

Glossary of terms in the ILS-195

December 3, 2018

Glossary

The following definitions refer to the ILS-195 form. These definitions also appear in the form itself. They can be found by clicking the 'Instructions & Definitions' links within the survey next to each question.

Term	Definition
ACD [Arrestment outcome]	Arrestments 'at which client received an ACD' are those at which the client received an Adjournment in Contemplation of Dismissal during the proceeding.
Adjournment in Contemplation of Dismissal [Case disposition]	Cases should be counted as 'Adjournment in Contemplation of Dismissal' when the case was disposed as Adjournment in Contemplation of Dismissal.
Adolescent Offender (16-17 years old)	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 offense, and the client was originally arraigned in the criminal court Youth Part as an Adolescent Offender.
Adolescent Offender transferred to Family Court	Cases in which the client in the case was 16 or 17 years old at the time of the alleged offense, and the client was originally arraigned in the criminal court Youth part as an Adolescent Offender, but the case was subsequently transferred to Family Court pursuant to CPL §722.
Affirmed	A case should be counted as affirmed if the appellate court affirmed the judgment of the lower court without any changes.
Anders brief filed and case dismissed	A case should be counted as Anders brief filed and case dismissed if a brief was submitted in accordance with <i>Anders v. California</i> , 386 U.S. 738 (1967) asserting that a case presents only legally frivolous issues <i>and</i> the case was subsequently dismissed.
Any Other Cases	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.
Appeal Of A Guilty Plea [Case type]	This case type is defined in ILS' Definitions for Reporting Counts of Criminal Cases to the Office of Indigent Legal Services.

Term	Definition
Appeal Of A Verdict [Case type]	This case type is defined in ILS' Definitions for Reporting Counts of Criminal Cases to the Office of Indigent Legal Services.
Arraignment	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).”
Assigned Counsel	Providers of representation which do not employ staffs of attorneys to provide representation, but instead compensate attorneys hourly for the time they spend on individual cases pursuant to County Law 18-b § 722(3).
Attorney [when counting persons]	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.
Attorney [when counting expenditures]	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.
Bail was set	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).
Cases Closed	Cases are defined in accordance with ILS' 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 transferred 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 his or her services. In institutional providers, cases transferred or reassigned between attorneys within a provider should not be counted as ‘closed’ by the first attorney and

Term	Definition
	'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 incapacitated under CPL §730 should be counted as closed. Cases other than misdemeanors where the client is incapacitated under CPL §730 should remain open.
Client was ineligible for bail [Arraignment outcome]	Arraignments at which 'client was ineligible for bail' are those at which the client was not eligible to be bailed because under CPL 530.20 the arraignment court was without statutory authorization to set bail, or because a competency evaluation was ordered under CPL 730.
Covered Or Dismissed In Satisfaction Of Other Case	All closed cases in which 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.)
Criminal	Relating to representation in criminal cases, whether at the trial, appellate, or post-disposition level.
Defendant's appeals	Cases should be counted as defendant's appeals when the provider represents a client appealing a judgment of conviction and/or sentence.
Dismissed [at arraignment]	Arraignments 'at which the client's case was dismissed' are those at which the case was dismissed during the proceeding.
Disposed at trial – dismissal [Case disposition]	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 NYCPL §280 for mistrial, or the granting of a trial order of dismissal pursuant to NYCPL §290.
Disposed At Trial – Found Guilty Any Charge	Cases should be counted as 'disposed at trial – found guilty of any charge' when the client was found guilty of any charge at trial.
Disposed At Trial – Fully Acquitted	Cases should be counted as 'disposed at trial – fully acquitted' when the client was fully acquitted of all charges at trial.
Disposed By Guilty Plea To Lesser Charge	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

Term	Definition
	initially 'lesser included' charges, but were ultimately arrived at as part of a plea deal.
Disposed By Guilty Plea To Top Charge	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.
Ended prior to case disposition for any other reason	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.
Expert Retained [in closed case]	Cases should be counted as 'expert retained' when an expert witness was retained, whether or not payment was made to the witness. All cases where experts were retained should be counted including those where they were retained for consultation only but did not testify in court.
Expert Witnesses [expenditure category]	Expenditures on 'Expert witnesses' are those for all payments to persons acting as expert witnesses or potential expert witnesses, including if the expert was retained for consultation only but did not testify in court. Assigned counsel programs should report total payments to expert witnesses other than those on the staff of the provider here.
Family	Relating to representation in Family Court cases, as defined under County Law 18-b, whether at the trial or appellate level.
Full-Time	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 the cut-off point for the number of hours may be different.
Full-Time Equivalent (FTE)	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. 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. For example, if Attorney 1 is a full-time employee that spends 75% of his or her time on criminal cases and 25% on family court

Term	Definition
	cases, you should add 0.75 to the total number of full-time equivalent attorneys in criminal practice, and 0.25 to the number in family court. If Attorney 2 is a part-time (40%) employee that spends 75% of his or her 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.
Hours Of Attorney Time	The aggregate number of hours of work spent by attorneys on cases closed in the last year. Time dedicated by non-attorneys (e.g. investigators) should not be included.
In Custody Prior To Arraignment	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 either arrested pursuant to an arrest warrant, or subjected to arrest without a warrant.
Individuals	‘Individuals’ refers to the total number of persons on staff, whether part-time or full-time, as of July 1 of the year for which data are being reported. No person should be counted in more than one category.
Institutional 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.
Interpreter Retained	Cases should be counted as ‘interpreter retained’ when an interpreter was retained 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.
Investigator [when counting persons]	Investigators includes all persons responsible for assisting defense counsel with factual investigation 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.
Investigator Used [when counting closed cases]	‘Investigators’ includes all persons responsible for assisting defense counsel with factual investigation 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.

Term	Definition
Investigator [when counting expenditures]	Expenditures on 'Investigators' are those for all persons responsible for assisting defense counsel with factual investigation 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.
Juvenile Offender (13-15 years old)	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 the client was originally arraigned in the criminal court Youth Part as a Juvenile Offender.
Juvenile Offender transferred to Family Court	Cases in which the client in the case was 13, 14 or 15 years old at the time of the alleged offense, and the client was originally arraigned in the criminal court Youth part, but the case was subsequently transferred to Family Court.
Made oral argument	A case should be counted as made oral argument if counsel appeared and made oral argument on the client's behalf during the representation.
Met with client in person	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.
Misdemeanors & Violations [Case type]	Misdemeanor and violation cases are defined in accordance with ILS' Definitions for Reporting Counts of Criminal Cases to the Office of Indigent Legal Services.
Moved to appeal to New York Court of Appeals	A case should be counted as moved to appeal to New York Court of Appeals if counsel made such a motion at the conclusion of the case.
New Cases Opened	These are defined in, and should be counted consistent with, ILS' Definitions for Reporting Counts of Criminal Cases to the Office of Indigent Legal Services.
Only after arraignment	Cases where representation was 'only after arraignment' are those where representation by this provider began after arraignment.
Other Court Dispositions [when counting trial cases]	Cases should be counted under 'other court dispositions' when disposed by a court in any manner other than those captured elsewhere in this question.
Other disposition [when counting appellate cases]	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.

Term	Definition
Other staff [when counting persons]	'Other staff' includes any non-attorney professional who is not an investigator or social worker according to these definitions.
Other staff [when counting expenditures]	Expenditures on 'Other staff' are those for any non-attorney professional who is not an investigator or social worker according to these definitions.
Other than personal services [expenditure category]	Expenditures on 'other than personal services' 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, and expert witnesses) should be regarded as 'other than personal services'.
Other Felonies [Case type]	Other felony cases are defined in accordance with ILS' Definitions for Reporting Counts of Criminal Cases to the Office of Indigent Legal Services.
Otherwise dismissed	Cases should be counted as 'otherwise dismissed' if they were dismissed but not included in any other category in this table (e.g. dismissed as a result of an agreement in another case, dismissed during trial, or Adjourned in Contemplation of Dismissal).
Parole Violation [Case type]	Parole violation cases are defined in accordance with ILS' Definitions for Reporting Counts of Criminal Cases to the Office of Indigent Legal Services.
Pending	A pending case is a case that has been opened, but is not yet closed. This question asks you to report the numbers of cases open at the end of last year (i.e. on December 31).
People's appeals	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.
Personal services [expenditure category]	'Expenditures on personal services' are those on salaries, wages, and fringe benefits of staff. Accordingly, please enter the totals expended by your provider for personal services for the individuals in each category of staff in the last year.
Pleaded Guilty [Arrestment outcome]	Arrestments 'at which the client pleaded guilty' are those where the client pleaded guilty to any charge.

Term	Definition
Post-Disposition [Case type]	Post-disposition cases are defined in accordance with ILS' Definitions for Reporting Counts of Criminal Cases to the Office of Indigent Legal Services.
Provider	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 18-b. We consider assigned counsel 'providers' to exist in counties even where no formal administration exists and judges assign counsel ad hoc. 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.
Released Under Supervision	Arraignments 'at which client was released under supervision' are those in which the client was released subject to the supervision of a monitoring agency (e.g. probation, a treatment provider, or pretrial supervised release program) following the proceeding
Representation Ended When Client Found Financially Ineligible	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 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
Representation Ended When Conflict Discovered	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.
Reversed or modified	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.
ROR'd	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 proceeding.

Term	Definition
Social Worker Used [when counting closed cases]	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.
Social Workers [when counting persons]	‘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.
Social workers [when counting expenditures]	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.
Staff	This 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.
Supervise	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 clients directly at all.
Through Arraignment Only	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.
Violent Felonies [Case type]	Violent felony cases are defined in accordance with ILS' Definitions for Reporting Counts of Criminal Cases to the Office of Indigent Legal Services.
Year	This is the calendar year (January 1 - December 31) to which the data refer.