

FOR IMMEDIATE RELEASE
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UTAH ASSOCIATION OF CRIMINAL DEFENSE LAWYERS AND SALT LAKE COUNTY SETTLE DISCOVERY FEES LAWSUIT

Salt Lake City, UT—The Utah Association of Criminal Defense Lawyers (UACDL) and Salt Lake County District Attorney Sim Gill today jointly announced the settlement of UACDL’s lawsuit challenging the County’s practice of charging unlimited fees to criminal defendants wishing to receive discovery materials in their pending cases.

Prosecutors are ethically and constitutionally obligated to provide defendants with discovery—i.e., information on which the criminal charges are based, as well as any exculpatory evidence—as part of a defendant’s right to receive a fair trial. In 2010, the former District Attorney began charging unlimited, up-front fees for discovery. UACDL, which is comprised of over 450 criminal defense attorneys from throughout the State of Utah, filed its lawsuit challenging the fees in October 2010.

“I have always advocated as a matter of public policy, due process, and fairness that we should not be charging for discovery materials. Discovery costs are usually minimal and pre-conviction fees only add to criminal justice delays and costs,” said Mr. Gill, who was sworn in as District Attorney on January 3, 2011. “The timely production of discovery to criminal defendants and their attorneys serves the interests of justice by promoting the quick and just resolution of cases. My office is dedicated to protecting the interests both of the public and of defendants to a swift, efficient, and constitutionally sound criminal justice system.”

UACDL Executive Director Kent Hart lauded Mr. Gill’s actions in settling the lawsuit. “The District Attorney acted quickly to stop what we believe was an unconstitutional practice of charging unlimited discovery fees in advance of trial. By discontinuing the practice of charging those fees, the District Attorney today took an important step toward ensuring that the rights of criminal defendants to a fair trial are protected in Salt Lake County.”

As part of the settlement, the District Attorney will immediately cease charging for discovery in criminal cases and will pay \$3,000 in exchange for UACDL’s agreement to dismiss the lawsuit.

UACDL is represented in the case by lead counsel John Bogart of the law firm Telos VG and by the American Civil Liberties Union of Utah Foundation, Inc.

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