

DATE: October 1, 2014

TO: CJA Panel Attorneys

FROM: Janet F. King
Chief U.S. Magistrate Judge
Northern District of Georgia

RE: Discovery Duplication Procedure

As all of you are aware, Global Legal Discovery routinely receives and handles the duplication of discovery produced by the United States Attorney's Office in criminal cases in this District. The fees charged for this service are significant and a burden on the CJA budget, especially in multi-defendant cases. In order to reduce the cost associated with the duplication of discovery, the Federal Defender Program ("FDP") has offered to duplicate discovery in federal criminal cases for CJA Panel attorneys free of charge, *except* as noted herein. Accordingly, effective this date, the following procedure will be utilized.

In a multi-defendant criminal case filed in any Division within this District in which one of the defendants is represented by a FDP attorney, the FDP attorney will obtain from Global Legal Services (or any other duplication service) a copy of the discovery. The appointed CJA Panel attorney(s) in the case will then contact Ken Morris, FDP CSA, ken_morris@fd.org to make arrangements for obtaining a duplicate copy of the discovery. Each CJA Panel attorney will be responsible for purchasing a hard-drive to be used for discovery duplication, with the cost being reimbursed out of CJA funds.

In the rare criminal case filed in the Atlanta Division¹ in which none of the defendants is represented by a FDP attorney but there are at least two CJA Panel attorney(s) appointed,² one of the CJA Panel attorneys appointed in the case (selected by the appointed attorneys) will be responsible for obtaining from Global Legal Services (or any other duplication service) a copy of the discovery, the cost

¹Due to logistics and the fact that sufficiently voluminous amounts of discovery are rarely produced in cases filed in other Divisions, the procedure outlined in this paragraph applies only in cases filed in the Atlanta Division.

²If there is only one CJA Panel attorney appointed in a case without a FDP attorney involved, that CJA attorney will obtain a copy of discovery from Global Legal Services (or any other duplication service) for his or her use and is not required to provide the discovery to the FDP for further duplication.

of which will be reimbursed with CJA funds. The CJA Panel attorney will deliver that copy of discovery to Ken Morris, FDP CSA, ken_morris@fd.org. After a duplicate of the discovery is made by Mr. Morris for further distribution, that copy will be returned to the purchasing CJA Panel attorney. The remaining CJA Panel attorneys appointed in the case will then contact Mr. Morris to make arrangements for obtaining a duplicate copy of the discovery.³ Each CJA Panel attorney will be responsible for purchasing a hard-drive to be used for discovery duplication, with the cost being reimbursed out of CJA funds.

NOTE: When purchasing the hard-drive to be used for discovery duplication, the CJA Panel attorney is required to shop for the best price and make every effort to obtain the least expensive hard-drive available with the capacity required.

Additionally, after the criminal case is concluded, the hard-drives purchased with CJA funds are to be delivered to Mr. Morris at the FDP. Eventually, the FDP will have an inventory of hard-drives that CJA attorneys may check out for discovery duplication alleviating the cost of purchasing new hard-drives.

Failure to comply with this procedure will result in denial of a CJA voucher for payment of discovery duplication costs absent special circumstances which must be authorized *prior to* obligation of funds by the Magistrate Judge assigned to the case for pretrial proceedings.

³The last CJA Panel attorney to make an appearance in the case will take custody of the original duplicate of discovery from Mr. Morris for use during the case and, therefore, will not be obligated to purchase a new hard-drive.