

# MEMORANDUM

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To: Federal Public/Community Defenders  
Panel Attorney District Representatives

From: Sean Broderick, National Litigation Support Administrator

Re: ***Services of Additional Coordinating Discovery Attorneys (CDAs) Available in Appropriate, Select Federal CJA Cases***

This memorandum is to advise you of the availability of five contractors to assist Criminal Justice Act (CJA) counsel with management of large volumes of e-discovery in selected federal CJA cases. For FY 2025, there is a new contractor, Elizabeth Daniel Vasquez, joining Russell M. Aoki, Julie de Almeida, John C. Ellis, Jr., and Emma M. Greenwood, to serve as national Coordinating Discovery Attorneys (CDAs) for the Defender Services program.

The National Litigation Support Team ([NLST](#)) is available for CJA panel attorneys and federal defender organization (FDO) staff to serve as a resource for e-discovery and litigation support aspects of their cases. As part of a set of national litigation support strategies approved by the Judicial Conference Committee on Defender Services and managed by the NLST, Coordinating Discovery Attorneys (CDAs) work with defense counsel on cases in which there are a large number of defendants, voluminous discovery, or complicated electronic discovery issues. Since the inception of the program in 2011, numerous panel attorneys, federal defenders and courts have found the CDA program helpful in addressing complex e-discovery cases.

Prior to going into private practice, Elizabeth Daniel Vasquez created and ran the Science & Surveillance Project at the Brooklyn Defender Services, worked as a staff attorney in the trial division of the Public Defender Service for the District of Columbia, and litigated wrongful conviction and civil rights cases involving forensic error and misconduct throughout the country at Neufeld Scheck & Brustin, LLP. Like the other CDAs, Elizabeth is knowledgeable about managing large volumes of discovery and developing search and review strategies to improve attorney efficiency and effectiveness.

CDAs address the timing of discovery productions, the format in which materials will be produced, the early identification of discovery production issues and ways to maintain the

evidentiary integrity of discovery. CDAs can provide additional in-depth and significant hands-on assistance to CJA panel attorneys and federal defenders in cases that require technology and document management expertise, including facilitating the implementation of the “Recommendations for Electronically Stored Information (ESI) Discovery Production in Federal Criminal Cases” ([Recommendations](#)). CDAs evaluate the level of computer sophistication of each lawyer; identify the types of discovery involved; assist in dialogue with the U.S. Attorney’s Office regarding the volume, form and timing of discovery productions (as explicitly encouraged in the Recommendations); assist in deciding how best to distribute the discovery; help determine what technology and other resources are necessary for discovery review and management; and aid in maintaining quality control of the discovery review process.

To contain costs and maximize benefits, the CDAs focus on a limited number of cases each year that have been identified as needing a CDA based on the complexity of the matter, the number of parties involved, or the nature and/or volume of the discovery. **If the court, a panel attorney or federal defender is interested in utilizing the services of a CDA, one of the CJA attorneys in the case should first communicate with the NLSA, whose contact information is listed at the end of this memorandum.**

There have been instances where CJA counsel have asked the court to appoint a CDA without conferring with the NLSA or the CDA themselves. The CDAs resources are limited, and an unanticipated appointment often affects their ability to support the cases they currently are working on. To ensure the CDAs have time to attend to their cases and they have a balanced workload, all requests for a CDA should start with contacting the NLSA.

After an initial consultation with the NLSA, and a second one with one of the CDAs, a decision will be made about the use of the CDA’s services in the subject case. Factors considered in determining whether a CDA will work on a particular case are:

- whether the number of co-defendants is so large as to create a risk of costly duplicative efforts, which could otherwise be eliminated or reduced upon the appointment of a CDA, or whether there are other factors that create a likelihood that the CDA’s participation would enable costs to be contained;
- whether the volume of discovery is so large that addressing the organizational needs in the case would interfere with defense counsel’s ability to address the legal and factual issues in a case;
- whether unusual organizational or technological issues exist, not commonly found even in complex cases, that would interfere with defense counsel’s ability to address the legal and factual issues in a case;
- whether the case is prosecuted in a region that lacks experts who can provide necessary technology support and document management expertise in

addressing the factors described above;

- whether the timing of the request, which preferably should be made early in a case, is such that the CDA's participation is likely to be of assistance to defense counsel, promote efficiency, and contain costs; and,
- the CDA's workload.

Not all factors need be present to seek the services of the CDA. In determining how much weight to provide each factor, the seriousness of the alleged offense will be considered. The National Litigation Support Administrator (NLSA), or his designate, makes an initial decision as to whether to assign a CDA to assist on a case. After the NLSA determines that the services of a CDA would be of assistance, CJA counsel should petition the court ex parte for the appointment of the CDA to assist defense counsel (using a model motion and order provided by the NLST). The petition must be submitted ex parte because of the need to describe possible discovery management strategies and potential future costs. The court's appointment of the CDA to work with all court appointed defense counsel in the case provides authority for the CDA to confer directly with the prosecution on issues of discovery, which allows for better coordination and overall cost-efficiencies regarding information exchange.

If you have any questions regarding the services of a CDA, please contact Sean Broderick (National Litigation Support Administrator) at [sean\\_broderick@fd.org](mailto:sean_broderick@fd.org), or Kelly Scribner (Assistant National Litigation Support Administrator) at [kelly\\_scribner@fd.org](mailto:kelly_scribner@fd.org).

cc: Russell M. Aoki  
Elizabeth Daniel Vasquez  
Julie de Almeida  
John C. Ellis, Jr.  
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