

Submitter: Brian Zanotelli

On Behalf Of:

Committee: Senate Committee On Judiciary

Measure, Appointment or Topic: SB178

COMMENT AND OPPOSITION TO PAYING IN ADVANCE

To whom it may concern:

As a private defense attorney, I routinely provide discovery to the DA and invoice them, and they pay later. This is fine with me.

Does this law cut both ways, i.e., do defense attorney now withhold discovery until the DA pays for it? What if the DA or I get discovery the morning of trial, do we withhold it from eachother until either of us has a chance to write a check?

The next step will undoubtedly be to outlaw cash or check payments, and require everyone to link their bank account to the DA's office so they can pull funds whenever they want. The software problems and potential for errors and fraud are very concerning. I always pay with a check, which is much easier to track.

I have always picked up discovery and paid for it later per the invoice. If some attorney out there is getting discovery and not paying, the DA could certainly have a targeted policy for folks with a history of non-payment. Why punish everyone if a few don't pay? We all get a utility bills for electricity, gas, garbage, and water and pay from the invoice. The power company doesn't make you pay for electricity in advance, why should the DA charge in advance?

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