

UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO

IN RE:

CJA COUNSEL VOUCHERS
AS TO SENTENCES BEFORE
JUDGE FRANCISCO A. BESOSA

MISC. NO. 12-367 (FAB)

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U.S. DISTRICT COURT
SAN JUAN, P.R.

STANDING ORDER

The Supreme Court and the First Circuit Court of Appeals' post-Booker decisions pertaining to the Court's ability to sentence a defendant have been in effect for some time. Defense counsel know (or should know) very well the governing legal standard for sentencing within or outside the Sentencing Guidelines range and the discretion a district court has in sentencing. CJA Panel attorneys receive training about sentencing and updates about new federal sentencing developments offered yearly by the excellent educational and training staff of the U.S. Sentencing Commission. Newly-appointed CJA panel attorneys undergo an extensive mentoring program before they begin representing indigent clients.

Accordingly, CJA counsel need not conduct research pertaining to basic and general sentencing principles when drafting sentencing memoranda. The Court notes, however, that with concerning frequency, CJA counsel invoice for hours of work for generic research and drafting for basic, "boiler-plate" sentencing issues (i.e., "research re: Booker, Gall, Kimbrough, etc."). In addition, sentencing memoranda likewise contain "cut and paste" elaborate

legal and historical discussions about Booker and its progeny which are totally unnecessary.


The Court finds it unconscionable and unacceptable for CJA counsel to invoice for that basic research and drafting. Counsel cannot seek compensation in case after case for researching what they already know (or should know), or for submitting in any motion or memorandum a generic recital of basic sentencing principles (many times previously prepared by another attorney).

Accordingly, effective immediately, CJA counsel shall not invoice for any research or drafting concerning basic sentencing principles. That research and drafting will not be compensated.

The Court does recognize that counsel will at times need to conduct sentencing research to draft requests that support a sentence under factual or legal scenarios particular to a case. In those cases CJA counsel shall include a detailed explanation in their voucher as to why any sentencing case research and drafting is necessary in a particular case.

IT IS SO ORDERED.

San Juan, Puerto Rico, July 20, 2012.


FRANCISCO A. BESOSA
UNITED STATES DISTRICT JUDGE