher from an attorney for their services. In **institutional providers**, cases transferred or reassigned between attorneys within the provider should not be counted as 'closed' by the first attorney and 'opened' by the second. Cases closed should be categorized according to the initial top charge. For example, a case where a defendant was initially charged with a violent felony should be counted in the violent felonies row, even if the defendant was ultimately convicted of a lesser charge, or not convicted at all. Cases should *not* be considered 'closed' if clients have absconded (whether or not a bench warrant was issued by a court). Misdemeanor cases dismissed when the client is found incapacitated under CPL § 730 should be counted as closed. Cases other than misdemeanors where the client is found incapacitated under CPL § 730 should remain open.

For criminal appeals to an intermediate appellate court, cases are closed when representation has terminated because an appellate order was issued and, if requested to do so by the client, counsel has

made a motion for permission to appeal to the Court of Appeals, and the motion has been denied or granted.

These categories correspond to the caseload standards established by ILS in our report *A Determination of Caseload Standards pursuant to § IV of the Hurrell-Harring v. The State of New York Settlement*. ILS has also issued guidance on how exactly cases should be counted for reporting in this section in the document *Definitions for Reporting Counts of Criminal Cases to the Office of Indigent Legal Services*. Please refer to the *Definitions* with any questions regarding how cases should be categorized, or how and when advice and/or representation provided to clients should be counted as a ‘case’. **Assigned counsel** providers reporting totals of cases closed should refer particularly to the section of the definitions headed ‘**Reference periods for reporting**’.

ILS has not issued any definitions for **Family Court** or **Family Court Appeals** cases. For the purposes of ILS-195 reporting, a **Family Court Appeal** should be considered closed when representation has terminated because an appellate order was issued and, if requested to do so by the client, counsel has made a motion for permission to appeal to the Court of Appeals, and the motion has been denied or granted.

13. Please report the total number of cases **pending** in the following categories on December 31 of the last calendar year. Please respond with numbers only. Decimal points are not allowed. A blank entry will result in an error message – please enter ‘0’ where applicable.

[Assigned counsel providers not notified of new cases will skip this question.]

Violent Felonies	_____
Other Felonies	_____
Misdemeanors & Violations	_____
Parole Violations	_____
Post-Dispositions	_____
Appeals of a Guilty Plea	_____
Appeals of a Verdict	_____
Family Court	_____
Family Court Appeals	_____

Q13 Source Documents

Please indicate below from what source document(s) the requested information about the total number of cases pending for each of these categories is pulled.

Instructions and Definitions

This question requests the numbers of cases open at the end of the last calendar year in eight categories, also known as the program’s **pending** caseload. They are divided into eight categories.

These categories correspond to the caseload standards established by ILS in our report *A Determination of Caseload Standards pursuant to § IV of the Hurrell-Harring v. The State of New York Settlement*. ILS has also issued guidance on how exactly cases should be counted for reporting in this section in the document *Definitions for Reporting Counts of Criminal Cases to the Office of Indigent Legal Services*. Please refer to the *Definitions* with any questions regarding how cases should be categorized, or how and when advice and/or representation provided to clients should be counted as a ‘**case**’.

ILS has not issued any definitions for **Family Court** or **Family Court Appeals** cases. We request you submit to us the count of pending cases as it appears in the provider’s records.

14. Please report the total number of **hours of attorney time** reported for **cases closed** in the following categories in the last calendar year. Please respond with numbers only. Decimal points are allowed to reflect fractions of an hour. A blank entry will result in an error message – please enter ‘0’ where applicable.

[Question 14 is for assigned counsel providers only. Institutional providers will skip to Question 15.]

	<i>Attorney time</i>
Violent Felonies	_____
Other Felonies	_____
Misdemeanors & Violations	_____
Parole Violations	_____
Post-Dispositions	_____
Appeals of a Guilty Plea	_____
Appeals of a Verdict	_____
Family Court	_____
Family Court Appeals	_____

Q14 Source Documents

Please indicate below from what source document(s) the requested information about the total number of hours of attorney time for each of these categories is pulled.

Instructions and Definitions

This question requests the **aggregate number of hours of work spent by attorneys** on **cases closed** in the last calendar year. Time dedicated by non-attorneys (e.g. investigators) should not be included. ILS set standards for the number of hours attorney should spend, on average, per case, in its report *A Determination of Caseload Standards pursuant to § IV of the Hurrell-Harring v. The State of New York Settlement*.

Cases should be counted consistent with the definitions set forth in *Definitions for Reporting Counts of Criminal Cases to the Office of Indigent Legal Services*. ‘**Cases closed**’ are cases where representation has terminated either because a final disposition was reached in court, or for some other reason such as the discovery of a conflict of interest, or the client opting to change counsel. A case that results in a mistrial is considered a ‘closed’ case. ‘Cases closed’ also include those cases of **Juvenile Offenders** and **Adolescent Offenders** initiated in the criminal Youth Part but later removed to Family Court pursuant to CPL Article 722. The date of case closure is the date of the termination of representation, and not another date such as the date on which an **assigned counsel** provider receives a voucher from an attorney for their services. In **institutional providers**, cases transferred or reassigned between attorneys within a provider should not be counted as ‘closed’ by the first attorney and ‘opened’ by the second. Cases closed should be categorized according to the initial top charge. Thus, a case where a defendant was initially charged with a violent felony should be counted in the violent felonies row, even if the defendant was ultimately convicted of a lesser charge, or not convicted at all. Cases should *not* be considered ‘closed’ if clients have absconded (whether or not a bench warrant was issued by a court). Misdemeanor cases dismissed when the client is found incapacitated under CPL § 730 should be counted as closed. Cases other than misdemeanors where the client is found incapacitated under CPL § 730 should remain open.

The following simplified example shows how these numbers should be computed. If in the last calendar year a program closed just two violent non-felony cases and three misdemeanor/violation cases, the total number of hours of attorney time in these cases is computed as follows.

Attorney hours expended in non-violent felony case one: 24 hours
Attorney hours expended in non-violent felony case two: 18 hours
Total attorney hours expended in non-violent felony cases: $18 + 24 = 42$ hours

Attorney hours expended in misdemeanor/violation case one: 4.5 hours
Attorney hours expended in misdemeanor/violation case two: 7.5 hours
Attorney hours expended in misdemeanor/violation case three: 9 hours
Total attorney hours expended in misdemeanor/violation cases: $4.5 + 7.5 + 9 = 21$ hours

ILS has also issued guidance on how exactly cases should be counted for reporting in this section in the document *Definitions for Reporting Counts of Criminal Cases to the Office of Indigent Legal Services*. Please refer to the *Definitions* with any questions regarding how cases should be categorized, or how and when advice and/or representation provided to clients should be counted as a ‘**case**’.

ILS has not issued any definitions for **Family** court or **Family Court Appeals** cases. We request you submit to us the breakdown of attorney time as it appears in the provider’s records.

15. Please note the types of **any other cases** in which this **provider** supplied representation which are not included in the counts reported above, and where possible note the numbers of those cases.

Type of case	Number of cases (if known)

Q15 Source Documents

Please indicate below from what source document(s) the requested information about any other cases in which representation was provided is pulled.

Instructions and Definitions

Where providers supply representation in cases other than those captured in the categories in the questions above, they should note those cases here, and to the greatest extent possible quantify how many such cases there were.

‘Other cases’ includes any other instances of providing advice and/or representation to a person in association with a legal matter pursuant to established professional standards for providers of mandated representation, but which are not included among the categories of cases described in the *Definitions for Reporting Counts of Criminal Cases to the Office of Indigent Legal Services*. Cases in which advice and representation was provided to persons not yet charged with an offense should be counted here.

Part 3

16. Is this program the primary provider of arraignment representation in the county?
- a. Yes
 - b. No

17. Please report the total numbers of **arraignments** in **criminal** cases at which you provided representation in the last calendar year for each of the following three categories: violent felonies, other felonies, and misdemeanors & violations. Then indicate for each arraignment what the outcome / outcomes were by counting them in the applicable categories below. Please respond with numbers only. Decimal points are not allowed. A blank entry will result in an error message – please enter ‘0’ where applicable.

	Violent Felonies	Other Felonies	Misdem. & Violations
Total arraignments	_____	_____	_____
...at which client was in custody prior to arraignment	_____	_____	_____
...at which client was ROR'd	_____	_____	_____
...at which client was released under non-monetary conditions	_____	_____	_____
...at which bail was set	_____	_____	_____
...at which client was remanded	_____	_____	_____
...at which client received an ACD	_____	_____	_____
...at which client's case was dismissed	_____	_____	_____
...at which client pleaded guilty	_____	_____	_____

Q17 Source Documents

Please indicate below from what source document(s) the requested information about the total number of arraignments and the outcomes in each of the three case categories is pulled.

Instructions and Definitions

An **arraignment** is defined consistent with Executive Law § 832(4)(a)(i) as “the first appearance by a person charged with a crime before a judge or magistrate, with the exception of an appearance where no prosecutor appears and no action occurs other than the adjournment of the criminal process and the unconditional release of the person charged (in which event Arraignment shall mean the person’s next appearance before a judge or magistrate).” We note that, depending on case assignment procedures, providers may not necessarily supply representation for all arraignments in cases in which they are assigned. Hence, the **total number of arraignments** reported here may not match the total number of **new cases opened** reported in Part 2 of the form.

Arraignments **‘at which client was in custody prior to arraignment’** are those where the client was arrested and in custody prior to the proceeding. This includes persons arrested pursuant to an arrest warrant, and those arrested without a warrant.

Arraignments **‘at which client was ROR’d’** are those at which the client was released on his or her own recognizance (“ROR’d”) following the arraignment.

Arraignments **‘at which client was released under non-monetary conditions’** are those in which the client was released under non-monetary conditions following the arraignment

Arraignments **‘at which bail was set’** are those at which the court required some financial condition set forth under Criminal Procedure Law (CPL) §520.10 to be satisfied for the client to obtain his or her release. This may include any one of the nine forms of bail or bond set forth under CPL §520.10(1).

Arraignments **‘at which client was remanded’** are those at which the client was ordered remanded pursuant to CPL 530.20(b)(1), including those cases in which the court was not authorized to set bail under CPL 530.20(2) and those cases in which a competency evaluation was ordered under CPL 730.

Arraignments **‘at which client received an ACD’** are those at which the client received an Adjournment in Contemplation of Dismissal pursuant to CPL §§ 170.55 or 170.56 during the proceeding.

Arraignments **‘at which the client’s case was dismissed’** are those at which the case was dismissed during the proceeding.

Arraignments **‘at which the client pleaded guilty’** are those where the client pleaded guilty to any charge.

18. Please report the number of criminal cases closed in the last calendar year in which any of the following services were provided. Please respond with numbers only. Decimal points are not allowed. A blank entry will result in an error message – please enter ‘0’ where applicable.

	Violent Felony	Other Felony	Misdemeanor & Violation	Parole Violation	Post-Disposition	Appeal, Guilty Plea	Appeal, Verdict
Investigator used	_____	_____	_____	_____	_____	_____	_____
Expert retained	_____	_____	_____	_____	_____	_____	_____
Interpreter retained	_____	_____	_____	_____	_____	_____	_____
Social worker used	_____	_____	_____	_____	_____	_____	_____

Q18 Source Documents

Please indicate below from what source document(s) the requested information about the services provided in each of the seven case categories is pulled.

Instructions and Definitions

Cases should be counted consistent with the definitions set forth in *Definitions for Reporting Counts of Criminal Cases to the Office of Indigent Legal Services*. ‘**Cases closed**’ are cases where representation has terminated either because a final disposition was reached in court, or for some other reason such as the discovery of a conflict of interest, or the client opting to change counsel. A case that results in a mistrial is considered a ‘closed’ case. ‘Cases closed’ also include those cases of **Juvenile Offenders** and **Adolescent Offenders** initiated in the criminal Youth Part but later removed to Family Court pursuant to CPL Article 722. The date of case closure is the date of the termination of representation, and not another date such as the date on which an **assigned counsel** provider receives a voucher from an attorney for their services. In **institutional providers**, cases transferred or reassigned between attorneys within a provider should not be counted as ‘closed’ by the first attorney and ‘opened’ by the second. Cases closed should be categorized according to the initial top charge. Thus, a case wherein a defendant was initially charged with a violent felony should be counted in the violent felonies row, even if the defendant was ultimately convicted of a lesser charge, or not convicted at all. Cases should *not* be considered ‘closed’ if clients have absconded (whether or not a bench warrant was issued by a court). Misdemeanor cases dismissed when the client is found incapacitated under CPL § 730 should be counted as closed. Cases other than misdemeanors where the client is found incapacitated under CPL § 730 should remain open.

Cases should be counted as ‘**investigator used**’ when an investigator was assigned to a case from among staff within an office, or was retained for an individual case. ‘**Investigator**’ includes persons responsible for assisting defense counsel with factual investigations including but not limited to identifying and interviewing witnesses and reviewing evidence. We do not consider investigation to include process serving and/or screening of clients for financial eligibility; cases where these services were provided should not be counted among ‘investigator used’ unless other factual investigation also occurred.

Cases should be counted as ‘**expert retained**’ when an expert was retained, whether or not payment was made. All cases where experts were retained should be counted including those where they were retained for consultation only but did not testify in court.

Cases should be counted as ‘**interpreter retained**’ when an interpreter was retained by the defense to assist with client communication. Cases involving use of interpreters provided by a court, or persons acting informally as interpreters without being retained, should not be counted.

Cases should be counted as ‘**social worker used**’ when a social worker was used in the case. Social workers include all persons licensed as social workers pursuant to Title 8, Article 154, Section 7704 of New York State Education Law and Part 74 and Section 52.30 of the Regulations of the Commissioner of Education, as well as persons performing sentencing advocacy services, client and/or case management services, or mitigation investigation services, whether or not as licensed social workers. Social workers may be assigned to a case from among staff within an office, or retained for an individual case.

19. Of the felony, misdemeanor and violation cases disposed in the last calendar year, please report how many were: Please respond with numbers only. Decimal points are not allowed. A blank entry will result in an error message – please enter ‘0’ where applicable.

	Violent Felonies	Other Felonies	Misdemeanors & Violations
Disposed at trial – fully acquitted	_____	_____	_____
Disposed at trial – found guilty of any charge	_____	_____	_____
Disposed at trial – dismissal	_____	_____	_____
Disposed by guilty plea to top charge	_____	_____	_____
Disposed by guilty plea to a lesser charge	_____	_____	_____
Adjournment in Contemplation of Dismissal	_____	_____	_____
Covered or dismissed in satisfaction of other case	_____	_____	_____
Otherwise dismissed	_____	_____	_____
Other court dispositions	_____	_____	_____

Q19 Source Documents

Please indicate below from what source document(s) the requested information about case disposition in each of the three case categories is pulled.

Instructions and Definitions

This question asks about cases which were disposed in the last calendar year. Cases which do not end with a court disposition – for example, those where representation ends due to discovery of a conflict of interest – should not be counted in this question at all. Instead they are counted in a subsequent question.

The question requests information on violent felony, other felony, misdemeanor and violation cases only. Do not include any counts of post-disposition, parole violation, or appeal cases.

Cases should be counted as **‘disposed at trial – fully acquitted’** when the client was fully acquitted of all charges at trial.

Cases should be counted as **‘disposed at trial – found guilty of any charge’** when the client was found guilty of any charge at trial.

Cases should be counted as **‘disposed at trial – dismissal’** when the case was dismissed during the trial. This may occur, for example, pursuant to granting of a motion under CPL § 280 for mistrial, or the granting of a trial order of dismissal pursuant to CPL § 290.

Cases should be counted as **‘disposed by guilty plea to top charge’** when the client pleaded guilty to the most serious charge on the accusatory instrument or indictment.

Cases should be counted as **‘disposed by guilty plea to lesser charge’** when the client pleaded guilty to any lesser charge than the most serious one of which they were accused. This may include pleas to charges that were not initially ‘lesser included’ charges, but were ultimately arrived at as part of a plea deal.

Cases should be counted as **‘Adjournment in Contemplation of Dismissal’** when the case was disposed as Adjournment in Contemplation of Dismissal pursuant to CPL §§ 170.55 or 170.56. For this purpose, “disposed” includes any ACD granted in the last calendar year whether or not it has been dismissed.

Cases should be counted as **‘covered or dismissed in satisfaction of other case’** when the case was dismissed as a result of an agreement in another case. (For example, the client pleaded guilty in another case, with the consequence this case was dismissed.)

Cases should be counted as **‘otherwise dismissed’** if they were dismissed but not included in any other category in this table (e.g. dismissed as a result of an agreement in another case, or dismissed during trial).

Cases should be counted under **‘other court dispositions’** when disposed by a court in any other manner.

Cases should be counted consistent with the definitions set forth in *Definitions for Reporting Counts of Criminal Cases to the Office of Indigent Legal Services*.

20. Please report the manner of disposition for all appellate cases in this program in the last calendar year. Cases where representation ended before disposition should *not* be included in these counts. Please respond with numbers only. Decimal points are not allowed. A blank entry will result in an error message – please enter ‘0’ where applicable.

	Defendants’ Appeals of Guilty Pleas	Defendants’ Appeals of Verdicts	People’s Appeals
Affirmed	_____	_____	_____
Reversed or Modified	_____	_____	_____
Anders brief filed and case dismissed	_____	_____	_____
Other disposition (dismissed for other reason, withdrawn, etc.)	_____	_____	_____

Q20 Source Documents

Please indicate below from what source document(s) the requested information about case disposition in each of the three appellate case categories is pulled.

Instructions and Definitions

Providers should record counts of all disposed appeals of judgments of conviction and/or sentence, upon guilty plea, or upon verdict. Cases which ended for reasons other than a court disposition (e.g. representation ended when client found ineligible for services) should not be counted. Appeals of denied 440 motions should not be counted.

Cases should be counted consistent with the definitions set forth in *Definitions for Reporting Counts of Criminal Cases to the Office of Indigent Legal Services*. Those *Definitions* state that “A new [appellate] case must be counted whenever leave is granted to appeal to a higher court. A direct appeal should be counted as a case; in the event such an appeal fails and leave is granted to appeal to a higher court, a new appellate case should be counted. Filing of a notice of appeal should not be counted as a new appellate case in the absence of an assignment to conduct appellate representation.”

Cases should be counted as **defendant’s appeals** when the provider represents a client appealing a judgment of conviction and/or sentence.

Cases should be counted as **people’s appeals** when the provider represents a client in a case where the people have appealed. This includes appeals from pretrial orders, and appeals from trial or sentencing orders.

A case should be counted as **affirmed** if the appellate court affirmed the judgment of the lower court without any changes.

A case should be counted as **reversed or modified** if the appellate court reversed the judgment of the lower court, or modified it in any way. Cases should be so counted regardless of the relief offered by the court to the appellant, if any.

A case should be counted as **Anders brief filed and case dismissed** if a brief was submitted in accordance with *Anders v. California*, 386 U.S. 738 (1967) asserting that a case presents only legally frivolous issues *and* the case was subsequently dismissed.

A case should be counted as **other disposition** if the case was disposed in any other way, such as through dismissal for any reason other than an *Anders* brief, or the case was withdrawn.

21. In the last calendar year, in how many closed appellate cases were the following activities performed? All cases should be included in these counts regardless of the way in which they were closed. Please respond with numbers only. Decimal points are not allowed. A blank entry will result in an error message – please enter ‘0’ where applicable.

	Appeals of a Guilty Plea	Appeals of a Verdict
Met with Client in Person	_____	_____
Made Oral Argument	_____	_____
Moved for Permission to Appeal to the New York Court of Appeals	_____	_____

Q21 Source Documents

Please indicate below from what source document(s) the requested information about case activities in each of the two appellate case categories is pulled.

Instructions and Definitions

Providers should record counts of all appellate cases, whether the case was disposed by a court or ended for some other reason (e.g. representation ended when client found ineligible for services).

Cases should be counted consistent with the definitions set forth in *Definitions for Reporting Counts of Criminal Cases to the Office of Indigent Legal Services*. Those *Definitions* state that “A new [appellate] case must be counted whenever leave is granted to appeal to a higher court. A direct appeal should be counted as a case; in the event such an appeal fails and leave is granted to appeal to a higher court, a new appellate case should be counted. Filing of a notice of appeal should not be counted as a new appellate case in the absence of an assignment to conduct appellate representation.”

A case should be counted as **Met with Client in Person** if counsel met with the client in person at least once during the representation.

A case should be counted as **Made Oral Argument** if counsel appeared and made oral argument on the client’s behalf during the representation.

A case should be counted as **Moved for Permission to Appeal to the New York Court of Appeals** if counsel made such a motion at the conclusion of the case.

22. Please report the total number of **criminal cases closed** in the last calendar year, broken out as follows. Please respond with numbers only. Decimal points are not allowed. A blank entry will result in an error message – please enter ‘0’ where applicable.

	Violent Felonies	Other Felonies	Misdemeanors & Violations
Represented through arraignment only	_____	_____	_____
Represented only after arraignment	_____	_____	_____

Q22 Source Documents

Please indicate below from what source document(s) the requested information about partial representation in each of the three case categories is pulled.

Instructions and Definitions

Cases where representation was **‘through arraignment only’** are those where representation by this provider began at or before arraignment, but ended after arraignment and before the next court proceeding.

Cases where representation was **‘only after arraignment’** are those where representation by this provider began after arraignment.

Cases should be counted consistent with the definitions set forth in *Definitions for Reporting Counts of Criminal Cases to the Office of Indigent Legal Services*. **‘Cases closed’** are cases where representation has terminated either because a final disposition was reached in court, or for some other reason such as the discovery of a conflict of interest, or the client opting to change counsel. A case that results in a mistrial is considered a ‘closed’ case. ‘Cases closed’ also include those cases of **Juvenile Offenders** and **Adolescent Offenders** initiated in the criminal Youth Part but later removed to Family Court pursuant to CPL Article 722. The date of case closure is the date of the termination of representation, and not another date such as the date on which an **assigned counsel** provider receives a voucher from an attorney for their services. In **institutional providers**, cases transferred or reassigned between attorneys within a provider should not be counted as ‘closed’ by the first attorney and ‘opened’ by the second. Cases closed should be categorized according to the initial top charge. Thus, a case wherein a defendant was initially charged with a violent felony should be counted in the violent felonies row, even if the defendant was ultimately convicted of a lesser charge, or not convicted at all. Cases should *not* be considered ‘closed’ if clients have absconded (whether or not a bench warrant was issued by a court). Misdemeanor cases dismissed when the client is found incapacitated under CPL § 730 should be counted as closed. Cases other than misdemeanors where the client is found incapacitated under CPL § 730 should remain open.

23. In how many **criminal cases closed** in the last calendar year were the following true? Please respond with numbers only. Decimal points are not allowed. A blank entry will result in an error message – please enter ‘0’ where applicable.

	Violent Felony	Other Felony	Misdemeanor & Violation	Parole Violation	Post-Disposition	Appeal, Guilty Plea	Appeal, Verdict
Representation ended when conflict discovered	_____	_____	_____	_____	_____	_____	_____
Representation ended when client found financially ineligible	_____	_____	_____	_____	_____	_____	_____
Juvenile Offender removed to Family Court	_____	_____	_____	_____	_____	_____	_____
Adolescent Offender removed to Family Court	_____	_____	_____	_____	_____	_____	_____
Representation ended prior to case disposition for any other reason (e.g. client retained private counsel)	_____	_____	_____	_____	_____	_____	_____

Q23 Source Documents

Please indicate below from what source document(s) the requested information about representation ending prior to case disposition in each of the seven case categories is pulled.

Instructions and Definitions

This question asks about cases which were closed for reasons other than a court disposition. Cases which ended in a court disposition – for example, the client was found guilty – should not be counted in this question at all. Instead they are counted in a previous question.

Cases in which representation ended because a **‘conflict [was] discovered’** are those where a conflict of interest was discovered preventing representation from continuing. Such cases should be counted no matter when during the case the conflict was discovered.

Cases in which representation ended because a client was **‘found financially ineligible’** are those which ended because a client was deemed not to be financially eligible to receive public defense services. This does not include clients ordered to pay part of the cost of their representation pursuant to NY County Law §722-d. Such cases should be counted no matter when during the case the ineligibility was discovered.

Cases in which the **‘Juvenile Offender removed to Family Court’** are those in which the client in the case was 13, 14 or 15 years old at the time of the alleged offense (and as defined in CPL § 1.20(42)), and the client was originally arraigned in the criminal court Youth part, but the case was subsequently removed to Family Court pursuant to CPL § 722.22.

Cases in which the **‘Adolescent Offender removed to Family Court’** are those in which the client in the case was 16 or 17 years old at the time of an alleged felony offense, and the client was originally arraigned in the criminal court Youth part as an Adolescent Offender (as defined in CPL § 1.20(44)) , but the case was subsequently removed to Family Court pursuant to CPL § 722.23.

Cases in which representation **‘ended prior to case disposition for any other reason’** are those where representation ended prior to the disposition of the case by a court, but for reasons other than those enumerated elsewhere in this question. These may include that the client opted to retain private counsel.

Cases should be counted consistent with the definitions set forth in *Definitions for Reporting Counts of Criminal Cases to the Office of Indigent Legal Services*. **‘Cases closed’** are cases where representation has terminated either because a final disposition was reached in court, or for some other reason such as the discovery of a conflict of interest, or the client opting to change counsel. A case that results in a mistrial is considered a ‘closed’ case. ‘Cases closed’ also include those cases of **Juvenile Offenders** and **Adolescent Offenders** initiated in the criminal Youth Part but later removed to Family Court pursuant to CPL Article 722. The date of case closure is the date of the termination of representation, and not another date such as the date on which an **assigned counsel** provider receives a voucher from an attorney for their services. In **institutional providers**, cases transferred or reassigned between attorneys within a provider should not be counted as ‘closed’ by the first attorney and ‘opened’ by the second. Cases closed should be categorized according to the initial top charge. Thus, a case wherein a defendant was initially charged with a violent felony should be counted in the violent felonies row, even if the defendant was ultimately convicted of a lesser charge, or not convicted at all. Cases should *not* be considered ‘closed’ if clients have absconded (whether or not a bench warrant was issued by a court). Misdemeanor cases dismissed when the client is found incapacitated under CPL § 730 should be

counted as closed. Cases other than misdemeanors where the client is found incapacitated under CPL § 730 should remain open.

24. In how many felony cases closed in the last calendar year were clients categorized as **Adolescent Offenders** (16-17 years old), whether or not the case was removed? Please respond with numbers only. Decimal points are not allowed. A blank entry will result in an error message – please enter ‘0’ where applicable.

	Violent Felonies	Other Felonies
Adolescent Offender (16-17 years old) cases	_____	_____

Q24 Source Documents

Please indicate below from what source document(s) the requested information about Adolescent Offenders in each of the two case categories is pulled.

Instructions and Definitions

Cases in which the client was categorized as an ‘**Adolescent Offender (16-17 years old)**’ are those in which the client in the case was 16 or 17 years old at the time of the alleged felony offense, and the client was originally arraigned in the criminal court Youth Part as an Adolescent Offender (as defined by CPL § 1.20(44)), whether or not the case was removed.

Cases should be counted consistent with the definitions set forth in *Definitions for Reporting Counts of Criminal Cases to the Office of Indigent Legal Services*. ‘**Cases closed**’ are cases where representation has terminated either because a final disposition was reached in court, or for some other reason such as the discovery of a conflict of interest, or the client opting to change counsel. A case that results in a mistrial is considered a ‘closed’ case. ‘Cases closed’ also include those cases of **Juvenile Offenders** and **Adolescent Offenders** initiated in the criminal Youth Part but later removed to Family Court pursuant to CPL Article 722. The date of case closure is the date of the termination of representation, and not another date such as the date on which an **assigned counsel** provider receives a voucher from an attorney for their services. In **institutional providers**, cases transferred or reassigned between attorneys within a provider should not be counted as ‘closed’ by the first attorney and ‘opened’ by the second. Cases closed should be categorized according to the initial top charge. Thus, a case wherein a defendant was initially charged with a violent felony should be counted in the violent felonies row, even if the defendant was ultimately convicted of a lesser charge, or not convicted at all. Cases should *not* be considered ‘closed’ if clients have absconded (whether or not a bench warrant was issued by a court). Misdemeanor cases dismissed when the client is found incapacitated under CPL § 730 should be counted as closed. Cases other than misdemeanors where the client is found incapacitated under CPL § 730 should remain open.

25. In how many violent felony **cases closed** in the last calendar year were clients categorized as **Juvenile Offenders** (13-15 years old), whether or not the case was removed? Please respond with numbers only. Decimal points are not allowed. A blank entry will result in an error message – please enter ‘0’ where applicable.

**Juvenile Offender
(13-15 years old)
Cases** _____

Q25 Source Documents

Please indicate below from what source document(s) the requested information about Juvenile Offenders is pulled.

Instructions and Definitions

Cases in which the client was categorized as a **‘Juvenile Offender (13-15 years old)’** are those in which the client in the case was 13, 14 or 15 years old at the time of the alleged offense (and as defined by CPL § 1.20(42)), and the client was originally arraigned in the criminal court Youth Part as a Juvenile Offender, whether or not the case was removed.

Cases should be counted consistent with the definitions set forth in *Definitions for Reporting Counts of Criminal Cases to the Office of Indigent Legal Services*. **‘Closed’ cases** are cases where representation has terminated either because a final disposition was reached in court, or for some other reason such as the discovery of a conflict of interest, or the client opting to change counsel. A case that results in a mistrial is considered a ‘closed’ case. ‘Closed’ cases also include those cases of **Juvenile Offenders** and **Adolescent Offenders** initiated in the criminal Youth Part but later removed to Family Court pursuant to CPL Article 722. The date of case closure is the date of the termination of representation, and not another date such as the date on which an **assigned counsel** provider receives a voucher from an attorney for their services. In **institutional providers**, cases transferred or reassigned between attorneys within a provider should not be counted as ‘closed’ by the first attorney and ‘opened’ by the second. Cases closed should be categorized according to the initial top charge. Thus, a case wherein a defendant was initially charged with a violent felony should be counted in the violent felony column, even if the defendant was ultimately convicted of a lesser charge, or not convicted at all. Cases should *not* be considered ‘closed’ if clients have absconded (whether or not a bench warrant was issued by a court). Misdemeanor cases dismissed when the client is found incapacitated under CPL § 730 should be counted as closed. Cases other than misdemeanors where the client is found incapacitated under CPL § 730 should remain open.

26. Is there anything else you’d like us to know about the information submitted in this report? This question is *optional*.

27. Are there any documents you would like to share with us in addition to the information submitted in this report? If so, please upload here. This question is *optional*.

[Button to upload documents appears here.]

Once you click on the button below, the completed form will be sent to ILS.

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