

United States Court of Appeals for the Fifth Circuit



Staff Attorneys' Office

Michael E. Schneider
Senior Staff Attorney

Mission



To provide the court with superb legal services and outstanding administrative support.



Staff Attorneys' Office (SAO)

History

Originated
December 23, 1963

Today,
consists of

One Senior Staff Attorney

Six Supervisory Attorneys

Forty-Seven Staff Attorneys

One Office Manager

Eight Administrative
Support

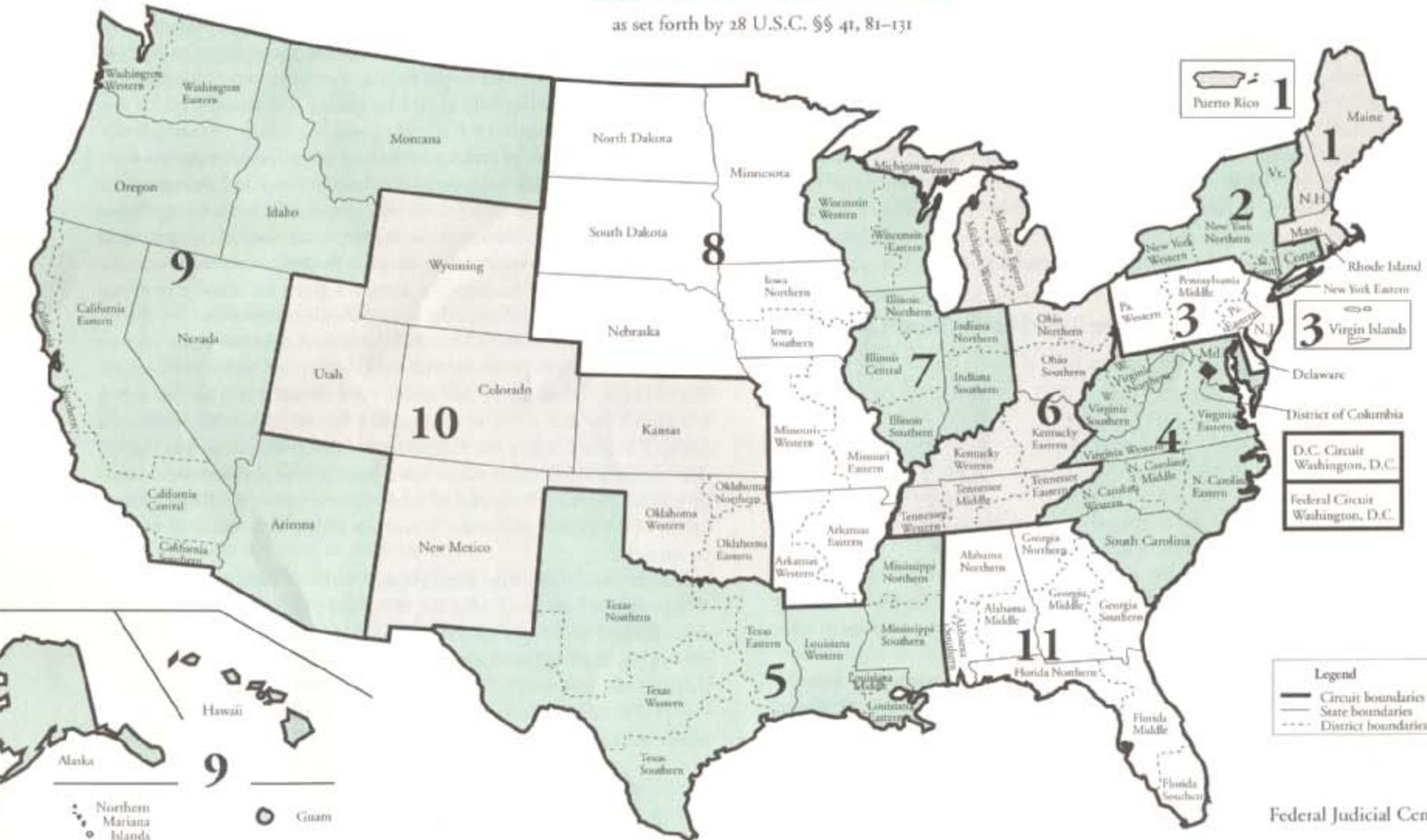


Court Overview

- The Judges of the Fifth Circuit Court of Appeals are assisted by four court support units located in New Orleans, Louisiana.
- The Staff Attorneys' Office serves as the court's central law office.
- The U.S. Court of Appeals, Fifth Judicial Circuit is comprised of three states: Texas, Louisiana, and Mississippi. Each state is divided into districts.

Geographical Boundaries of U.S. Courts of Appeals and U.S. District Courts

as set forth by 28 U.S.C. §§ 41, 81-131



Role of the Staff Attorneys' Office



- The SAO is under the administrative control of a supervisory circuit judge (or proctor).
- Staff attorneys work for the court as an institution rather than for individual judges in the manner of traditional law clerks.
- The SAO is headed by a senior staff attorney. The senior staff attorney establishes policies and procedures of the office; determines, supervises, and directs the work of the supervisors and staff attorneys; and assigns appeals and motions to staff attorneys.

Case Management



Assignment of Cases

- The senior staff attorney assigns all cases as received from the Clerk's Office to individual staff attorneys.
- Each case is assigned a due out date.

30 Days

- Direct Criminal Appeals

60 Days

- Civil and Indirect Criminal Appeals



Specific Tasks

- Staff attorneys prepare written memoranda and draft opinions for appeals and orders for motions filed in the court.
- Review for the Judicial Council all draft rule revisions for all courts within the Circuit.

Work Product



Prepare Memorandum

- The assigned staff attorney prepares a written memorandum and proposed opinion or order. Screening memos are used for fully briefed cases and memorandum of staff attorney are used for motions. Both include the following:
 - Fully state the facts of the case
 - Record citations
 - Description of the issues
 - Analysis of the record and the authorities cited (frequently including authorities beyond those cited in the briefs)
 - Explanation of staff attorney’s recommendation regarding classification and disposition (affirm, reverse, or grant or deny) to the court.
 - Recommendation on all pending motions, which are noted on the case routing sheet initially received from the clerk’s office or noted by the staff attorney on the court’s docket sheet.



Types of Cases

- **Type of Cases Screened by the Staff Attorneys' Office**
 - Direct criminal appeals
 - Prisoner cases challenging conditions of confinement
 - Habeas corpus cases
 - Civil federal question cases
 - Immigration cases
 - Civil cases in which the United States is a party
 - Civil rights cases except Title VII, and Social Security Cases
- **Historically, staff attorneys have not prepared memoranda in diversity, Title VII, tax court, and bankruptcy appeals.**



Supervisory Review

Cases in Review

- After the staff attorney has prepared the memorandum and proposed opinion or order, the documents are reviewed by the staff attorney's assigned supervisor.
- Once the review process is complete, the screening memorandum and proposed per curiam opinion or order, together with the entire record, are returned to the Clerk's Office.
- The staff attorney indicates on the routing sheet what part, if not all, of the record should be forwarded to the initiating judge.
- The Clerk's Office then forwards the designated documents and record to an initiating judge selected by rotation from a log maintained by the Clerk's Office.



SUMMARY

What is the SAO?

How does it work?

Who makes up the SAO?

Questions