

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

Re: Representation of Clients by Pro Bono  
Counsel in Connection with Petitions  
for Clemency

STANDING ORDER NO. 15-1

**WHEREAS**, through Clemency Project 2014; private law firms provide pro bono representation to Defendants who were previously convicted in the United States District Court for the District of New Jersey, in connection with determining whether they may qualify to seek reduction of their sentences and present applications for executive clemency under the Attorney General's April 23, 2014 announcement inviting such petitions and setting forth guidelines for such applications (the Defendants assigned to pro bono counsel through Clemency Project 2014 will hereinafter be referred to as "Clemency Project 2014 clients"); and

**WHEREAS**, law firms that represent clients in connection with Clemency Project 2014 in this District (hereinafter "Pro Bono Counsel") require access to the following documents relating to Clemency Project 2014 clients, which may or may not have been filed under seal, in order to conduct a complete evaluation of their clients' eligibility for executive clemency under the Attorney General's guidelines:

- Presentence Investigation Report;
- Charging Document (including original/superseding complaint, information, and/or indictment);
- Plea Agreement and Plea Colloquy Transcript;

- Jury Instructions;
- Judgment of Conviction with Statement of Reasons (including corrected or amended judgment);
- Sentencing Motions and Memoranda;
- Sentencing Transcripts;
- For defendants who were released on bond, the Order Releasing Applicant and Pretrial Services Report;
- Notice/Information to Establish Prior Convictions, pursuant to 21 U.S.C. § 851;
- Records of prior convictions, including: (1) charging document and any amended charging document, (2) plea colloquy transcript; (3) judgment and commitment order; and (4) jury instructions, if applicable;
- Motion for Downward Departure Under U.S.S.G. § 5k1.1 or 18 U.S.C. § 3553(e);
- Motion and Order for Downward Departure Under Fed. R. Crim. P. 35(b);
- Motion and Sentence Reduction Order Under 18 U.S.C. § 3582(c)(2);
- All briefs and opinions relating to a motion made to reduce sentence under 18 U.S.C. § 3582(c)(2);
- All motions, briefing, and orders relating to a habeas petition under 28 U.S.C. § 2241, 2255; and

**WHEREAS**, Pro Bono Counsel has requested permission to provide, with Clemency Project 2014 clients' express consent, some or all of the above documents to:

(1) Members of the Clemency Project 2014 Steering and Screening Committees, all of whom have signed a Non-Disclosure Agreement; and

(2) The Office of the Pardon Attorney, as a required attachment to any petition for clemency filed under the Justice Department's April 2014 Clemency Initiative;

IT IS on this 24<sup>th</sup> day of March, 2015,

**ORDERED** that, upon presentation of signed, written consent from a Clemency Project 2014 client, the United States Probation Office, U.S. Pretrial Services, and the United States District Court Clerk's Office for the District of New Jersey are authorized to provide that client's pro bono counsel with copies of the following documents, including any such documents that were filed under seal, relating to the Clemency Project 2014 client and any costs associated with obtaining documents from the Court shall be waived;

- Presentence Investigation Report;
- Charging Document (including original/superseding complaint, information, and/or indictment);
- Plea Agreement and Plea Colloquy Transcript;
- Jury Instructions;
- Judgment of Conviction with Statement of Reasons (including corrected or amended judgment);
- Sentencing Motions and Memoranda;
- Sentencing Transcripts;
- For defendants who were released on bond, the Order Releasing Applicant and Pretrial Services Report;

- Notice/Information to Establish Prior Convictions, pursuant to 21 U.S.C. § 851;
- Records of prior convictions, including: (1) charging document and any amended charging document, (2) plea colloquy transcript; (3) judgment and commitment order; and (4) jury instructions, if applicable;
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- Motion and Sentence Reduction Order Under 18 U.S.C. § 3582(c)(2);
- All briefs and opinions relating to a motion made to reduce sentence under 18 U.S.C. § 3582(c)(2);
- All motions, briefing, and orders relating to a habeas petition under 28 U.S.C. § 2241, 2255; and

**IT IS FURTHER ORDERED** that if Pro Bono Counsel require access to any additional sealed documents that are not identified in the above list, such as, for example, jury trial transcripts or other records relating to a Clemency Project 2014 client's prior convictions, Pro Bono Counsel will make a separate motion to access such documents; and

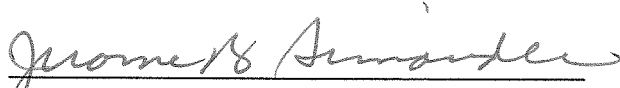
**IT IS FURTHER ORDERED** that Pro Bono Counsel may be afforded access only to documents relating to the individual client whom Pro Bono Counsel represents in connection with Clemency Project 2014, and that, absent a motion, Pro Bono Counsel are not afforded access to any sealed documents relating solely to a co-defendant in Clemency Project 2014 clients' underlying criminal matters; and

**IT IS FURTHER ORDERED** that Pro Bono Counsel may not use these documents for any purpose other than the representation of their clients in connection with Clemency Project 2014; and

**IT IS FURTHER ORDERED** that, with Clemency Project 2014 clients' consent, Pro Bono Counsel may provide a copy of these documents to:

- (1) Members of the Clemency Project 2014 Steering and Screening Committees, all of whom have signed a Non-Disclosure Agreement; and
- (2) The Office of the Pardon Attorney, as a required attachment to any petition for clemency filed under the Justice Department's April 2014 Clemency Initiative.

FOR THE COURT:

  
JEROME B. SIMANDLE  
Chief U.S. District Judge