

YOUR RIGHT TO SEEK REVIEW OF THE RECOMMENDATION THAT YOU ARE NOT ELIGIBLE FOR ASSIGNED COUNSEL

You have been notified of our decision to recommend to the judge that you are not financially eligible for an assignment of counsel. If you are financially able to retain private counsel, you should do so immediately. If you are unable to retain counsel, you may exercise your right to seek review of our recommendation. There are two ways you can do this:

A. Request that we Reconsider our Recommendation that you are not Eligible

If you believe that our recommendation is incorrect, you may request that we review and reconsider your application. Your request may be made in person, by telephone, or in writing. Upon our receipt of your request for reconsideration, we will provide you with an opportunity to submit to us any additional information you may wish for us to consider, or you may explain to us why you believe you should be provided assigned counsel.

If you choose to request that we reconsider our recommendation, you are urged to do so as soon as possible. It is best for you to act as quickly as you can to minimize any delay in the possible appointment of counsel.

Following our reconsideration, we will notify you, in writing, whether your application for assigned counsel was granted or denied.

B. Request that the Judge Reconsider the Recommendation that you are not Eligible

You may also request that the judge who is presiding over your case review and reconsider our recommendation that you are not eligible. You may do so whether or not you have already requested reconsideration by our office. However, if you did request our reconsideration, you should wait until you receive our written decision on your reconsideration request before making your request directly to the judge.

Please note that if you request that the judge reconsider our recommendation, we cannot guarantee the confidentiality of the information that you provided to us during the application process. The judge may order us to provide him or her with this information. Once we give it to the judge, it may become part of the court file that is available to the public.

This means that if you request the judge to reconsider our decision, you are waiving the right to confidentiality.

If you decide to ask the judge to review and reconsider our recommendation, we urge you to do so immediately. Please be advised that it is best for you to act as quickly as you can to minimize any delay in the possible appointment of counsel.

If you choose to appeal to the judge, you should wait until your next scheduled court appearance. During that appearance, you should explain to the judge that you disagree with our ineligibility recommendation. You should also tell the judge why you cannot afford to retain a lawyer and need to have one assigned to you. You should bring to court a copy of our written recommendation of ineligibility. You may also provide the judge with any additional information or documentation that you believe will be helpful to your application.

Please be advised that if you choose to request that a judge reconsider our recommendation, the judge will not necessarily treat your financial information as confidential or privileged, meaning, it may be used against you in this or any subsequent court proceeding. You also may be prosecuted if there is any false information contained in your application.

NOTE: When you are communicating with the judge about your application for assignment of counsel, do not discuss what happened in your case. Limit your discussion to your financial information. DO NOT DISCUSS THE FACTS OF YOUR CASE.

You may contact our office at (518) 873-3511 or assignedcounsel@essexcountyny.gov if you have any questions or need clarification of these instructions.