STATE OF NEW YORK

8236

2019-2020 Regular Sessions

IN ASSEMBLY

June 10, 2019

Introduced by M. of A. LENTOL -- read once and referred to the Committee on Ways and Means

AN ACT to amend the county law, in relation to entitled compensation for client representation

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section 722-b of the county law, as amended by section 2 of part J of chapter 62 of the laws of 2003, is amended to read as follows:

§ 722-b. Compensation and reimbursement for representation. 1. All counsel assigned in accordance with a plan of a bar association conforming to the requirements of section seven hundred twenty-two of this article whereby the services of private counsel are rotated and coordinated by an administrator shall at the conclusion of the representation receive:

(a) for representation of a person entitled to representation by law who is initially charged with a misdemeanor or lesser offense and no felony, compensation for such misdemeanor or lesser offense representation at a rate of [~~sixty~~] one hundred twenty dollars per hour for time expended in court or before a magistrate, judge or justice, and [~~sixty~~] one hundred twenty dollars per hour for time reasonably expended out of court, and shall receive reimbursement for expenses reasonably incurred; and

(b) for representation of a person in all other cases governed by this article, including all representation in an appellate court, compensation at a rate of [~~seventy-five~~] one hundred fifty dollars per hour for time expended in court before a magistrate, judge or justice and [~~seventy-five~~] one hundred fifty dollars per hour for time reasonably expended out of court, and shall receive reimbursement for expenses reasonably incurred.

2. [~~Except as provided in this section, compensation for time expended in providing representation:~~

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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~~(a) pursuant to paragraph (a) of subdivision one of this section shall not exceed two thousand four hundred dollars; and~~

~~(b) pursuant to paragraph (b) of subdivision one of this section shall not exceed four thousand four hundred dollars~~] **Hourly compensation to be received pursuant to paragraphs (a) and (b) of subdivision one of this section shall be subject to an annual cost of living increase. Such cost of living increase shall be calculated as the current rate of inflation as determined by the consumer price index, as computed by the federal bureau of labor statistics**.

3. [~~For representation on an appeal, compensation and reimbursement shall be fixed by the appellate court. For all other representation, compensation and reimbursement shall be fixed by the trial court judge. In extraordinary circumstances a trial or appellate court may provide for compensation in excess of the foregoing limits and for payment of compensation and reimbursement for expenses before the completion of the representation.~~

~~4.~~] Each claim for compensation and reimbursement shall be supported by a sworn statement specifying the time expended, services rendered, expenses incurred and reimbursement or compensation applied for or received in the same case from any other source. No counsel assigned hereunder shall seek or accept any fee for representing the party for whom he or she is assigned without approval of the court as herein provided.

§ 2. This act shall take effect April 1, 2020. Effective immediately, the addition, amendment, and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.