



**NEW YORK STATE
OFFICE OF INDIGENT LEGAL SERVICES
COUNTY LAW ARTICLE 18-B ASSIGNED COUNSEL RATE INCREASE
CERTIFICATION FORM
INSTRUCTIONS**

As part of the final enacted FY 2023-24 State Budget, County Law § 722-b was amended to increase the hourly rate paid to assigned counsel from \$60 per hour for misdemeanors or lesser offenses and \$75 per hour for all other types of assigned counsel matters (felonies, appeals, and Family Court matters) to \$158 per hour for all types of matters under County Law Article 18-B. This rate increase is effective April 1, 2023. Additionally, ILS' Aid to Localities budget includes a \$92 million appropriation to support State reimbursement to counties and New York City for 50% of eligible expenditures related to this rate increase. This appropriation language further provides as follows:

- The funding is to be disbursed to counties¹ upon submission to ILS of a Certification of eligible expenditures.
- Eligible expenditures are costs incurred on or after April 1, 2023 for 50% of assigned counsel rate increase.
- Such costs “must be submitted” to ILS “on a quarterly basis, and within 12 months of which the expenditures were incurred.”

The assigned counsel rate increase is \$98/hour for misdemeanors (\$49/hour eligible for State reimbursement), and \$83/hour for all other types of Article 18-B matters (\$41.50 eligible for State reimbursement).

To assist counties in claiming this State reimbursement, ILS developed a County Law Article 18-B Assigned Counsel Rate Increase Certification Form for counties to complete and submit to ILS. For the **Expenditures Being Claimed** portion of the form, in Column 1 counties should enter the number of eligible attorney hours for (a) misdemeanors, (b) Felonies and Criminal Appeals, and (c) Family Court and Family Court Appeals. In Column 2, counties should multiply the number of hours by the corresponding reimbursement rate. The form will auto-populate the total amount of State reimbursement owed based on what the county enters into Column 2.

Please note that eligible expenditures are limited to the following:

¹ For purposes of this document, the term “counties” includes New York City.

- Only expenditures for *attorney time paid at the statutory hourly rate* are eligible for reimbursement. This includes time spent providing representation on assigned cases, as well as time spent as a Second Chair on a case, travel time paid at the hourly rate, and time spent providing representation at arraignment when paid at the statutory hourly rate.²
- Do not report expenditures for expenses other than attorney time paid at the statutory hourly rate, such as copying, phone charges, postage, mileage, parking, etc. Additionally, do not report time for Mentor and Resource Attorney programs, other payments to attorneys that are not paid at the statutory hourly rate, or non-attorney specialized services (experts, investigators, interpretation services, etc.).

To claim, the following documentation must be submitted to ILS:

1. Completed and signed County Law Article 18-B Assigned Counsel Rate Increase Certification form
2. Completed and signed Claim for Payment form (AC3253-S form)
3. Source Documentation

The Office of State Comptroller is requiring that ILS collect Source Documentation to support each claim. The following are acceptable as Source Documentation:

- Copies of all attorney vouchers underlying the expenditures being claimed.
- or-
- A report summarizing relevant information contained in the attorney vouchers, including the case identifier, attorney name, hours worked, tasks performed, date work performed, and date of voucher payment.

Note: The Onondaga County Bar Association Assigned Counsel Program has provided ILS with a sample report. To obtain a copy of this sample report, please contact Burton Phillips at: burton.phillips@ils.ny.gov

Claims should be submitted to ILS in one of the following ways:

- Claims may be submitted electronically to the following email address:
ACPrateincrease@ils.ny.gov
- Alternatively, hard copies may be mailed to ILS at the following address:
NYS Office of Indigent Legal Services
c/o Jenn Colvin
80 S. Swan St., Suite 1147
Albany, NY 12210

² Counsel at arraignment representation paid at a set amount for an arraignment session or to be on-call, and not paid per hour at the statutory rate, is not eligible for reimbursement via this source of funding.