

CJA Newsletter

United States District Court, District of New Mexico

Clerk's Office

INTERVIEW WITH THE HONORABLE GREGORY J.FOURATT, UNITED STATES MAGISTRATE JUDGE

This issue includes an extended "In the Spotlight" section. With the Honorable Gregory J. Fouratt's recent appointment as a United States Magistrate Judge in 2016, the CJA Panel Representative for Las Cruces, Cori A. Harbour-Valdez, has sat down with the Judge for an introductory interview. The Clerk's Office would like to express their thanks to Cori A. Harbour-Valdez and the Honorable Gregory J. Fouratt for the time and energy taken in providing the interview for this edition. 

Attention: eVoucher Case Assignments

eVoucher creates auto generated emails to:

- 1) Propose a case assignment to a panel attorney
- 2) Confirm panel attorney case assignment
- 3) Notify of a case assignment rejection

How to accept or reject a case assignment:

- 1) Access the appointment via eVoucher under "my Proposed Assignments" folder, and either "Accept" or "Reject"
- 2) If you cannot login within the required 2 hour timeframe, call the Court:

Albuquerque Panel Attorneys	Ph 505-348-2050
Las Cruces Panel Attorneys	Ph 505-528-1435

No Panel Attorney should respond to the auto generated email to accept or reject any case assignment.

Mistake of the Month

Replying to an eVoucher auto generated email to accept or reject a case assignment.



Contact Info & Important Links

- ❖ [US District Court, District of New Mexico website](#)
- ❖ [CJA Attorney Manual](#)
- ❖ [National CJA Voucher reference tool](#)
- ❖ **NEW** [updated website FAQs](#)

Financial Services:

Phone: (505) 348-2145
 Email: financial@nmcourt.fed.us

Quick Tips

Appointments' List

Can't find a case on your appointments' list?

Appointments are terminated in eVoucher once a final CJA 20 has been paid, and will no longer appear in your home screen appointments' list.

Still need to submit a CJA21 on a terminated appointment?

While it is best practice to submit your CJA 20s and CJA 21s simultaneously, any terminated appointment is still viewable by selecting "My Appointments" via the "Operations" dropdown menu.

My Active Documents

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How many pages of active documents do you have?

There are many old documents going back to 2016 cluttering the eVoucher system. Look through the pages of your active documents for old vouchers in "Voucher Entry" or "Attorney Approval" status.

Only the voucher creator can delete their documents, so take a moment to review your active documents for any unneeded or duplicate vouchers that need to be deleted.

NOTE: Service provider documents in "Attorney Approval" status, must be rejected back into "Voucher Entry" status to be deleted. Do this by accessing them via "My Service Provider's Documents" tab and rejecting them on the confirmation page.



**THE HONORABLE GREGORY J. FOURATT
UNITED STATES MAGISTRATE JUDGE**

By: Cori A. Harbour-Valdez

On February 29, 2016, Gregory J. Fouratt was appointed as one of the District's newest United States Magistrate Judges. The appointment is located in Las Cruces, New Mexico. Prior to taking the bench, Judge Fouratt served as Cabinet Secretary of the New Mexico Department of Public Safety, having been appointed by Governor Susana Martinez in February 2014, and unanimously confirmed by the New Mexico State Senate, in March 2015.

From 1988 through 2012, Judge Fouratt served as a commissioned officer in the United States Air Force, Air Force Reserve, and the New Mexico Air National Guard. He retired from military service in September 2012 with the rank of Lieutenant Colonel. Mr. Fouratt received his Bachelor of Arts degree from New Mexico State University in 1988 and his Master of Public Administration degree from Golden Gate University in 1991. In 1995, he graduated first in his class from the Texas Tech University School of Law. Judge Fouratt served as a judicial law clerk to The Honorable William Docker Browning, United States District Judge for the District of Arizona.

Most CJA attorneys know Judge Fouratt from his time in the United States Attorney's Office. From 1997-2014, Judge Fouratt served as a prosecutor in both the Albuquerque and Las Cruces offices. From January 2008 until May 2010, Judge Fouratt served by appointment of the United States District Court as the United States Attorney. Many CJA attorneys also know Judge Fouratt's wife, Anita, who has worked for the U.S. Attorney's Office for 32 years, serving the last 20 as the Victim-Witness Coordinator.

I sat down with Judge Fouratt recently to find out what advice he has for attorneys appearing before him, his thoughts on CJA vouchers, *voir dire*, setting conditions of release and starting court on time, as well as other observations from the bench.

On CJA Vouchers: Judge Fouratt advised that he looks very closely at vouchers. He keeps a running log for typical cases (for example, 8 U.S.C. §1326 and 21 U.S.C. §841) because he wants to have an average range to figure out which vouchers may be statistically relevant. Judge Fouratt noted that it is not generally his place to tell an attorney how many times s/he can meet with a client. However, when he sees an attorney billing for three or more meetings on a re-entry case, he stated, "We're going to talk. That is beyond the average." Judge Fouratt welcomes explanations from attorneys if a particular case or client presented a unique or difficult situation that required billing above the norm. He has reduced vouchers for things like billing .3 to review a single page complaint and stated that he's never seen that mistake twice. He accounts for the El Paso attorneys' vouchers being a little higher than the average given what he calls "their windshield time." Overall, Judge Fouratt estimates that he cuts less than 1% of vouchers and said there is always the opportunity to discuss a particular case.

On Voir Dire: While Judge Fouratt has not yet had the opportunity to conduct *voir dire*, he did sit in with U.S. District Judge Kenneth Gonzales for proceedings in a felony criminal trial. Based on his prior experience, he anticipates handling some if not most of the questioning himself, but will likely allow the parties

30-60 minutes to introduce themselves and their clients and speak briefly about what they anticipate from the trial. He welcomes proposed questions from the parties.

On Setting Conditions of Release: Judge Fouratt readily admitted that he is more flexible and significantly wiser about pre-trial release as a judge than he was as a young prosecutor. He understands that more defendants are release-worthy and suspects he has surprised his former colleagues by granting release more often than they expected. He advised that CJA attorneys would benefit from providing the Court documentation from an employer that the defendant has a job waiting for him or her. He also recommended we begin to use his own words, his own notions, and his own ideas when asking for release. Using a judge's words back to him is usually effective, because "that's a song I like to hear." Regarding third-party custodians, he wants them present for the detention hearing and prefers to address them directly to ensure they will call the Pretrial Services Officer to report the defendant if a violation occurs. If the attorney knows it's a tough call and there may be a compromise, Judge Fouratt advised that we should discuss the halfway house with our clients before the hearing. The client should know what it is, how it works, etc. He said he's seen that quizzical look on a defendant's face too many times. He also gives defense attorneys the opportunity to make their record. Judge Fouratt noted that he has been reversed once when he granted release and at least one other time when he has ordered detention. He said those instances give him a check on the accuracy of his gut instinct. In the seventeen months he's been on the bench, Judge Fouratt hasn't had anyone he released become a fugitive yet. He feels like he has a pretty good instinct, a refined sense based on his background as a criminal prosecutor, and remains of the opinion that pretrial release provides defendants with incentives to make the best case for asking for sentencing leniency.

On Beginning Court on Time: Judge Fouratt wants to start on time. Period. He believes it is a sign of respect to everyone in attendance, whether it be counsel, defendants, court personnel, deputy marshals, or spectators, to begin court on time. He understands that sometimes there exist circumstances beyond his control, but he noted that a late start in his court has virtually never been caused by a defense attorney running late. He gave his sincere compliments and kudos to the defense bar for being on time and prepared. Judge Fouratt is trying to figure out how to manage his docket to put CJA attorneys' cases nearer the beginning of the docket so they are not wasting time in Court. He obviously does not want to disrupt the docket, but believes our time could be better spent elsewhere and CJA funds could likewise be preserved.

On Collegiality: Judge Fouratt is extremely pleased with the level of collegiality in the Las Cruces federal criminal bar. He said it is so nice to walk into a courtroom knowing there won't be personal shots, discovery abuses, ethical complaints, etc. He complimented the defense bar, in particular CJA attorneys, who, he said, "know how to respond to a ruling against them." He feels the defendants deserve an explanation of his ruling and praised the professionalism of the defense bar in accepting such rulings.

On Being a Judge: Judge Fouratt admitted it was difficult to "put down the ball and pick up the whistle." Using another sports analogy, Judge Fouratt stated, "Umpires can only call pitches when the ball is being thrown. I can't force the action like I used to. Litigating is an active exercise for both sides. Judging is passive. That's been a transition for me." He noted that it is important that a defendant understand the difficult legal proceedings in which s/he finds her/himself. He relies principally on a defense attorney to teach that legal process, noting, "A large measure of the trust I have that the guilty plea I've taken was knowing and voluntary is the trust I place in the defense lawyer."

On Proposed Orders, Courtroom Procedures, and Chambers' Preferences: Judge Fouratt advised, "Stay tuned."