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ZR Per Diem Services (ZRPD) - Covering Attorney Policy

Welcome to ZR Per Diem Services! We look forward to working with you.

Please review the following in full as it outlines our policy here at ZRPD.

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I. REVOLUTION

Revolution is our online portal system that streamlines the processing of client coverage requests, assignments and reports. All covering attorneys are required to create a Revolution account and comply with the Terms of Service, which can be found on the “My Account” page on Revolution.

II. AVAILABILITY

Covering attorneys are required to submit their availability on a weekly basis and update changes to their availability through Revolution. Failure to submit availability via Revolution may result in a lack of assignments or removal from ZRPD’s roster.

Once a covering attorney indicates that they are available in Revolution, our calendar department staff will reach out to the covering attorney via **telephone** or **text** to confirm that their schedule has not changed and that the covering attorney can appear on a matter or several matters at a specific venue. A prompt response will ensure that the covering attorney receives a greater number of assignments.

The hallmark to becoming a regular appearing covering attorney with ZRPD is to develop and foster a relationship with the calendar department and let it be known that one is ready, willing and able to take on assignments.

III. ASSIGNMENTS

It is the covering attorney’s responsibility to review assignments thoroughly and be fully prepared to handle the assignment.

- A. **REVOLUTION ASSIGNMENTS.** The vast majority of our clients utilize Revolution. Once a covering attorney is confirmed by our calendar department to appear in a specific venue or county, an assignment will be sent via Revolution. The covering attorney will receive an email and text message alert that a new matter has been assigned. When this alert is received, the covering attorney is to click “ACCEPT.” Thereafter the covering attorney will be able to view in Revolution all details, instructions and documents for the matter assigned. Assignments and messages sent by Revolution are identifiable by the “Revolution” logo at the top of the email.
- B. **EMAIL ASSIGNMENTS.** A very small percentage of our clients do NOT utilize Revolution, but rather use our emailing system. For these clients, assignments will be sent to the covering attorney via email. Assignments for these clients will only be visible in email form and will NOT be anywhere in Revolution. When a covering attorney receives an email assignment, we ask that they respond as soon as possible confirming that they are in receipt of the assignment and will appear. For this reason, it is

imperative that all covering attorneys check both Revolution and their email for all the assignments they are scheduled to appear on.

- C. **CONFIRMING ASSIGNMENTS.** Once a covering attorney is confirmed to appear in a venue, we expect the covering attorney to accept and appear on all assignments sent to them for that venue.
- D. **MULTIPLE ASSIGNMENTS.** Once a covering attorney is confirmed to appear in a particular part or venue, we expect the covering attorney to take on other assignments in the same part or venue. If the covering attorney does not accept assignments in the part where they are already assigned, ZRPD reserves the right to withdraw and reassign previously assigned matters. Matters are assigned to covering attorneys 1-2 days prior to the appearance.
- E. **SAME DAY ASSIGNMENTS.** There are some instances where hiring attorneys will request coverage the day of the appearance. If the request is in a venue or part that a covering attorney is already assigned to, that covering attorney will be asked to appear on the matter and be compensated for same. We require the prompt response of the covering attorney regarding coverage for these same day requests, as our calendar department must confirm coverage as soon as possible.
- F. **REJECTING ASSIGNMENTS.** If a covering attorney has been confirmed by our calendar department to appear in a venue, but circumstances have changed and the covering attorney is no longer able to appear, we require that the covering attorney notify our calendar department **immediately**. This allows other coverage to be secured. Rejecting assignments after 6pm the night before scheduled appearances is prohibited, as it does not provide enough time for our calendar department to reassign the matter and find coverage. ZRPD reserves the right to refrain from assigning any further matters in the event a covering attorney rejects assignments in an untimely manner.

IV. APPEARANCES

- A. **PUNCTUALITY.** 99% of the job is showing up and being professional. If the covering attorney is delayed or late to court, the covering attorney must (1) call opposing counsel and (2) call the court to avoid defaults. Thereafter the covering attorney MUST notify our calendar department. Every effort must be made to minimize the possibility of an appearance being missed.
- B. **COMMUNICATION WITH HIRING ATTORNEYS.** Covering attorneys are expected to call the hiring attorney to gather more information, ask questions, or to resolve issues that arise in court. The covering attorney MUST call the hiring attorney from court when what is transpiring in court departs from or is outside of the parameters of the hiring attorney's instructions. However, emailing directly with a hiring attorney is

strictly prohibited, unless otherwise approved by ZRPD. If a hiring attorney asks to email a covering attorney directly, the covering attorney is to redirect them to our email address firm@nyperdiems.com.

- C. **STIPULATIONS.** Do not enter into any stipulations without the prior approval of the hiring attorney. If the Court is making a covering attorney sign a stipulation that the covering attorney does not have specific approval for, the covering attorney is to call the hiring attorney immediately.
- D. **PRINTING.** The ZRPD printing policy allows for the printing of documents by the covering attorney of up to 20 pages as part of an assignment. The covering attorney will only be reimbursed for documents that the client has expressly required be printed as part of the assignment. Covering attorneys are to complete a Reimbursement Form and submit it to the billing department for review. Any requests made by the hiring attorney directly to the covering attorney to print documents exceeding the 20 page limit must be approved by ZRPD. The Reimbursement Request Form can be found on the Revolution "My Account" page.
- E. **BUSTED DEPOSITIONS.** If a witness fails to appear for a deposition, or if opposing counsel "busts" the deposition, the covering attorney is required to take a statement on the record. It is insufficient to leave the deposition without memorializing what transpired and noting on the record that the covering attorney was ready, willing and able to proceed with the deposition. The failure to provide this will result in a displeased hiring attorney and will also only lead to more work, as the covering attorney may have to submit an affidavit memorializing the "bust" for future motion practice on the client's behalf.

V. REPORTS

- A. **TIMELINESS.** All reports must be submitted to ZRPD the day of the appearance immediately following the appearance. Deposition reports must be submitted to ZRPD within 3 days of the deposition date.
- B. **FORM.** If the assignment was sent via Revolution, the covering attorney must click on "submit report" and use the provided dropdowns on Revolution. If the assignment was sent via email outside of Revolution, the report must be sent using the provided link.
- C. **DETAILS.** A report must be submitted for each and every appearance. Reports should be thorough, concise and include all details relevant to the case as well as a recitation of what occurred at the appearance along with any future appearance dates. The covering attorney is to include the name of the judge, court attorney and/or clerk that they appeared before. The covering attorney is also to include the name of opposing counsel

and state whether the client was present. For deposition reports, the covering attorney is to include the names of opposing counsel, the court reporter and any translator. All documents, stipulations, and/or orders must be uploaded and submitted along with the report as an attachment. The covering attorney is also to include any exhibits marked for identification or advise whether exhibits were mailed directly to the hiring attorney.

- D. **URGENT REPORTS.** If the appearance outcome includes a short (1 day to 2 weeks) adjourn date, deadline or in any way requires the prompt attention or action on the part of the hiring attorney, the covering attorney must indicate “URGENT” in the report so it can be identified as top priority. Failure to mark the report “URGENT” may result in missed deadlines and/or appearances for the hiring attorney.
- E. **SCANNING ORDERS AND STIPULATIONS.** The covering attorney must retrieve a copy of all orders, stipulations or other documents received at any appearances. It is the covering attorney's responsibility to obtain a copy of the order at the appearance and it is inappropriate to leave without an order, absent compelling circumstances. The covering attorney is to use an office scanner or free scanner app on their phone, such as CamScanner, to scan clear and legible copies of orders and stipulations. If an order is not ready at the end of an appearance, the covering attorney must scan the order so it can be sent to the hiring attorney. Pictures of orders or stipulations are discouraged, but may be used as a last resort. If there are multiple pages of an order or a stipulation, the covering attorney is to scan it together as one PDF and not as multiple separate pages. The covering attorney is to write down hard on any orders or stipulations with a ballpoint pen to ensure same is legible. The covering attorney is to keep the original for at least 3 weeks in case the hiring attorney requests a hard copy.

VI. MISSED APPEARANCES

In the event a covering attorney misses an appearance, the hiring attorney will not be billed and the covering attorney will not be compensated for that assignment. The covering attorney is required to use their best efforts and take all steps necessary to rectify the situation caused by the missed appearance in a timely fashion.

Upon discovery that the covering attorney has missed an appearance, the covering attorney is to appear at the assigned part or call the court to find out exactly what transpired as a result of the missed appearance.

Providing this professional, timely acknowledgement of errors and resolving them for the hiring attorney is part of what makes our covering attorneys and ZRPD the best in our field.

VII. UNFAVORABLE OUTCOMES

When the outcome of an appearance is unfavorable to the hiring attorney due to the covering attorney's failure to fully comply with the hiring attorney's instructions or contact the hiring attorney from court for further instructions when necessary, the covering attorney will be required to use their best efforts and take all steps necessary to rectify the situation caused by the unfavorable outcome in a timely fashion.

VIII. HIRING ATTORNEY QUESTIONS AND FOLLOW UP

Covering attorneys are expected to answer any follow up questions from the hiring attorney or ZRPD in a timely fashion regarding any appearances the covering attorney has made.

IX. REMOVAL

Failure of the covering attorney to comply with the above may lead to removal of the covering attorney from ZRPD's roster of covering attorneys. ZRPD retains the sole right to limit assignments or remove covering attorneys from its roster without notice to the covering attorney.