

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
NORTHERN DIVISION

In the Matter of the Plan for the Adequate  
Representation of Defendants Pursuant to the  
Criminal Justice Act of 1965, as amended

AMENDED ORDER APPOINTING PANEL  
SELECTION COMMITTEE

The United States District Court for the District of South Dakota has adopted a Plan for the Adequate Representation of Defendants Pursuant to the Criminal Justice Act of 1964, as amended. Section V (B) of the Plan provides for the appointment of a CJA Panel Selection Committee. After due consideration and consultation with perspective panel members,

IT IS ORDERED that the following individuals shall serve on the Northern Division CJA

Panel Selection Committee:

Barbara Evans  
3510 Rolling Meadows Drive  
Aberdeen, SD 57401  
(605) 225-2953

Carolyn Lang  
2705 6th Avenue SE  
Aberdeen, SD 57401  
(605) 225-5372

Neil Fulton  
Federal Public Defender  
PO Box 1258  
Pierre, SD 57501  
(605) 224-0009

Marshall C. Lovrien  
Bantz, Gosch & Cremer, LLC  
PO Box 970  
Aberdeen, SD 57402-0970  
(605) 225-2232

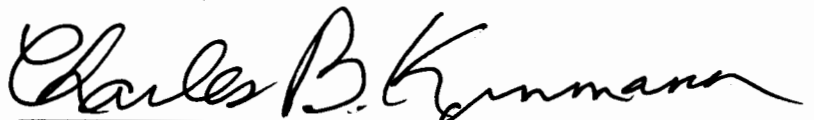
Jodi L. Brown  
Brown Law Firm  
PO Box 118  
Aberdeen, SD 57402-0118  
(605) 229-3021

Hon. Charles B. Kornmann  
United States District Court  
102 Fourth Avenue SE, Suite 408  
Aberdeen, SD 57401  
(605) 377-2600

Hon. William D. Gerdes  
United States District Court  
PO Box 1239  
Aberdeen, SD 57402-1239  
(605) 622-2100

Dated this 3rd day of June, 2016.

BY THE COURT:



CHARLES B. KORNMANN  
United States District Judge

**UNITED STATES DISTRICT COURT  
MEMORANDUM**

Date: June 2, 2016  
To: Chief Justice Viken  
Re: CJA Panel Selection Committee Reports  
From: Judge Kornmann

Pursuant to Section V(B)(3)(a)(i)(d) of the Plan for the Adequate Representation of Defendants Pursuant to the Criminal Justice Act of 1964, as amended in January of 2011 (“the Plan”), the Northern Division CJA Panel Selection Committee provides the following report regarding recruitment efforts undertaken by the Committee in furtherance of the Equal Opportunity statement in Section V(A)(2)(d) of the Plan.

Magistrate Judge Gerdes and I routinely encourage new lawyers in the Northern Division, as well as lawyers who have sufficient experience to consider applying to be on the CJA Panel.

I must, however, be candid. As you know, I reached out to the Public Defenders’ Office for the Districts of North and South Dakota, asking for help with Northern Division cases. For many years prior, we had an insufficient number of CJA panel members in Brown County. We found it necessary to often use lawyers from Watertown (90 miles distant), Huron (90 miles distant), Mobridge (100 miles distant), Ellendale, N.D. (50 miles distant), and Webster (60 miles distant), resulting in CJA fees to cover driving times. In many cases, vouchers that I approved had higher costs for “windshield time” than time spent in court.

Our goal in the last two years was to save federal tax dollars, where feasible. The travel expenses were further elevated by the fact that Northern Division federal prisoners were often housed in Pierre or Winner, a great distance from all the towns and cities in the Northern Division. We have been unable to convince the Brown County jail to house federal prisoners other than on a short term basis. The Public Defenders have performed admirably. They have more experience and expertise than most (but not all) of the CJA panel members. They have saved many thousands of dollars of federal funds. I am sure that these efforts to save money are probably not appreciated by some lawyers who were happy to receive additional revenue for their law practices. While I am sympathetic to lawyers in private practice, I believe we have acted in a most responsible manner. Judge Gerdes has been largely appointing lawyers in Brown County (when a Public Defender is not available) to avoid high travel expenses. They have been especially helpful in revocation cases.

We do not have any minority lawyers available to assist us. We do have a good

percentage of female lawyers and I believe that all of them except former prosecutors are panel members.

If you have any questions, please let me know. I have sent you, under separate cover, the panel just appointed.

Kindest regards.



CHARLES B. KORNMANN  
UNITED STATES DISTRICT JUDGE  
102 4th Ave. SE, Suite 408  
Aberdeen, SD 57401  
605-377-2600

cc: Committee members  
Judge Karen Schreier  
Judge Lange  
Judge Piersol