



The Defense Never Rests

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OUR ANNUAL CLE NOVEMBER, 2001

Mark your calendars! We will present our annual Continuing Legal Education Seminar on November 1-2, 2001 at the Plimsoll Club in the World Trade Center. We anticipate offering fifteen hours of CLE credit which will include both ethics and professionalism. We have already begun arranging for speakers, but would appreciate any input concerning topics that you would like covered. *Please complete the enclosed questionnaire so that we can better serve your CLE needs.*

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NEW ST. TAMMANY JAIL OPENS

Last week St. Tammany Parish Jail opened its new facility located contiguous to the old jail (1200 Champagne Street, Covington). The old facility is now being completely renovated. Warden Marlin Peachey gave us a tour of the new facility. We are happy to report that there is now an attorney/client conference room, complete with table and chairs. In addition, the warden added a table and chairs to a larger room which doubles as a video conference room. This room will also serve as an attorney/client conference room.

The warden indicated that attorneys may meet with their clients during the following hours: 8:00-11:00 a.m., 1:00-4:00 p.m., and 6:00-10:00 p.m.

The mailing address for inmates remains the same:

[client's name]
Federal Inmate
St. Tammany Parish Jail
P.O. Box 908
Covington, Louisiana 70433

Telephone: 985-898-2320

THE LOCAL RULES THEY ARE A CHANGIN'

There are two proposed additions and one proposed amendment to the Local Rules of Criminal Procedure for the Eastern District of Louisiana. In proposed LCrR12.E, pretrial discovery motions must be filed within the time set by the magistrate judge (usually within 10 days after arraignment). However, counsel must still comply with the old LR2.11 (now LR37.1E) requirement that a certificate be filed with the discovery motion explaining that the parties have conferred either by telephone or in person to amicably resolve discovery matters and have been unsuccessful. This certificate requirement is now made an explicit part of the local procedures for filing discovery motions in a criminal case. Additionally, it is the duty of the moving party to arrange the conference. Thus, the Government must now get discovery out to counsel in a timely fashion if they are to avoid having to answer formal motions for discovery. The proposed rule will hopefully speed up the production of discovery materials for defense counsel.

In proposed LCrR32.1.2E, all submissions and other motions related to sentencing must be submitted at least five working days before the sentencing hearing. For example, reference letters from friends and family, as well as motions to continue, etc., should be filed by the Wednesday prior to the scheduled Wednesday sentencing date. This is a peculiar addition as motions for a downward departure are covered by another provision, namely LCrR32.1.1E, and are still due only three days before sentencing, or by example, on the Friday before the Wednesday sentencing date.

Finally, there is a proposed amendment to LCrR47.5E regarding interviewing jurors. The rule still states that jurors do not have to

speak with anyone. Additionally, the parties and their attorneys are still prohibited from talking with jurors without a court order. The change is that others may now talk to jurors as long as they do not do so on behalf of the parties. Thus, the press will now have greater access to jurors. The jurors who consent to an interview are still instructed not to discuss the vote of another juror, the deliberations, or information for "purposes of obtaining evidence of improprieties in the jury's deliberations."

Comments to the proposed rules may be made in writing addressed to the Clerk of Court, Eastern District of Louisiana, before March 23, 2001.

PLEASE NOTE:
Effective January 22, 2001
the mileage rate was
increased to .345 cents
per mile.

**CJA REPRESENTATION
AT FIFTH CIRCUIT CONFERENCE**

For the first time, Chief Judge Carolyn Dineen King has invited the CJA representatives from each of the judicial districts of the Fifth Circuit to participate in the judicial conference to be held on April 29 - May 2, 2001, in New Orleans, Louisiana. In fact, she had the Fifth Circuit judicial conference rules amended to mandate their invitation. This change should allow more input from the lawyers practicing criminal law. The purpose of this inclusion is to improve court efficiency and to address concerns of the lawyers practicing in the Fifth Circuit. If you have any issues which you would like addressed, please contact your representative.

Eastern District of Louisiana panel lawyers should contact Herbert V. Larson at hlnola@aol.com or by telephone at 504-528-9500.

Northern Mississippi panel lawyers should contact Ronald W. Lewis in Oxford at rwl@dixie-net.com or by telephone at 662-234-0766.

Southern Mississippi panel lawyers should contact Dennis Joiner in Brandon at sdjoineratty@msn.com or by telephone at 601-824-3211.

**FROM YOUR CJA REPRESENTATIVE
HERB LARSON**

In September of 2000, the Committee on Defender Services recommended that funding be sought from Congress to set a uniform in and out of court rate of \$113 per hour. It would be helpful to the Committee in pursuing the initiative to obtain further information directly from CJA panel members about the impact of the hourly rates on recruitment and retention of panel members, quality of representation and fairness of compensation. Your panel representative, Herbert V. Larson, has asked that we forward to you the attached questionnaire for your comments. ***Please take the time to fill out the questionnaire and return it to our office in the enclosed envelope, along with the CLE interests and participation questionnaire.***

Reminder!

The current rate for in court time is \$70 per hour and the current rate for out of court time is \$50 per hour. Please submit your time in tenths of the hour as shown below:



0-6 minutes	=	.1
7-12 minutes	=	.2
13-18 minutes	=	.3
19-24 minutes	=	.4
25-30 minutes	=	.5
31-36 minutes	=	.6
37-42 minutes	=	.7
43-48 minutes	=	.8
49-54 minutes	=	.9
55-60 minutes	=	1.0