

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE

CJA COST CONTAINMENT ORDER #2:
USE OF MITIGATION SPECIALIST/
SENTENCING CONSULTANT

ADM-1
ORDER 12-03

ORDER

In furtherance of the directive of the Judicial Council of the First Circuit pertaining to CJA cost and expenditure containment, the district adopts the following procedure governing the use of mitigation specialists/sentencing consultants, which include, but are not limited to, persons providing Sentencing Guideline assessments, review of and advice regarding presentence reports, identification of and advice regarding departure and variance issues, and review or drafting of sentencing memoranda.

Pursuant to 18 U.S.C. § 3006(e)(2)(A), counsel may obtain investigative, expert or other services up to \$800 without prior judicial authorization. With regard to mitigation specialists/sentencing consultants, however, counsel shall file an ex parte motion for permission to secure those services (a) prior to the commencement of such services, and (b) regardless of whether the anticipated cost for the services exceeds \$800. The ex parte motion shall address the following:

- (1) Name and Qualifications of the Mitigation Specialist/Sentencing Consultant;
- (2) Scope of Anticipated Service(s) to be Rendered;
- (3) Justification for Requested Service(s); and
- (4) Estimated Compensation.

The presumptive rate for mitigation specialist/sentencing consulting services shall be \$100 per hour. If a desired provider declines the presumptive rate and no other acceptable provider is available at the presumptive rate, counsel may file a motion to exceed the presumptive rate, which shall include a detailed explanation of the attempts taken to procure the services at the lower rate.

These requirements shall apply to mitigation specialists/sentencing consultants retained on or after August 1, 2012.

SO ORDERED.

/s/ Joseph N. Laplante
Joseph N. Laplante
Chief Judge

June 15, 2012
Date