

SEPTEMBER 2008 – ADI NEWS ALERTS

By

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We have a variety of topics to discuss in this alert.¹ As a reminder: Counsel are responsible for all matters covered in e-mail alerts, newsletters, and other information made available to the panel.

State Budget

The news hopefully will be breaking as we send out this news alert, and so the best source of information would be the news media. As of this weekend, some deal on the budget had been reached in the Legislature, but the Governor's position is uncertain.

At any rate, as you know, the Administrative Office of the Courts ran out of 2007-2008 leftover funds in early August, and after that there can be no payments until we get a state budget. We are acutely aware of the hardships many panel attorneys have been facing and dearly wish there could have been something more than empathy we could offer. But this is a political matter beyond our control or the AOC's control, I'm afraid.

We are continuing to process claims in the normal manner and transmit them to the AOC. They will then be ready to go to the Controller's Officer for payment as soon as the budget is passed. So please continue to submit claims to us.

Law school loans

For those panel attorneys still paying off students loans, I recently discovered that the National Legal Aid and Defender Association website has information on federal loan forgiveness programs for attorneys engaged in public interest law. I encourage you to check it out: http://www.nlada.org/News/NLADA_News/2007092127128742.

Evaluations of performance

As you know, the assigned ADI staff attorney does a written evaluation for every case, assisted or independent. It is available to the panel attorney on request, by attaching

¹Past alerts and newsletters are at http://www.adi-sandiego.com/news_alerts.html and http://www.adi-sandiego.com/news_newsletters.html.

the form to the AOB.² We recently decided to be more proactive and send evaluations more frequently on our own initiative.

Feedback evaluations give attorneys a pat on the back for good efforts. (I review each evaluation before it is sent and can assure you the large majority of comments are favorable.) They also enable attorneys to get a sense of their status, spot problems that recur so that they can head off bigger problems down the road, and most importantly become better lawyers. As one attorney put it: “There is no downside” to it for a panel attorney. Even if you don’t get them from us on our initiative, we encourage you to ask for them yourself.

Riverside records in criminal cases with missing pages: call Court of Appeal first

Division Two would like for attorneys who find pages missing from the clerk’s or reporter’s transcripts in a Riverside County criminal case to call the Court of Appeal before doing a rule 8.340(b) letter. Sometimes the court’s copy will have the missing pages, and they will copy those pages for you, without the need for a formal letter. Kelly Conn and Ann Dee Smith are the contact clerks for such omissions. Kelly is at 951-248-0204, and Ann Dee is at 951-248-0214. If it is necessary to send a letter to the superior court, please be sure to send a copy to the Court of Appeal, too.

This does not apply to dependency record corrections, which are under rule 8.408(e) and 8.416(d).

Juvenile cases on court website docket!

It’s been a long time coming, but it has finally happened. We now have juvenile cases on the court website docket. Any cases in which the notice of appeal was filed after September 1, 2008, can be accessed online. For the sake of confidentiality, all of the courts have decided to identify the minors by initials only. This change, which I have long pushed, will help attorneys track their cases more easily and save court clerks the time of answering status calls.

Division One dependency reporter’s transcripts

Attached is Justice McConnell’s miscellaneous order expanding the normal reporter’s transcript in dependency cases. I worked with the court to make this change,

²The form is at http://www.adi-sandiego.com/panel_evaluation_work.html. The feedback system is described more fully in the ADI Criminal Appellate Practice Manual, chapter 1, § 1.127. The manual is online at <http://www.adi-sandiego.com/manual.html>.

because the constant need for augmentations was both taking time and creating unnecessary expense.

If you have a chance, please thank Justice McConnell for this assistance. If the juvenile court clerks are a bit resistant to the change, some positive feedback would help.

CACJ appellate seminar

Attached is the brochure for the annual appellate practice seminar sponsored by California Attorneys for Criminal Justice. It will be in San Francisco on October 25.

Appellate Court Committee

I would like to encourage panel attorneys in the San Diego area to become active in the San Diego County Bar Association's Appellate Court Committee. It meets the fourth Wednesday of the month at the bar building, Seventh and A streets. It also sponsors a number of MCLE seminars and has an excellent reputation for the quality of its suggestions and recommendations on rule changes, as well. The committee provides an excellent opportunity to network with other appellate attorneys, not just criminal and dependency but civil, and to hear from and meet appellate justices. Attorneys should also join the Bar Association.