

105TH CONGRESS
1ST SESSION

S. 598

To amend section 3006A of title 18, United States Code, to provide for the public disclosure of court appointed attorneys' fees upon approval of such fees by the court.

IN THE SENATE OF THE UNITED STATES

APRIL 16, 1997

Mr. DOMENICI introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To amend section 3006A of title 18, United States Code, to provide for the public disclosure of court appointed attorneys' fees upon approval of such fees by the court.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. PUBLIC DISCLOSURE OF COURT APPOINTED**
4 **ATTORNEYS' FEES.**

5 Section 3006A(d) of title 18, United States Code, is
6 amended by striking paragraph (4) and inserting the fol-
7 lowing:

8 “(4) DISCLOSURE OF FEES.—

1 “(A) IN GENERAL.—Subject to subpara-
2 graphs (B) through (E), the amounts paid
3 under this subsection for services in any case
4 shall be made available to the public by the
5 court upon the court’s approval of the payment.

6 “(B) PRE-TRIAL OR TRIAL IN
7 PROGRESS.—If a trial is in pre-trial status or
8 still in progress and after considering the de-
9 fendant’s interests as set forth in subparagraph
10 (D), the court shall—

11 “(i) redact any detailed information
12 on the payment voucher provided by de-
13 fense counsel to justify the expenses to the
14 court; and

15 “(ii) make public only the amounts
16 approved for payment to defense counsel
17 by dividing those amounts into the follow-
18 ing categories:

19 “(I) Arraignment and or plea.

20 “(II) Bail and detention hear-
21 ings.

22 “(III) Motions.

23 “(IV) Hearings.

24 “(V) Interviews and conferences.

1 “(VI) Obtaining and reviewing
2 records.

3 “(VII) Legal research and brief
4 writing.

5 “(VIII) Travel time.

6 “(IX) Investigative work.

7 “(X) Experts.

8 “(XI) Trial and appeals.

9 “(XII) Other.

10 “(C) TRIAL COMPLETED.—

11 “(i) IN GENERAL.—If a request for
12 payment is not submitted until after the
13 completion of the trial and subject to con-
14 sideration of the defendant’s interests as
15 set forth in subparagraph (D), the court
16 shall make available to the public an
17 unredacted copy of the expense voucher.

18 “(ii) PROTECTION OF THE RIGHTS OF
19 THE DEFENDANT.—If the court determines
20 that defendant’s interests as set forth in
21 subparagraph (D) require a limited disclo-
22 sure, the court shall disclose amounts as
23 provided in subparagraph (B).

24 “(D) CONSIDERATIONS.—The interests re-
25 ferred to in subparagraphs (B) and (C) are—

1 “(i) to protect the defendant’s 6th
2 amendment rights to effective assistance of
3 counsel;

4 “(ii) the defendant’s attorney-client
5 privilege;

6 “(iii) the work product privilege of the
7 defendant’s counsel;

8 “(iv) the safety of any witness; and

9 “(v) any other interest that justice
10 may require.

11 “(E) NOTICE.—The court shall provide
12 reasonable notice of disclosure to the counsel of
13 the defendant prior to the approval of the pay-
14 ments in order to allow the counsel to request
15 redaction based on the considerations set forth
16 in subparagraph (D). Upon completion of the
17 trial, the court shall release unredacted copies
18 of the vouchers provided by defense counsel to
19 justify the expenses to the court. If there is an
20 appeal, the court shall not release unredacted
21 copies of the vouchers provided by defense
22 counsel to justify the expenses to the court until
23 such time as the appeals process is completed,
24 unless the court determines that none of the de-

- 1 fendant's interests set forth in subparagraph
- 2 (D) will be compromised. ”.

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