

MARCH 2009 – ADI NEWS ALERTS

By

Elaine A. Alexander, Executive Director

This alert covers these topics:¹ claim payments; notice of Division Three move and unavailability of video-conference oral argument in June; upcoming events; and a problem lab technician in Riverside.

Payments of claims; ADI hotline

The Administrative Office of the Courts has asked us to forward the attached update to you. As we have previously informed you, the State Controller's Office resumed payments to creditors whose bills were delayed during the January-February budget impasse, and all claims transmitted to that office through March 6 are paid.

The Controller's March 6 news release says in part, "The Controller anticipates all of the delayed payments will be made within the next several weeks on a 'first in, first out' basis, and March payments will be made as scheduled." Given the ambiguity of "as scheduled," the AOC memo notes: "The timing of future payments has still not been determined."

We appreciate the sense of crisis as these delays recur and will work with panel attorneys to the fullest extent we can to alleviate the problems. We do hope the frequent updates from the AOC are helping you learn the facts; all of us appreciate their great efforts for the panel.

To help attorneys avoid falling prey to unsubstantiated rumors, ADI has designated two staff attorneys, Cheryl Geyerman (cag@adi-sandiego.com, 619-696-0284, ext. 23) and Alice Shotton (acs@adi-sandiego.com, 619-696-0284, ext. 61) as "claims hotline" contacts. Please direct inquiries to them; they will try to pin down the correct information. Attorneys can also keep in general touch with the situation at the Controller's website, <http://www.sco.ca.gov/eo/fiscalissues/payments03-09.shtml>.

Division Three move: unavailability of video-conferencing in June

The court anticipates moving to its new quarters in July. We will send out notice at that time. The court has asked us to advise attorneys that its video-conferencing system

¹As a reminder: Counsel are responsible for all matters covered in e-mail alerts, newsletters, and other information made available to the panel. Past alerts and newsletters are at http://www.adi-sandiego.com/news_alerts.html and http://www.adi-sandiego.com/news_newsletters.html.

from San Diego will be unavailable for the June oral argument calendar. Attorneys on that calendar will have to attend in person.

Reminders of coming events

2009 CADC Annual Conference and Seminar: The conference will be March 27 and 28, 2009, at the Bahia Resort Hotel, San Diego, CA. Further information is at http://www.cadc.net/assets/lightwindow/2009_annualseminar.html. Several ADI staff attorneys and I will be there for all or part of the conference.

2009 Defender Dinner: The annual dinner sponsored by ADI and Federal Defenders of San Diego, Inc., will be April 24, 2009, at the Westin San Diego, 400 West Broadway, San Diego, CA. Details will be forthcoming. An invitation is attached. As has been our custom, ADI will cover \$25 of the \$60 cost of the dinner for panel attorneys. Please send the response form attached to the invitation, plus a check made payable to Appellate Defenders, Inc., to Amy Spintman at ADI, 555 W. Beech, Ste. 300, San Diego, CA 92101..

It should be a very special event. Two panel attorneys will be recognized: Darrel Vandeveld, who courageously resigned his position as a Guantanamo prosecutor in protest against procedural injustices, and Richard Pfeiffer, whose triumphs in parole release cases were featured in last month's news alert. In addition, I am honored to say I will receive the Paul Bell Award on the occasion of my 30th anniversary as executive director of ADI. We very much hope you will share the evening with us.

Riverside lab technician

Be on the lookout: The Riverside district attorney's office has been ordered to investigate about 3,000 cases because it was discovered that a lab technician admitted to fraud, forgery, and perjury in work he did in another state. His name is Aaron Layton. He worked for Bio-Tox Laboratories. The office does blood work in cases involving alcohol and drugs. A Riverside *Press-Enterprise* news story is attached. There may be nothing for appellate counsel to do at this point, except to identify cases where this technician was involved and follow through with trial counsel to see whether action is warranted or contemplated.