



United States District Court

Eastern District of Louisiana

500 Poydras Street

New Orleans, Louisiana 70130

Chambers of
Jane Triche Milazzo

February 3, 2016

Hon. Kathleen Cardone
Chair, Committee to Review the Criminal Justice Act Program
Administrative Office of the U.S. Courts
Thurgood Marshall Federal Judiciary Building, Suite 4-250
One Columbus Circle, N.E.
Washington, D.C. 20544

Dear Judge Cardone,

I am writing in response to the Committee's request for written comment on the Criminal Justice Act Program prior to my participation at the upcoming hearing in Birmingham, Alabama. My comments are a result of my observations, as well as my conversations with interested parties in the Eastern District of Louisiana.

I have been provided with copies of the responses to your specific requests for information from both Magistrate Judge Jay Wilkinson and public defender, Claude Kelley. I must tell you that I have nothing to add to the comments from these gentlemen and adopt the information provided. Accordingly, I am providing information on two specific topics that may distinguish the operations of the CJA panel in the Eastern District of Louisiana.

Based on the statistics provided by our local Federal Public Defender's office from the past three years, I can report that between 37 and 41% of the cases assigned to the Federal Public Defender's office are handled by CJA-appointed attorneys. We recognize that these numbers exceed national statistics; however, this is in large part due to our need for conflict counsel. This disparity appears to be related to significant numbers of multi-defendant indictments, especially those concerning drug conspiracies. These alleged criminal enterprises often involve multiple family members. It is also not uncommon for the U.S. Attorney's Office in this district to charge multiple defendants in an indictment involving facts related to an ongoing prosecution. As a result, our reliance on CJA attorneys is critical.

An ongoing problem in the operation of our defender services is the lack of funding available in the federal public defender's office. It has been the experience of the judges in this district that greater resources are made available for the reimbursement of expenses incurred in cases handled by CJA panel attorneys than are available to the federal public defender's office. In fact, because of the funding provided to CJA panel attorneys, there are occasions where a defendant is better served by receiving a CJA-appointed attorney. This disparity in funding is a problem that is currently being addressed by the public defender's office. In the meantime, our district continues to rely heavily on the CJA panel to fill this void.

In closing, I must tell you that I am continuously impressed with the quality of representation provided by the CJA attorneys. There are many exceptional attorneys in our district who serve CJA appointments.

I look forward to speaking further on these issues in a few weeks.

Sincerely,



Jane Triche Milazzo