

Support Services For CJA Attorneys

In the district of South Carolina it is not uncommon for the government to provide counsel representing criminal defendants in multi-defendant cases (usually large scale “drug conspiracy” and “wire-tap” cases) with thousands of pages of discovery. In our district, the government provides this information by capturing it in a “.tif format,” indexed and processed with optical character recognition so that it is purportedly searchable. The information is often broken down by defendant or agency. It is represented that this is a useful tool designed to assist defense counsel in the review of thousands of pages of documents.

However, the program no longer works on systems that many panel attorneys have. There is no literature on the internet to determine how to make it work. It has become obsolete. Counsel often has to “reprocess” all of the documents into “.pdf format,” usually losing the ability to conduct term searches. This is the technological equivalent of receiving just a pile of thousands of sheets of paper. In fact, many panel attorneys resort to printing the documents so that they are able to review them and show them to client(s). Most incur this expense and are unable to seek reimbursement for it. The issue needing to be addressed is the efficient transfer of information in a format that is cost effective and fair to both sides.

There are numerous tools used to search and organize documents related to large scale litigation. In this day and age, software exists to enable attorneys to organize and search thousands of documents in a timely and cost effective manner. For example, there are several programs designed for the sole purpose of searching and organizing documents. Service providers are able to import thousands of documents into “programs” and or “software” designed to enable counsel to search for terms, subject matters and the like specifically related to their client(s). These programs also enable counsel to “flag” documents, organize them for trial purposes, and share them with their client(s) and their co-counsel. These programs and or software have the ability to save time and money and they should be made available to panel counsel.

Judicial Involvement In The Management Of Discovery In Multi-Defendant Cases

While the Court has limited time, in large scale multi-defendant cases it could be beneficial for our Court to initially be involved in the management of our panel attorneys in large scale multi-defendant cases. For example, once such a case has been indicted and discovery has been disseminated, the Court could hold an *ex parte* status conference to address requests for experts, third party services necessary for the organization of thousands of documents, investigators, interpreters and the like. This would enable the Court to gain a better understanding of the amount of time panel attorneys may need to expend in order to provide their client with effective representation. Further, by holding an *ex parte* hearing in which all counsel were prepared to address the need for third party services the number of individual *ex parte* motions would be reduced and services could be consolidated. This would also result in the Court being made aware of the basis for vouchers exceeding maximum limits. An *ex parte* “discovery” conference with defense counsel could be an effective way to address these issues in a timely and cost effective manner.