

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

**GENERAL ORDER 13-01  
February 5, 2013**

**STANDING PROCEDURAL ORDER RE:  
PAYMENT OF CJA COUNSEL FOR APPEARANCES IN STATE  
COURT PROCEEDINGS ARISING OUT OF ALLEGED MISCONDUCT  
AT THE WILLIAM A. HINTON STATE LABORATORY**

This Standing Procedural Order governs the payment of counsel appointed under the Criminal Justice Act (“CJA”), 18 U.S.C. § 3006A, for appearances in state court proceedings arising out of alleged misconduct at the William A. Hinton State Laboratory in Jamaica Plain, Massachusetts from 2003 through 2012 (“the Alleged Lab Misconduct”).

1. The Alleged Lab Misconduct may affect the convictions or sentences of certain defendants who were prosecuted in the United States District Court. In General Order 12-03, the District Court adopted a protocol for the appointment of counsel to represent indigent defendants in such matters.

2. The effective representation of federal defendants in matters arising out of the Alleged Lab Misconduct may require, among other things, factual investigation, research and writing, and appearances in federal court proceedings. Under some circumstances, however, it may also require appearances in state court proceedings ancillary to the representation. It is the view of the Court that the fees and expenses of counsel representing defendants in state court proceedings arising out of the Alleged Lab Misconduct should generally be borne by the Commonwealth of Massachusetts. The Court recognizes, however, that legal and other considerations may require that such fees and expenses be paid out of federal CJA funds from

time to time. This Standing Procedural Order is intended to provide a protocol for payment of such fees and expenses.

3. Private counsel appointed under the CJA shall attempt to seek compensation, pursuant to appointment or otherwise, from the state court, the Committee for Public Counsel Services, or another appropriate state agency or authority, for any appearance in state court on matters that are ancillary to the representation of a federal client in connection with the Alleged Lab Misconduct. If such counsel is unable to obtain such compensation notwithstanding reasonable efforts, or for other good reason, counsel shall report the circumstances to the District Judge presiding over the matter, who shall take such action, including authorization of payment, as may be appropriate under the circumstances.

4. There shall be a presumptive limit of \$1,000 per client for fees and expenses of CJA counsel for appearances in state court proceedings ancillary to the representation of a federal client in connection with the Alleged Lab Misconduct, which may be exceeded only for good cause shown.

5. The Office of the Federal Defender is hereby authorized to utilize its Research and Writing Specialist attorneys to sign pleadings and appear in state court, under the supervision of an Assistant Federal Defender, on matters that are ancillary to that office's representation of federal clients in connection with the Alleged Lab Misconduct. The Court expressly finds that in light of the Alleged Lab Misconduct, and the resulting increase in the office's workload, exceptional circumstances exist warranting such authorization.

6. The Federal Defender and the Chair of the CJA Board are directed to continue to explore ways to minimize the fees and expenses of counsel, consistent with the delivery of

effective and appropriate legal services, in matters arising out of the Alleged Lab Misconduct.

7. This order shall expire twelve months from the date it is entered unless otherwise extended by this Court.

So Ordered.

*Patti B. Saris*

---

Patti B. Saris  
Chief Judge

*Rya W. Zobel*

---

Rya W. Zobel  
United States District Judge

*Douglas P. Woodlock*

---

Douglas P. Woodlock  
United States District Judge

*Richard G. Stearns*

---

Richard G. Stearns  
United States District Judge

*F. Dennis Saylor, IV*

---

F. Dennis Saylor, IV  
United States District Judge

*Timothy S. Hillman*

---

Timothy S. Hillman  
United States District Judge

*Edward F. Harrington*

---

Edward F. Harrington  
Senior United States District Judge

*Joseph L. Tauro*

---

Joseph L. Tauro  
United States District Judge

*William G. Young*

---

William G. Young  
United States District Judge

*Nathaniel M. Gorton*

---

Nathaniel M. Gorton  
United States District Judge

*George A. O'Toole, Jr.*

---

George A. O'Toole, Jr.  
United States District Judge

*Denise J. Casper*

---

Denise J. Casper  
United States District Judge

*Mark L. Wolf*

---

Mark L. Wolf  
Senior United States District Judge

*Michael A. Ponsor*

---

Michael A. Ponsor  
Senior United States District Judge