



HONORABLE JOHN D. BATES
Director

ADMINISTRATIVE OFFICE OF THE
UNITED STATES COURTS

CAIT T. CLARKE
Chief
Defender Services Office

JILL C. SAYENGA
Deputy Director

WASHINGTON, D.C. 20544

Department of Program Services

October 2, 2014

MEMORANDUM

To: All Federal Public/Community Defenders

From: Cait T. Clarke 

RE: STATE COURT APPEARANCES ANCILLARY TO FEDERAL HABEAS CORPUS REPRESENTATIONS (**ACTION REQUESTED**)

Response Due Date: **October 10, 2014**

In 1999, the Judicial Conference Executive Committee requested that the Defender Services Committee monitor federal defender appearances in state court as extensions of representations of 28 U.S.C. § 2254 capital petitioners, and annually advise the Judicial Conference of the data collected.

In order to enable the Defender Services Office (DSO) to respond to the Judicial Conference's request, you have been asked to maintain a record of appearances by your office in state court proceedings related to § 2254 actions involving challenges to state-imposed death sentences. An "appearance" means an involvement in a state court proceeding ancillary to a 28 U.S.C. § 2254 capital action in which your office: (1) is official counsel of record in state court; or (2) expended resources in the state court representation. For each death-sentenced client on whose behalf your office makes a state court appearance, please record: the client (by number, not by name); the purpose of each appearance; the hours committed by attorneys, paralegals, research and writing specialists, and investigators to the representation; and additional costs solely attributable to the state court representation (e.g., filing or copying fees). A chart for use in reporting the requested data is attached to the broadcast containing this memorandum.

Please provide a report, using the attached chart, to Judy Gallant in DSO by **October 10, 2014**, on appearances by your office for FY 2014. **Please respond even if you had no such representations – those responses may be made by a simple e-mail.** DSO will prepare a report on state court appearances for the Committee on Defender Services. The Committee may request further details in some districts, depending upon the data received, and will advise the Judicial Conference of the results of the Executive Committee's inquiry.

Thank you for your help on this matter. If you have any questions or concerns, please do not hesitate to contact Ms. Gallant in DSO, at 202-502-2916, or via email at [Judy Gallant@ao.uscourts.gov](mailto:Judy_Gallant@ao.uscourts.gov).

Attachment

