

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA)	
)	
v.)	08CR888
)	
ROD BLAGOJEVICH)	Judge James B. Zagel
)	

MOTION TO DECLARE *IN FORMA PAUPERIS* STATUS
AND OTHER RELATED REQUESTS

Now Comes Defendant Rod Blagojevich, by and through his attorneys, and hereby requests that the Court enter an order as described below. In support thereof, Defendant states the following:

Defendant Rod Blagojevich asks this Court to enter an order to: (1) declare the *in forma pauperis* status of the defendant; (2) appoint Attorneys Sheldon Sorosky and Aaron Goldstein as trial counsel for the defendant; (3) appoint Attorney Lauren Kaeseberg to the already-identified 'paralegal' position; (4) appoint Attorney Elliott Riebman as an additional 'paralegal'; (5) approve a 'paralegal' hourly rate of \$75/hour; (6) approve a monthly interim payment schedule; and (7) permit the aforementioned attorneys and paralegals to bill for every hour actually worked (which is likely to exceed the cap in the statute).

At the October 22, 2010 court appearance, Defendant Rod Blagojevich was represented by Attorneys Sheldon Sorosky, Aaron Goldstein and Lauren Kaeseberg. Under the CJA appointment structure as indicated by the Court (which has

preliminarily indicated it will appoint two trial lawyers and a paralegal), Attorneys Sorosky and Goldstein will be the lead trial lawyers, and Kaeseberg will fill the 'paralegal' slot. In order to finalize the appointment of these attorneys, defendant Blagojevich requests that the Court declare the defendant status to proceed *in forma pauperis*.

In addition, defendant Blagojevich requests that the Court permit the appointment of an additional attorney, Elliott Riebman, to fill a 'paralegal' slot. Attorney Riebman joined the defense team at its inception and was a key member of the initial trial, where he sat at counsel table as a so-called "junior" lawyer. Attorney Riebman was the primary reviewer of the wiretap recordings and is uniquely familiar with their contents. Defense counsel believes that Attorney Riebman is an essential part of the defense team and based on the vastly reduced team, Attorney Riebman's presence in a second so-called 'paralegal' slot is critical. The appointment of Attorney Riebman would provide one 'paralegal' for each trial lawyer.

Once the Court makes the requested appointments, the paralegal rate needs to be determined. The CJA statute does not specifically quote the rate for paralegals, but based on preliminary research, defense counsel believes that in CJA appointment cases, the paralegal bills at the rate at which they bill for the attorney on the case. In the instant case, the so-called 'paralegal(s)' in this case are attorneys who worked extensively on the first trial, and will have their duties and responsibilities increased significantly. Preliminary research indicates that the

paralegal rate at big firms in the Chicago area is in the range of \$150/hour to \$250/hour. In this case, where the lead attorneys will bill at \$125/hour, counsel would request a rate of \$75/hour for the paralegal rate.

In addition, defense counsel would request that this Court enter an order permitting interim payments at the end of each month, as was done in the first Blagojevich trial. Counsel would also request that the Court permit counsel to submit bills for every hour worked through the duration of the case, which will likely exceed the cap in the statute.

WHEREFORE, Defendant Rod Blagojevich prays that this Court will enter an order containing the requested relief.

Respectfully Submitted,
/s/ Lauren Kaeseberg
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