



NASSAU COUNTY COMPTROLLER
ELAINE PHILLIPS
240 Old Country Rd 2nd Flr., Mineola, NY 11501

P R E S S R E L E A S E

Media Contact: Wendy L. Goldstein

wgoldstein@nassaucountyny.gov

o. (516) 571-2478, m. (516) 421-3792

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Nassau County Comptroller's Office Revamps Payment Processing for Attorneys Who Represent Indigent Defendants

Reduces Time to Pay Assigned Counsel from 90+ Days to 12 Days or Less

MINEOLA, NY – The Office of Nassau County Comptroller Elaine Phillips has restructured the process by which the County pays many of the attorneys that represent individuals charged with a crime who cannot afford legal representation.

In March 2024, after being informed of a backlog in claims to public defenders, the Comptroller's Field Audit Division commenced a review of the payment process for attorneys who were assigned to represent defendants by the Nassau County Bar Association Assigned Counsel Defender Plan, Inc. (ACDP). The goal was to understand the reason for the backlog and to develop improved procedures that would alleviate and prevent future backlogs.

The process improvements, which included eliminating paper invoices and paper claims for payment, manual signatures and transfer of printed documents via courier services:

- Reduced the payment process time from three months or more to 12 days or less.
- Eliminated paper invoices, paper claim vouchers and use of couriers.
- Introduced digital batch processing to replace a manual one-by-one review which was cumbersome and allowed for clerical and mathematical mistakes.

The Comptroller's Office worked in conjunction with the Bar Association's ACDP staff to implement seamless end-to-end electronic processing of payments to assigned counsels, reducing the time to process payments.

In 2023, Nassau County paid 6,927 claims for attorneys, experts and other legal service providers, at a total cost of \$20.5 million.

"Improving efficiency is a key goal of my office," said Comptroller Phillips. "By replacing outdated processes and procedures with modern technology and a carefully streamlined process, we have eliminated a bottleneck in the payment of an essential group of providers."

Background

Article 18-B of New York State County Law mandates that counties provide counsel to people who are charged with a crime who cannot afford an attorney. Counties must also provide for investigative, expert and other services necessary for counsels to furnish an adequate defense.

Each county develops its own “Assigned Counsel Plan” to provide 18-B services. Nassau County contracts with the Legal Aide Society of Nassau County (Legal Aide Society) and the Nassau County Bar Association Assigned Counsel Defender Plan, Inc. (ACDP) to provide these services.

The Legal Aide Society provides attorneys and all services for the cases they handle, much like a law firm, and is reimbursed by the County.

ACDP assigns cases to attorneys who are impaneled to be part of the program, as well as investigators, experts and other services providers necessary for an adequate defense. ACDP is paid for their administration of the program, which includes submitting to the County invoices for payments. As of November 2024, the ACDP program had a panel of approximately 200 attorneys and 400 investigators, experts and other service providers registered to perform 18-B services.

The State sets the rates the County is responsible for paying for these services. In April of 2023, the State raised the hourly rate for assigned counsel from \$60-\$75 per hours to \$158 per hour.

The County has paid \$63.6 million for 18-B services over the past four years, averaging \$16 million per year.

About the Nassau County Comptroller’s Office

Comptroller Elaine Phillips is the independent protector of Nassau County’s finances. She and her team ensure accountability in the collection of revenues and the expenditure of Nassau’s funds and produce the County’s audited financial reports. With a population of almost 1.4 million people and an annual budget of approximately \$4.4 billion, Nassau County relies on Comptroller Phillips and her dedicated staff to report on matters that affect Nassau's financial health, proactively advocate for operational efficiency on behalf of the taxpayers, and audit government departments and outside agencies that do business with the county to uncover and prevent waste, fraud, and inefficiency. Each year, the Comptroller’s Office processes approximately 140,000 payments to vendors and reviews and approves more than 1,000 vendor contracts and approximately 2,300 purchase orders. The Comptroller’s office also manages and administers payroll and health benefits for more than 8,100 active employees, 12,500 retirees and 21,800 dependents for a total of more than 42,000 covered lives.

For additional information, please contact Wendy Goldstein, Director of Communications for the Comptroller’s Office, at wgoldstein@nassaucountyny.gov or (516) 571-2386.