

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.

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 completing the form and contact ILS with any outstanding questions. Note that as you are completing the form, you are able to click 'Save Answers and Continue Later' at the bottom of each page if you need to return 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 are expected to 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. Please do not leave blanks – enter ‘0’ (zero) where applicable.

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

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. Please do not leave blanks – enter ‘0’ (zero) 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 represent clients directly.

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. Please do not leave blanks – please enter ‘0’ (zero) 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. Please do not leave blanks –enter '0' (zero) where applicable.

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

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.

5. 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. Please do not leave blanks – enter '0' (zero) where applicable.

	Attorneys	Investigators	Social Workers	Other Staff	TOTAL
Criminal	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Family	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

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 personnel 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. Please do not leave blanks –enter '0' (zero) where applicable.

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

Instructions and Definitions

'Expenditures on personnel services' are those on salaries, wages, and fringe benefits of staff. Accordingly, please enter the totals expended by your provider for personnel 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 **'personnel services'** and should be reported here. Expenditures for **assigned counsel** attorney case representation are considered **'other than personnel 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. For criminal and family representation, please enter numbers in the first six columns. Then, add up all numbers from the first six columns and put the number in the 'TOTAL' column. Please respond with numbers only – no letters, commas, or special characters (including dollar signs and dashes). Decimal points are allowed. Please do not leave blanks –enter '0' (zero) where applicable.

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

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 personnel 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. Please do not leave blanks – enter '0' (zero) where applicable.

9. **Total expenditures for this provider:** Please add up the numbers in the 'TOTAL' columns at Question 6 (total PS expenditures), Question 7 (total OTPS expenditures criminal AND total OTPS expenditures family), and Question 8 (any other expenditures). Respond with numbers only--no letters, commas, or special characters (including dollar signs and dashes). Decimal points are allowed.

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. Please do not leave blanks – enter '0' (zero) 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. Please do not leave blanks – enter ‘0’ (zero) 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. Please do not leave blanks – enter ‘0’ (zero) 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.

Please note that it is intended that for all closed violent felony, other felony, and misdemeanor & violation cases reported at Question 12, a manner of disposition (ILS-195 Question 18) or another reason of why representation ended (ILS-195 Question 22) is indicated. In other words, for these categories of cases, the numbers reported at Question 18 plus Question 22 should equal the numbers reported in this question.

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. Please do not leave blanks – enter ‘0’ (zero) 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. Please do not leave blanks – enter ‘0’ (zero) 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.

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)

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. 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. Please do not leave blanks – enter '0' (zero) where applicable. If you are unable to report the information, please enter UR.

	Violent Felonies	Other Felonies	Misdemeanors & Violations
Total arraignments	_____	_____	_____

- a. Please report the number of arraignments **at which the client was in custody prior to arraignment**: Please do not leave blanks – enter '0' (zero) where applicable. If you are unable to report the information, please enter UR.

	Violent Felonies	Other Felonies	Misdemeanors & Violations
Number of arraignments at which client was in custody prior to arraignment	_____	_____	_____

- b. For each arraignment reported in "Total arraignments" above, please indicate what the **outcome of the arraignment** was: Please do not leave blanks – enter '0' (zero) where applicable. If you are unable to report the information, please enter UR.

	Violent Felonies	Other Felonies	Misdemeanors & Violations
Number of arraignments...			
...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(1)(b) with no bail set and those at which a client was remanded pursuant to CPL §530.20(2) because the local criminal court lacked the authority to release the client or set bail. It also includes those instances in which a client was remanded because a competency evaluation was ordered under CPL §730.30. Do not include here those instances in which a client was detained pretrial because of the inability to post bail.

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.

17. Please report the number of criminal cases closed in the last calendar year in which any of the following services were provided. Please do not leave blanks – enter ‘0’ (zero) where applicable. If you are unable to report the information, please enter UR.

	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 or used 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.

18. Of the felony, misdemeanor and violation cases disposed in the last calendar year, please report how many were: Please do not leave blanks – enter '0' (zero) where applicable. If you are unable to report the information, please enter UR.

	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	_____	_____	_____
Dismissed pursuant to CPL §30.30	_____	_____	_____
Otherwise dismissed	_____	_____	_____
Other court dispositions	_____	_____	_____

Instructions and Definitions

It is intended that for all closed violent felony, other felony, and misdemeanor & violation cases reported at Question 12, a manner of disposition (ILS-195 Question 18) or another reason of why representation ended (ILS-195 Question 22) is indicated. In other words, for these categories of cases,

the numbers reported at Question 18 plus Question 22 should equal the numbers reported at Question 12.

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 **‘dismissed pursuant to CPL §30.30’** when the case was dismissed as a result of a motion made pursuant to CPL §30.30.

Cases should be counted as **‘otherwise dismissed’** if they were dismissed but not included in any other category in this table (e.g., cases dismissed in the interests of justice or misdemeanors dismissed after a 730 finding).

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*.

19. 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 do not leave blanks – enter ‘0’ (zero) where applicable. If you are unable to report the information, please enter UR. If your program does not handle appellate cases, please enter NA.

	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.

20. 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 do not leave blanks – enter ‘0’ (zero) where applicable. If you are unable to report the information, please enter UR. If your program does not handle appellate cases, please enter NA.

	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.

21. Please report the total number of **criminal cases closed** in the last calendar year, broken out as follows. Please do not leave blanks – enter ‘0’ (zero) where applicable. If you are unable to report the information, please enter UR.

	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.

22. In how many **criminal cases closed** in the last calendar year were the following true? Please do not leave blanks – enter ‘0’ (zero) where applicable. If you are unable to report the information, please enter UR.

	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

It is intended that for all closed violent felony, other felony, and misdemeanor & violation cases reported at Question 12, a manner of disposition (ILS-195 Question 18) or another reason of why representation ended (ILS-195 Question 22) is indicated. In other words, for these categories of cases, the numbers reported at Question 18 plus Question 22 should equal the numbers reported at Question 12.

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.

23. 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 do not leave blanks – enter '0' (zero) where applicable. If you are unable to report the information, please enter UR.

	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.

24. 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 do not leave blanks – enter '0' (zero) where applicable. If you are unable to report the information, please enter UR.

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.

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

26. 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.