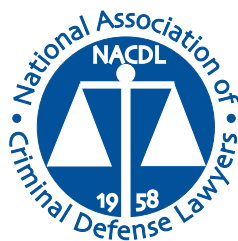


National Association of Criminal Defense Lawyers



Jim E. Lavine
President

President

Jim E. Lavine Houston, TX

President-Elect

Lisa Monet Wayne Denver, CO

First Vice President

Steven D. Benjamin Richmond, VA

Second Vice President

Jerry J. Cox Mount Vernon, KY

Treasurer

Theodore Simon Philadelphia, PA

Secretary

E. G. Morris Austin, TX

Parliamentarian

Barry J. Pollack Washington, DC

Immediate Past President

Cynthia Hujar Orr San Antonio, TX

Directors

Chris Adams Atlanta, GA

Sara Azari Los Angeles, CA

James A. H. Bell Knoxville, TN

Brian H. Bieber Coral Gables, FL

Blair G. Brown Washington, DC

William H. Buckman Moorestown, NJ

Ray C. Carter Jackson, MS

Anne Chapman Phoenix, AZ

Jay Clark Cincinnati, OH

Anthony Cotton Waukesha, WI

Steven J. Feldman Pleasantville, NJ

Drew Findling Atlanta, GA

Richard K. Gilbert Washington, DC

Bonnie Hoffman Leesburg, VA

Richard S. Jaffe Birmingham, AL

Wm. O. "Bill" James, Jr. Little Rock, AR

Evan A. Jenness Santa Monica, CA

Rick Jones New York, NY

Elizabeth Kelley Cleveland, OH

Gregory J. Kuykendall Tucson, AZ

Mark J. Mahoney Buffalo, NY

George H. Newman Philadelphia, PA

Kirk B. Obear Sheboygan, WI

Timothy P. O'Toole Washington, DC

Maria H. Sandoval San Juan, PR

Mark A. Satawa Southfield, MI

Marvin E. Schechter New York, NY

Gail Shifman San Francisco, CA

Penelope S. Strong Billings, MT

Jeffrey E. Thoma Fairfield, CA

Jennifer Lynn Thompson Nashville, TN

Edward J. Ungvarsky Arlington, VA

Geneva Vanderhorst Washington, DC

Deja Vishny Milwaukee, WI

Christopher A. Wellborn Rock Hill, SC

Steven M. Wells Anchorage, AK

Christie N. Williams Dallas, TX

Solomon L. Wisenberg Washington, DC

William P. Wolf Chicago, IL

Executive Director

Norman L. Reimer Washington, DC

December 2, 2010

Hon. Kay Bailey Hutchison
United States Senate
Washington, DC 20510

Hon. John Cornyn
United States Senate
Washington, DC 20510

Hon. Charles A. Gonzalez
United States House of
Representatives
Washington DC 20515

Hon. Lamar S. Smith
United States House of
Representatives
Washington, DC 20515

Hon. Francisco Canseco
United States House of
Representatives
Washington DC 20515

Re: New Courthouse for the San Antonio Division of the United States District Court for the Western District of Texas.

Dear Senators and Congressmen:

Congress will soon be asked to consider appropriating the construction funds for building a necessary and long-overdue new courthouse for the San Antonio Division of the United States District Court for the Western District of Texas. I ask for your support for that project, which will help advance the fair and effective administration of justice within the City of San Antonio and the entire Western District of Texas.

NACDL is the preeminent organization in the United States advancing the mission of the nation's criminal defense lawyers to ensure justice and due process for persons accused of crime or other misconduct. A professional bar association founded in 1958, NACDL's more than 10,000 direct members – and 80 state, local and international affiliate organizations with a total of 35,000 members — include private criminal defense lawyers, public defenders, active-duty U.S. military defense counsel, law professors, and judges committed to preserving fairness within America's criminal justice system.

San Antonio is headquarters to the Western District -- the second busiest court in the country on a weighted per-judge basis -- and the current federal courthouse is neither large enough nor adequately designed to meet the needs and demands of such a busy court. The current courthouse in San Antonio was originally built in 1968, to serve as the United States Pavilion and theater for the 1968 World Fair (HemisFair). In 1975, that pavilion/theater was renovated to house two United States District Court Judges, a part-time Magistrate Judge, the office of the Clerk for the Western District of Texas, and other federal agencies.

Zimmermann, Lavine, Zimmermann & Sampson, PC
770 S. Post Oak Lane, Suite 620, Houston, TX 77056 | Phone 713-552-0300 | Fax 713-552-0746 | E-mail jelavine@swbell.net

"Liberty's Last Champion"

www.nacdl.org

Since 1975, the Western District of Texas has grown so much that the current federal courthouse in San Antonio now houses seven federal judges and their staffs, the Clerk's office, and others. Under the revised design guidelines, the United States Marshal's office requires 41% more space than is presently available, to safely conduct its business. In addition, the vast majority of federal employees must work in a separate, nearby office building. Simply put, the San Antonio Division of the Western District of Texas has long since outgrown the current courthouse.

We agree with Judge Michael A. Ponsor (D. Mass.), chair of the Judicial Conference Committee on Space and Facilities, that "the lack of adequate and appropriate courtroom space adversely impacts the Judiciary's ability to provide access to justice, to effectively administer justice, and to ensure the safety and security of all participants in the judicial process." Because San Antonio's former pavilion/theater was never intended to be a courthouse, the existing federal courthouse lacks many important features, including a sally port, sufficient detention space, and secured elevators or corridors. Jurors, witnesses, witnesses' families, and criminal defendants very often encounter each other in the corridors because of these flaws. Moreover, the inadequate detention space interferes with counsels' ability to meet with defendants and one cannot do so with any privacy in many instances.

The initial work to secure the necessary land and architectural plans for a new federal courthouse in San Antonio has progressed to the point where construction funding now needs Congressional attention. While your support for the new courthouse is critical to the success of this project, your support is also needed for the original nine-courtroom design, instead of the recently downsized seven-courtroom design. In the long run, the decision to build only seven courtrooms, instead of nine, will prove economically and strategically short-sighted. The cost of having to later add two new courtrooms -- which will surely be needed -- will be much higher, and the process will be far more disruptive, than would be the case if those two courtrooms were built as part of the original construction project.

If restoring the project to the former nine-courtroom design is not possible, then Congress should at least appropriate sufficient funds to properly design and construct adequate square footage for nine courtrooms, so that the two additional courtrooms can be finished-out in the future, with less disruption to the work of the Court, and without having to harm the new courthouse's overall design and functionality.

Thank you for your consideration and support for this crucially important project to construct a new courthouse for the San Antonio Division of the United States District Court for the Western District of Texas.

Sincerely,



Jim E. Lavine
President