

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

)	
Petitioner,)	
)	
v.)	CASE No.
)	
RICHARD F. ALLEN, Commissioner,)	
Alabama Department of Corrections,)	
<i>et. al.</i> ,)	
)	
Respondents.)	
)	

ORDER

Upon informal recommendation of United States Magistrate {name} made after conversations with counsel for the parties at the {date} case management conference and after several subsequent informal submissions from Petitioner’s counsel, it is the

ORDER, JUDGMENT AND DECREE of the court that

1. On or before {date}, Petitioner’s counsel shall file with the Court by mail or hand-delivery, Under Seal, the Petitioner’s Preliminary Litigation Budget submitted on {date}. This Budget may not be e-filed due to the procedure for filing sealed documents in the Middle District of Alabama. The Clerk’s Office is also DIRECTED to file the Preliminary Litigation Budget Under Seal.

2. Pursuant to the Antiterrorism and Effective Death Penalty Act of 1996 [“AEDPA”], 21 U.S.C. § 848 (q) recodified at 18 U.S.C. 3599, {insert counsel name},

shall be appointed as lead counsel for petitioner. In addition, **{insert counsel name}** shall be appointed as associate counsel for petitioner.

3. At least one of the appointed counsel shall sign all of the pleadings submitted on behalf of the petitioner.

4. Based upon **{insert counsel name}** experience in criminal defense law generally and in capital litigation specifically, and his involvement as lead counsel in this case, the court concludes that his time shall be compensated at the rate of \$170.00 per hour.

5. Based upon **{insert counsel name}** experience in criminal defense law generally and in capital litigation specifically and her involvement as co-counsel in this case, the court concludes that her time shall be compensated at the rate of \$125.00 per hour.

6. Based upon **{insert counsel name}** experience in litigation and their associate status in and their involvement as supporting co-counsel in this case, the court concludes that their time shall be compensated at the rate of \$125.00 per hour.

7. Petitioner's counsel shall submit claims for compensation and reimbursement of expenses on CJA Form 30, "Death Penalty Proceedings: Appointment of and Authority to Pay Court Appointed Counsel."

8. Petitioner's counsel shall submit vouchers for compensation once each quarter, commencing on December 31, 2008, for the three months immediately preceding the

submission.¹

9. The budget submitted by petitioner's counsel shall be approved as a working document to the extent that it sets forth a percentage division of labor or services as between all appointed counsel, the identities and experience of contributing counsel, and the anticipated expenses. However, counsel is CAUTIONED and ADVISED that the budget request may not be exceeded without prior request for good cause shown. Moreover, counsel is ADVISED that, although there is no fixed statutory case maximum, total requests for amounts above \$100,000.00 (including expenses) must be submitted to the Chief Judge of the circuit for review, with justification. Counsel is also ADVISED that "fees and expenses for investigative, expert, and other services are limited to \$7,500.00 . . . unless payment in excess of that amount is certified by the court."

10. Counsel is ADVISED that it is the court's desire for counsel to be conscious and careful of monies spent in pursuing this case and specifically because of the appointment of private co-counsel to use great care to avoid any duplication of services in this case. However, cost saving measures are not expected to detract from counsel vigorously representing the petitioner's position in this court. Counsel is further ADVISED that the Federal Defender's office is available to offer basic litigation support

¹The voucher submitted in December, 2008 shall include services rendered up to the date of submission.

to counsel representing death penalty petitioners in this court. Such support may include service of instate subpoenas, advice and assistance concerning experts and investigative services, and the use of office space. To the extent that these services are reasonably available and offer methods of cost saving in this case, counsel is encouraged to utilize them when necessary. The phone number for the Federal Defenders Office is (334)834-2099. When calling this number counsel should specify that they are calling about a habeas case pending in the Middle District of Alabama and provide the name of the petitioner and the case number, so that the call can be routed to the appropriate person.

DONE this _____ day of December, 2008.

UNITED STATES DISTRICT JUDGE