

Cases counted and weighted in ILS caseload standards

	Standard	Cases included
Violent felony	50 per year	All new assignments
Other felony	100 per year	AND all cases where a client is:
Misdemeanor/violation	300 per year	<ul style="list-style-type: none"> - Facing retrial - Investigation/advice cases*
Appeal of trial	12 per year	<ul style="list-style-type: none"> - Appeal of a guilty verdict after trial
Appeal of plea	35 per year	<ul style="list-style-type: none"> - Appeal of a conviction resulting from a plea - SORA appeals - Re-sentencing appeals - Response to prosecution appeal (CPL 450.20)
Parole violation	200 per year	
Post-disposition	200 per year	<ul style="list-style-type: none"> - Violation of probation - Violation of conditional discharge - Failure to pay a fine - SORA classification/designation - SORA modification petition - 440 motion when assigned by court, motion is filed, or in accordance with County Law 722 as amended 2019** - 440.47 motion when assigned - Writ of error <i>coram nobis</i> where assigned by court or in accordance with County Law 722 as amended in 2019
Unweighted	Unweighted	<ul style="list-style-type: none"> - Extradition - Administrative appeal of denial of parole - Article 78 challenging parole denial - 440 and federal habeas investigation where no assignment - CPL 160.58 and CPL 160.59 sealing motions - Sentencing modifications - Other collateral proceedings (i.e., article 78s)

**Investigation/advice cases: The ILS case definition states that a case shall be opened and “counted when an assignment has been made, or when legal advice and/or representation has been provided.” In some instances, a case is opened as an “investigation” or “advice” case prior to the filing of an accusatory instrument, and at a time when it is unclear what the charges will be (or if the will be charges). When pre-arrest, pre-charge legal advice or representation, (i.e. appearing with the client to meet with law enforcement authorities or asserting the right to counsel while a client is being interrogated), is provided to a client, the provider should exercise best judgment, based on known circumstances, about whether to classify the case as a violent felony, other felony, or misdemeanor/violation. If there is not enough information, the provider should classify the case as a*

misdemeanor/violation. Of course, if criminal charges are subsequently filed, the matter should be counted as a single case (categorized by the most serious charges). In other words, pre-arrest representation that precedes a charged case to which the provider is assigned will not be counted twice. If the "investigation" is for a 440 motion where there is no assignment, the case is not counted (as reflected above)

*** County Law 722 was amended in 2019 to allow assigned appellate attorneys to provide assigned post-conviction representation as follows: "Assignment of counsel upon an appeal in a criminal action pursuant to this subdivision, or pursuant to paragraph b of subdivision one of section thirty-five of the judiciary law, includes authorization for representation by appellate counsel, or an attorney selected at the request of appellate counsel by the administrator of the plan in operation in the county (or city in which a county is wholly contained) where the conviction was entered, with respect to the preparation and proceeding upon a motion, pursuant to article four hundred forty of the criminal procedure law, to vacate a judgment or to set aside a sentence or on a motion for a writ of error coram nobis; compensation and reimbursement for such representation and expenses shall be governed by sections seven hundred twenty-two-b and seven hundred twenty-two-c of this article."*