

**In the United States District Court  
for the District of Kansas**

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Standing Order No. 18-3

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**Jointly Proposed Standing Order Appointing the Federal Public Defender to  
Represent Defendants with Post-conviction Sixth Amendment Claims  
Regarding Attorney-Client Recordings in Criminal Cases**

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The litigation in *United States v. Black, et. al.*, 16-cr-200032-JAR, has brought to the Court's attention the possibility of Sixth Amendment violations in this District. Some defendants were held in the custody of the U.S. Marshal at CCA-Leavenworth (now CoreCivic). CCA video recorded in-person attorney-client meetings; the U.S. Attorney's Office later obtained some of those video recordings. CCA also recorded attorney-client phone calls; the U.S. Attorney's Office obtained some of those recordings, as well. Defendants whose in-person attorney-client meetings or attorney-client phone calls were recorded may be entitled to post-conviction relief.

For these reasons, the Court appoints the Federal Public Defender to represent any defendant from the District of Kansas who may have a post-conviction Sixth Amendment claim based on the recording of in-person attorney-client meetings or attorney-client phone calls by any holding facility housing federal detainees within this District. The FPD is appointed to review potential cases regardless of whether the FPD represented the defendant in earlier District Court proceedings. The FPD will

alert the Court to any disqualifying conflicts and will obtain the consent of the defendant before filing any petition for relief. Furthermore, the FPD is authorized to raise any other claims in the interest of the defendant.

IT IS SO ORDERED THIS 17<sup>th</sup> DAY OF July, 2018.

s/ Julie A. Robinson  
Julie A. Robinson  
Chief Judge, U.S. District Court  
District of Kansas