

NEW YORK STATE OF OPPORTUNITY. Legal Services

ILS Data Officer Training

August 21, 2020



Overview

- Both Panel Attorneys and ACP Administrators have a role in collecting, maintaining, and reporting data
- ACPs and the ILS 195
- ACPs and the Performance Measures Report



WHY DATA REPORTING IS IMPORTANT



Knowledge Building

- □ Data helps us better understand the 57+ county based systems
- Data helps us define and assess quality representation
- Data identifies systemic barriers faced by individual attorneys and public defense providers
- □ Data can assist in developing a roadmap for long-term change



What HH Taught Us

- ✓ How to build an infrastructure that supports panel attorneys
- ✓ The need to facilitate collegiality amongst panel attorneys
- ✓ The importance of hearing from line attorney staff
- ✓ How data can be used to more equitably distribute cases amongst panel members



- Of the 53 signed statewide contracts (Non-HH):
- 25 (47.2%) include funding for hiring ACP Administrators and/or Supervising Attorneys.
- > 18 (34.0%) include funding for ACP mentoring & resource attorneys.
- > 37 (69.8%) include funding for ACPs to retain NAPS.
- 21 (39.6%) include funding to hire NAPS.



& Data Collection

ILS Case Definition

Provision of legal representation for cases that fall within the 7 criminal caseload categories; 2 family court categories.

- **Arraignment Representation Beginning January 1, 2021**
 - Top charge; client custody status; outcome; disposed at arraignment: yes or
 - **Post-Arraignment Representation Beginning January 1, 2021**
 - Use of experts; case disposition; adolescent and juvenile offender outcomes.
 - **Case Disposition**

Beginning January 1, 2021

Guilty plea, trial verdict; appellate outcomes (Affirmed; Reversed; Modified; etc.

- Reporting to the ACP
- Hard Copy vouchers Electronic vouchers
- Performance Measure Progress Report

COLLECT DATA FROM PANEL ATTORNEYS

- ✓ Vouchers contain all required data to be reported.
- ✓ When received, make certain vouchers are complete.

MECHANISMS

- ✓ Review your systems and protocols to make sure attorneys understand what is expected of them.
- ✓ Have internal procedures for timely and accurate data entry and reporting.



DATA ACCURACY

✓ Work with Data Officers to develop a system for the routine review of caseload data prior to submission (quarterly, semi-annually).



REPORTING DEADLINES & DATA SUBMISSION

✓ Be aware of reporting deadlines and ensure timely submission of ILS 195 and Performance Measures Forms to ILS.



✓ Reach out to your County Data Officers. ILS works closely with them to clarify reporting requirements.

ILS 195 - Part 1

Part 1: Questions 1 thru 4

1. How many **individuals** were on **staff** at this **provider** on December 31 of last year in the following categories?

	Attorneys	Investigators	Social workers	Other staff	TOTAL
Individuals					Comp.

- 2. Of the **attorneys** on **staff** on July 1 of last year, how many **supervised** the work of others?
- 3. How many hours is a 'full-time' employee expected to work weekly in this provider? (e.g. 37.5)
- 4. How many **full-time equivalent** (FTE) **staff** were employed by this **provider** on December 31 of last year?

	Attorneys	Investigators	Social workers	Other staff	TOTAL
FTEs					Comp.

Part 1: Questions 6 & 7

6. Please report the provider's total expenditures on personal services (PS) last year.

	Attorneys	Investigators	Social workers	Other staff	TOTAL
PS					
expenditures	1				Comp.

7. Please report the **provider**'s total **expenditures** on all **other than personal services** (**OTPS**) items last year.

	1 1 1 1 1 1 1 1 1	Investigators	Social	Expert	Other	All other	
	Attorneys		workers	witnesses	persons	OTPS	Total
OTPS							
expenditures							Comp.

ILS 195 – Part 2

Notified at Assignment

Questions 14, 16, & 17

- 14. Please report the total number of **new cases opened** in the following categories last year.
- 16. Please report the total number of cases **pending** in the following categories on December 31 of last year.
- 17. Please report the total number of hours of attorney time reported for cases closed in the following categories last year.

Notified at Disposition Questions 15 & 17

Violent felonies
Other felonies
Misdemeanors and violations
Parole violations
Post-dispositions
Appeals of a guilty plea
Appeals of a verdict
Family Court
Family appeals

15. Please report the total number of **cases closed** in the following categories last year.

17. Please report the total number of hours of attorney time reported for cases closed in the following categories last year.

ILS 195 – Part 3

21. Please report the total numbers of **arraignment**s in **criminal** cases at which you provided representation in the last year.

	Violent felonies	Other felonies	Misdemeanors & violations
Total arraignment s			
at which client was in custody prior to arraignment			
at which client was ROR'd			
at which client was released under supervision			
at which bail was set			
at which client was ineligible for bail			
at which client received an ACD			
at which client's case was dismissed			
at which client pleaded guilty			

ILS 195 – Part 3 (cont.)

26. Please report the total number of criminal cases closed in the last year, broken out as follows.

	Violent felonies	Other felonies	Misdemeanors & violations
Represented through arraignment only			
Represented only after arraignment			

- ➤ ILS's Case Definition requires cases to be counted when opened based on the top charge.
- As more counties develop arraignment plans that include ACP panel attorneys, there will be more instances where panel attorneys represent the client at the arraignment only and not through final case disposition.
- > These questions will give us a better sense of how often this is happening.

FINDING THE ILS 195 & PERFORMANCE MEASURES PROGRESS REPORT



The ILS 195 can be found at:

https://www.ils.ny.gov/content/annual-data-reporting



The Performance Measure Progress Report can be found at: https://www.ils.ny.gov/



The County Data Officers and ILS's Research Team are available to assist and answer any questions you may have.

Assigned Counsel Plan Flow Charts

Assigned Counsel Program Overview

- Primary provider or conflict provider?
- Criminal trial; Criminal appeals; Family Court trials; Family Court appeals.
- Types of panels, e.g., misdemeanor; homicide; sex offenses, etc.
- •Total number of attorneys on the panel: criminal cases only; FC cases only; both

ELIG and/or CAFA

- Does ACP screen potential clients for financial eligibility?
- Do panel attorneys provide arraignment representation?
- Collect all forms used by ACP for intake, CAFA appearances, etc.

Case Managemen

- Does ACP Administrator assign attorneys or are they assigned by judges?
- If judges assign, is ACP notified of those assignments when they are made or only become aware of assignments when attorneys submit vouchers?

- Does ACP currently have a case management system?
- If no CMS vet, how is data from attorneys collected for ILS reporting?
- Which ACP staff are responsible for entering data into CMS or
- What data are collected and entered, e.g., charges, court, judge, etc.?

Vouchers

- Does ACP currently have electronic vouchering for panel attorneys?
- Do attorneys send vouchers directly to judge for signature or does ACP review vouchers first before submitting them to judge for signature?

Assigned Counsel Program Data Flow

Arraignment

- Do ACP attorneys provide arraignment representation in all criminal courts?
- Do ACP attorneys provide arraignment representation for off-hours, rotational, CAP, weekend court sessions?

Case Assignment

- Who assigns panel attorneys, e.g., Judges assign from list; Administrator assigns once notified of conflict? If judges assign, how is ACP notified of assignment?
- •If ACP assigns, how are attorneys notified of assignment?
- . What criteria are used to assign panel attorneys, i.e., combination of panel/expertise and court (county, city, town and village)?

Case Opening in CMS

Voucher

Submission

Case Closing

- When is the case opened in the ACPs CMS, e.g., at time of assignment; at time of
- Who enters the information into the CMS? Are new cases entered daily, weekly?
- What case/client/attorney information is required to open the case in the CMS?
- •Is any add'l information entered prior to case closing?

- Does the ACP use paper vouchers or electronic vouchering?
- How are vouchers submitted by attorneys, e.g., via email, USPS, drop-off?
- When does judge approve voucher, e.g., before or after ACP review?
- Does the ACP allow interim vouchering? If yes, under what circumstances?

- Does ACP require timely submission of vouchers, e.g., within 60 days of
- What additional case data is entered at closing, e.g., disposition, sentencing?
- What additional documents are submitted, e.g., notice of assignment?



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