

MARCH 2013 – ADI NEWS ALERT

BY

ELAINE A. ALEXANDER, EXECUTIVE DIRECTOR

CONTENTS

This alert¹ covers:

- San Diego County juvenile clerk's transcripts to be on CD in all cases as of April 1, 2013.
- California Appellate Defense Counsel annual conference March 8-9 in San Diego.
- Annual Defender Dinner April 5. Invitation included.
- Getting an extension when you are unable to file a request: ask ADI, not another attorney.
- When requesting oral argument, tell the court of unavailable dates upfront.

SAN DIEGO COUNTY JUVENILE CLERK'S TRANSCRIPTS TO BE ON CD AS OF APRIL 1

The pilot phase of the program to put juvenile clerk's transcripts on CD (to save mailing and copying costs) is over. As of April 1, attorneys will no longer have an option to get paper clerk's transcripts. Attorneys who do not want them on CD may reject the case offers or print the transcripts out at their own expense.

As for what to send the client when the case is over, I repeat what we said when we announced the start of the pilot program:

- When a case is over, the attorney may send the CD to the client. Many clients and institutions have access to a computer. Or:
- With notice to the client, the attorney may store the clerk's transcript in electronic form on behalf of the client. Attorneys have no duty to send files to clients in the absence of a request.
- *IMPORTANT: Attorneys who have received a CD transcript will be reimbursed for sending a paper copy to the client only if the client has expressly requested it in that form.*

¹As always, panel attorneys are responsible for familiarizing themselves with all ADI news alerts and other resources on the ADI website.

- We strongly encourage attorneys, at the early stages of any case, to arrange with clients for disposition of the record. (See [ADI Manual](#), § 1.63.)

CADC CONFERENCE MARCH 8-9 IN SAN DIEGO

The 20th annual conference of California Appellate Defense Counsel, the panel attorney organization, will be March 8-9, 2013, at the Bahia Hotel in Mission Bay, San Diego. It will offers nine hours of MCLE credit and includes criminal and dependency law breakout sessions. For full details and registration information, please go to <http://cadc.net/annualconference/>.

A feature of the conference is a round table discussion with the project directors and Chad Finke of the Administrative Office of the Courts. It will be Friday, March 8, 1:30-3:00 p.m.

Note: A Friday afternoon session will address the use of digital records in our appeals. *Technology for the Solo Appellate Practitioner: How to Let Go of Paper but Keep Your Sanity*. As more and more records are being prepared in digital format (see next topic), this session is particularly timely.

ANNUAL DEFENDER DINNER APRIL 5

The annual [Defender Dinner](#) presented by the board of directors of ADI and Federal Defenders of San Diego, Inc., will be Friday, April 5, at the Westin San Diego Hotel, 400 West Broadway, San Diego. No host cocktails will be at 5:00 p.m.; dinner starts at 6:00 p.m. The keynote speaker will be Justice Cynthia Aaron of the Fourth Appellate District, Division One (who many years ago was an ADI panel attorney).

The Paul Bell Award for excellence in representation of the indigent on appeal will be presented to Neale Gold, an ADI dependency attorney. We heartily congratulate her for this highly-deserved award. The Stan Conant Award for trial work will go to Mark Adams.

To express our appreciation for the panel and make the dinner more affordable, ADI will contribute \$30 toward the cost of the \$65 dinner for members of our panel. An [invitation and RSVP form](#) are attached. (Note that the link on the ADI home page and calendar takes you to the announcement for non-panel attorneys.) We encourage you to come, enjoy the camaraderie of other defense attorneys and judges, and celebrate our profession!

FILING AN EXTENSION REQUEST WHEN YOU ARE UNABLE TO DO SO: ASK ADI, NOT ANOTHER ATTORNEY

Once in a while, a panel attorney needing to file an extension request will be unable to do it personally for one reason or another. Temporary lack of access to a computer and serious illness are examples. The proper procedure in such a situation is to *ask your ADI staff attorney buddy* to file the request and explain the circumstances to the court. Have someone else ask the buddy, if you cannot.

Please do not ask another attorney, whom the court may not know. The court relies on ADI's oversight, and we need to be in the loop so that we can assess the situation and, if circumstances require, arrange a substitution or stop case offers temporarily. Division Two has raised the matter, but the policy applies to all divisions.

WHEN REQUESTING ORAL ARGUMENT, TELL THE COURT OF UNAVAILABLE DATES UPFRONT

Division Three complains that too often attorneys requesting oral argument fail to complete the court's form asking for known unavailable dates. The court schedules argument, and then the attorney asks to postpone it because of a prepaid, planned vacation or some other event the attorney has known about for a long time. Rescheduling can be very disruptive for the court – especially in the current budget situation, with reduced staffing, which requires streamlined, efficient operations. Counsel should keep this in mind and complete the form with care. All the courts, indeed, would appreciate notice of unavailability as soon as possible, to facilitate planning.