

ASSIGNED COUNSEL PLAN ADVISORY COMMITTEE

-SECOND DEPARTMENT-

PANEL ELIGIBILITY

AND

SCREENING GUIDELINES

ELIGIBILITY REQUIREMENTS

All applicants shall utilize the universal application form supplied by the Office of the Administrator and said application will be reviewed by the Assigned Counsel Plan Screening Committee of the County Bar Association in the County where the application is made. Applicants will also submit to personal screening by said bar panel committees.

The names of all applicants who have been recommended by the Assigned Counsel Plan Screening Committee of the local Bar Association shall be forward to the Assigned Counsel Plan Administrator for review, and applicants shall be appointed to the appropriate panel subject to the approval of the Appellate Division.

GENERAL REQUIREMENTS

- ◆ Admitted to the New York Bar at least two years. (1)
- ◆ Attorney may only be a member of one trial court panel and one parole panel in one county, except an attorney may be on both the felony panel and the "A" felony panel in one county. No attorney may be placed on the appellate panels of more than one department, but an attorney may be on the trial panels of a county and the appellate panel of the same or different departments.
- ◆ Applicant's primary office must be located in the county of the panel or in the adjoining county in New York City. (2)
- ◆ Primary office shall be readily available to clients and families.

(1) This requirement can not be waived except in the following circumstances: where an attorney is admitted in New York State less than two years, has previously been admitted in another state for more than two years and exceptional criminal law experience in that other state.

(2) This shall be applied as follows:

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| Kings | -Adjoining Counties: New York and Queens |
| Queens | -Adjoining Counties: Kings and New York |
| Richmond | -Adjoining Counties: Kings and New York |

PANEL ELIGIBILITY REQUIREMENTS

Misdemeanor Panel:

- ◆ Two years admission to the New York State Bar, which is not waivable.
- ◆ Actual experience in the area of criminal law as follows:
 - Counsel on at least ten criminal cases to conclusion, in which substantive work was performed by the attorney.
 - Motion practice involving the entire spectrum of pre-trial litigation, on at least five such matters (*sample to be supplied*).
 - Conducted at least three pre-trial hearings in which testimony was given.
 - Counsel on at least five trials, (*trial to completion*) three of which must be jury trials.
- ◆ Applicant must submit names of the judges presiding at the most recent three trials cited, as well as the adversary in each instance.

The requirements may be waived, except for the 2-year admission requirement, if, in the opinion of the Advisory Committee, the applicant is otherwise qualified by reason of education, training or other substantial trial experience.

Felony Panel:

- ◆ Five years admission to the New York State Bar.
- ◆ Actual experience in the area of criminal law as follows:
 - Counsel on at least twenty-five criminal cases, to conclusion, in which the attorney has performed substantive work.
 - Motion practice involving the entire spectrum of pre-trial litigation, on at least fifteen such matters (*sample to be supplied*).
 - Conducted at least ten pre-trial hearings in which testimony was given.
 - Counsel on at least five jury trials (*tried to completion*), three of, which must involve felony level cases, which were jury trial.
- ◆ Applicant must submit names of the judges presiding at the most recent three trials cited as well as adversary in each instance.

The minimum requirements may be waived, except for the 2-year admission requirement, if in the opinion of the Advisory Committee, the applicant is otherwise qualified by reason of education, training or other substantial trial experience.

"A" Felony Panel:

- ◆ Seven years admission to the New York State Bar and otherwise eligible for felony panel.
- ◆ Actual experience in the area of criminal law as follows:
 - Counsel on at least ten felony jury trials to completion.
 - No less than two of these trials must have involved "A" felony level crimes.
- ◆ Applicant must submit names of the judges presiding at the most recent three trials cited as well as the adversary in each instance.

The minimum requirements may be waived, except for the 2-year admission requirement, if in the opinion of the Advisory Committee, the applicant is otherwise qualified by reason of education, training or other substantial trial experience.

Appeals Panel:

- ◆ Five years admission to the New York State Bar.
- ◆ Actual experience in the area of criminal law as follows:
 - Counsel on the last five completed appeals involving felony cases (*samples of briefs to be submitted*).

The minimum requirements may be waived, except for the 2-year admission requirement, if in the opinion of the Advisory Committee, the applicant is otherwise qualified by reason of education, training or other substantial trial experience.

Parole Panel:

- ◆ Three years admission to the New York State Bar.
- ◆ Actual experience in the area of criminal law as follows:
 - Applicant must have met the requirements for the Misdemeanor Panel.
- ◆ Additional study, apprenticeship or other training on the field of parole revocation law.

The burden is upon the applicant to prove some familiarity with this field of practice. As in all other instances, exceptions to these requirements may be made for applicants who possess other outstanding credentials.

The minimum requirements may be waived, except for the 2-year admission requirement, if in the opinion of the Advisory Committee, the applicant is otherwise qualified by reason of education, training or other substantial trial experience.