



CRIMINAL DIVISION
The Superior Court
LOS ANGELES, CALIFORNIA 90012

October 30, 2018

CLARA SHORTRIDGE FOLTZ
CRIMINAL JUSTICE CENTER
210 WEST TEMPLE STREET
DEPARTMENT 123
(213) 628-7423

CHAMBERS OF
SAM OHTA
ASSISTANT SUPERVISING JUDGE

TO: Grade V ICDA Bar Panel Attorneys

FROM: Assistant Supervising Judge Sam Ohta *fo*
Criminal Division

SUBJECT: **MOU Compliance – Appointment/Payment of Experts in Capital Cases**

A recent audit of the appointment and payment of experts in capital cases has revealed some instances of non-compliance with the Memorandum of Understanding Re Central District Capital Case Appointment (MOU), Section IV (G).

Section IV (G) states in pertinent part, "Counsel need not obtain prior Court approval for expenditure of funds for Court approved investigators and experts at approved rates." However, if you decide to obtain the services of an expert not on the list, or, for amounts different than the approved rates, you must obtain prior court approval so as to avoid non-compliance with the MOU.

When counsel do not comply with the MOU, the following provision in Section IV (G) applies:

"Counsel should seek prior court approval of experts or Investigators either not on the court approved list or to be paid at other than approved rates. If such approval is not obtained, and counsel hires unapproved experts or investigators or pays rates in excess of approved rates, then any sums required to be expended for experts or investigators in excess of the standard Trust Funds provided herein are incurred at counsel's own expense."

Your work is important and compliance generally occurs. Please note, henceforth, the Capital Case Analyst (Analyst) will review all cases to determine compliance. The Analyst will alert the Assistant Supervising Judge whether counsel is in compliance or has utilized experts not on the approved list without pre-approval or with a rate that exceeds the approved rate. In those cases of non-compliance, the Assistant Supervising Judge will determine alternative recourse as necessary.

Questions can be directed to Latifeh Reyes the PACE Capital Case analyst, at 213-628-7965.

SO/slr

c: Hon. Scott M. Gordon, Supervising Judge
Sherri R. Carter, Executive Officer/Clerk of Court
Jeremy Cortez, Chief Deputy, Finance and Administration
Ezekiel Perlo, Director, ICDA Panel
Christine Padilla, Director, Finance & Administration
Juan Sosa, Manager, Finance
Cynthia Perez, Supervisor, PACE
Latifeh Reyes, Capital Case Analyst, PACE