

## **Appeal Vouchers Q & A**

### **Q: How do I voucher for appeal?**

A: You will complete a voucher for appeal on the Attorney for the Child Internet Voucher System (AFCIV).

### **Q: Can I just combine the lower court work with the work completed on appeal?**

A: No. You must complete two separate vouchers. One for the work completed at the Family Court or Supreme Court level and one for the work completed on appeal.

### **Q: What court should I select for the appeal voucher?**

A: You will select the "4<sup>th</sup> Dept. Appellate Division" as your court on AFCIV.

### **Q: The voucher system asks for a case number - what should I input for my appeal voucher?**

A: For an appeal voucher you will want to enter the CAF #.

### **Q: What proceeding code applies to appeals?**

A: All appeal vouchers should have AP - Appeal for their proceeding code. If you do not select the proper proceeding code, the voucher will have to be returned to you which will result in delayed reimbursement.

### **Q: The appeal isn't scheduled for Oral Argument for 6 months, can I submit an interim voucher?**

A: No. You cannot submit an interim voucher on appeal. You must wait until after Oral Argument, and receipt of the Appellate Division decision.

### **Q: What do I do if I am unable to attend Oral Argument?**

A: You will need to attach an affirmation through AFCIV explaining why you were unable to attend Oral Argument.

### **Q: How should I code my time for Oral Argument?**

A: The time spent for Oral Argument should be coded as in-court time. In-court time is defined as time spent in the presence of the judge.

### **Q: How do I bill the time spent waiting for Oral Argument?**

A: Time spent waiting for Oral Argument (outside the presence of the judge) should be

coded as an H Code, Out-of-Court All-Other.

**Q: Can I combine activity codes? For example, can I combine the time I spent reviewing the Notice of Appeal and drafting a response?**

A: No. You cannot combine activity codes. You must breakdown activities by proper codes. The time spent reviewing the Notice of Appeal would be coded as an A Code, Review Documents. The time spent drafting a response would be coded as an E Code, Legal Drafting. *For further clarification please refer to the AFCIV Reimbursement Guidelines, pg. 13*

**Q: What type of activity description is required?**

A: If you are billing an A Code, Review of Documents, you must specify what you are reviewing, e.g., Review Notice of Appeal. If you are billing a D Code, Phone/Correspondence you must specify who you are corresponding with or what you are composing, e.g., Phone call with Petitioner Mother or Draft letter to Petitioner's Attorney. *For further clarification please refer to the AFCIV Reimbursement Guidelines, pg. 13*

**Q: Can I bill for travel and mileage on Appeal?**

A: Yes, you can bill for your travel and mileage costs on appeal but you must specify where you are traveling to and from. You must state the office address you are traveling from, and at a minimum, the street name, town and zip code you are traveling to.

**Q: I see that there is a cap on travel/mileage for Attorney's for Children to and from court, does this apply to appeals?**

A: The cap on travel/mileage does not apply to travel to and from Oral Argument.

**Q: Can I be reimbursed for copies and postage on Appeal?**

A: Yes you can be reimbursed for copies and postage. We reimburse for copies at the rate of \$.15 per page. You must specify in the activity description the number of copies and/or postage.

**Q: Can I be reimbursed for printing of briefs and records, filing and service of briefs and records by a printing service?**

A: No. The rules of the Appellate Division expressly allow records and briefs to be reproduced by "any . . . duplicating process that produces a clear black image" e.g., simple copying. "Binding" can be stapling (see 22 NYCRR 1250.6 [b]; [c]) Filing and service can be effected by mailing with the U.S. Postal Service or by use of a delivery company such as FedEx.

**Q: A party has taken an appeal, and so has the child. Who pays for the cost of the record?**

Under the new statewide Practice Rules of the Appellate Division, per 22 NYCRR 1250.9, on concurrent appeals from a single order or judgment, or on cross appeals, the appealing parties shall file a joint record and **shall share equally the cost of the record**. Accordingly, if you are appealing as AFC, and another party is also appealing, please contact the other party and make arrangements to split the cost of the record, including transcripts. Pursuant to the AFCIV Manual and Reimbursement Guidelines, transcript costs are paid by the AFC Program directly to the stenographer or transcriber. Do not pay the stenographer directly.

**Q: Am I required to meet with my client on Appeal?**

A: You must consult with your client if the client is of sufficient age and maturity to assist with the appeal. If you do not meet with your client, you are required to submit an affirmation explaining why you did not meet with your client.

**Q: I have entered all of my time for appeal on AFCIV and am ready to submit my voucher. What do I indicate for disposition?**

A: In the disposition section, please explain the outcome of the appeal, e.g., Family Court Order Affirmed.

**Q: I was able to submit and print my voucher for appeal on AFCIV, where do I send?**

A: You can send your voucher for appeal directly to the Office of Attorneys for Children at:

Appellate Division, Fourth Department  
Office of Attorneys for Children  
50 East Ave.  
Rochester, New York 14604  
Attention: Assistant Director, Linda Kostin

**Q: Along with the voucher, what else (if anything) do I need to send to the Appellate Division?**

A: Please make sure to sign and date the voucher then send the original voucher, a **COPY OF YOUR BRIEF** and a copy of the **APPELLATE DIVISION DECISION**.