

Subject: Re: [npap] [NY-Trial] Re: OVER-DETENTION AWARDS IN DECISIONS IN NY STATE COURT OF CLAIMS

From: "Michael R. Scolnick Esq." <scollaw@optonline.net>

Date: Fri, 15 Feb 2008 19:07:21 -0500

To: jsolson@scofflaw.com

CC: Npap <npap@nationallawyersguild.org>, NYCPR <nycpr@yahoogroups.com>

Can anybody in NPAP or the Rogues give me something to support a demand of \$2000/day or more for my 14 days over-detained client. Am I completely off in left field with that? I'll take federal decisions, any jurisdiction, if you have them.

I just searched that NY Court of Claims data base and found one case where award was \$85 (don't know how many days, in 2000 AD) and another where they awarded \$75/day for 7 days (in 2002 AD). OY!

Could anyone run me a Verdict Search for that? I don't have access to it.

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"The only foolish question is the one you don't ask."

-----Original Message-----

From: NY-Trial

Sent: Friday, February 15, 2008 6:33 PM

To: NY-Trial@

Subject: [NY-Trial] Re: OVER-DETENTION AWARDS IN DECISIONS IN NY STATE COURT OF CLAIMS

Michael -

I have similiar facts (31 days) so I would appreciate it if you let me know what you find and how you do \$\$ wise. Who is the AAG on your case and are in Albany?

To answer your questions, the Court of Claims has a searchable decisions page. Its crude (you search by term) but maybe you will find something. I found Smith v. State, #2007-030-014, Claim # 111410. It granted the claimant SJ and awared him \$10 per day, citing to a 4th Dept. case that deals with the time a claimant should have been in the SHU, not over-dentention in jail like our cases. Its a 1994 case. I hope in Smith that the claimant got screwed because he was pro se and that \$10 per day is not the going rate.

Please let me know what you find.

Thanks,

Eric

--- In NY-Trial@ ----- , "Michael R. Scolnick Esq."

<scollaw@...> wrote:

>

>

> Where would I look to find "verdicts" (i.e., awards made) in New York

> State's Court of Claims (the court where you sue the state) in cases of

> prisoner over-detention?
>
> In a case where my client was over-detained by 14 days following
his maximum
> expiration date I have been invited by the Assistant Attorney
General to
> make a demand -- early settlement discussions. I also started a
separate
> 1983 suit against the individual parole employees whose mis-
deeds "wilfil
> disregard" resulted in the over-detention. I've made claim now in
discussion
> for lawyer fees under 1988 for the work done in bringing the
federal suit. I
> argued that the state will be demanding a release for them also, so
they
> should pay the fees for the work done in that court. I'll let you
know how
> it goes.
>
> Meanwhile Where do I find what I'm looking for?
>
> Michael R. Scolnick, P.C.
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> 175 Burrows Lane
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> 845-354-9339
> fax: 845-365-1506
> "The only foolish question is the one you don't ask."
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