

AUGUST 2009 – ADI NEWS ALERTS

By

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This alert covers these topics:¹ announcement from Controller that issuance of IOU's will cease September 4; MCLE programs.

Payments of claims: long siege apparently ending soon

The Controller has announced that, as of September 4, the state will stop issuing IOU's. Further, on that date IOU's previously issued can be redeemed. The August 13 press release is at http://sco.ca.gov/eo_pressrel_6080.html.

We surely hope this will put an end to the summer of severe hardship that has been inflicted on so many individuals and organizations. The financial and emotional stress has been incredible. In our system, the panel attorneys especially have suffered, but the projects, the courts, and the Administrative Office of the Courts also have had to face restrictions and delays. As the Controller says, this was a "difficult, and frankly, shameful chapter in the State's history." We thank all of you for your patience during this time and your willingness to stick with us – believe me, that kind of commitment does not go unnoticed or unappreciated.

Again, ADI has designated two staff attorneys, Cheryl Geyerman (cag@adi-sandiego.com, 619-696-0284, ext. 23) and Dave Rankin (dkr@adi-sandiego.com, 619-696-0284, ext. 33) as "claims hotline" contacts. Attorneys can keep in general touch with the situation at the State Budget Updates page on the ADI website, <http://www.adi-sandiego.com/StateBudgetUpdates.html>.

Seminars

Several MCLE seminars are coming up:

Defending sex-crime cases: Wednesday, August 19, 2009, 12:00 p.m. - 1:00 p.m. ADI MCLE Round Table Criminal Law Discussion Series. One hour free MCLE (no RSVP necessary). BYO lunch. As Patrick DuNah's e-mail earlier this week said:

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.

One nine-year study of rape cases revealed that 40 percent of rape accusations are false. Another showed that 50 percent of accusers at two large midwestern universities recanted their rape allegations. Why would accusers lie? What are the four defenses in a sex-crime case? These questions and more are answered at this month's MCLE at ADI. This month's topic and format has changed. We will show a video of Matt Braner from the San Diego Public Defender's Office discussing sex-crime cases from a trial attorney's perspective — useful information for appellate attorneys reviewing trial counsel's effectiveness. A handout will be distributed.

Federal non-capital habeas corpus: On Friday, October 2, the Federal Defender's Office for the Eastern District of California will present a one-day seminar on federal non-capital habeas corpus. The tentative agenda includes an overview of litigation, parole denials, equitable and statutory tolling, hot topics, procedural default defense, discovery, evidentiary hearings, and the Confrontation Clause. Details are at: <http://www.cae-fpd.org/cja1.htm#Announce>.

Appellate practice: On Saturday, October 17, California Attorneys for Criminal Justice will present a seminar on appellate practice at the new law school in Irvine. The topics include recent law, ethics, appellate prosecutorial misconduct, and substance abuse, as well as breakout sessions on starting an appellate practice, brief writing, bench perspective, and writs. MCLE credit of 6.0 hours. The brochure is at: <http://www.cacj.org/documents/Appellate%20Brochure%20FINAL%20WEBREV8-09.pdf>.