

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO**

LANCE WOOD,

Plaintiff,

vs.

SANDRA MARTIN,

Defendant.

Case No. 3:04-cv-00099-BLW

ORDER

Before trial commenced in this matter, the Court granted Plaintiff Wood's request that Renee McKenzie of McKenzie Law Offices be appointed as a legal assistant to help him at trial. In its Order, the Court made clear that because Ms. McKenzie is not an attorney, she could not act in any manner which would constitute the practice of law, including but not limited to advice on law, civil procedure, the rules of evidence, strategy, or the subject matter of the trial. The matter then proceeded to trial, during which the Court was required to declare a mistrial. Thereafter, Mr. Wood again asked the Court to appoint Ms. McKenzie as his legal assistant for the re-trial. The Court once again granted

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the motion, but reiterated in its Order that Ms. McKenzie not act in any manner which would constitute the practice of law, including being a conduit between a licensed attorney and Mr. Wood.

It has come to the attention of the Court that the relationship between Ms. McKenzie and Mr. Wood may have gone beyond that prescribed by the Court. Accordingly, the Court will conduct a status conference for the purpose of inquiring about whether that has occurred, and whether Ms. McKenzie must be removed from the case. Counsel for the Defendant, Mr. Wood, and Ms. McKenzie must be present at the status conference.

Finally, although the Court has received no indication that a crime has occurred, or that Mr. Wood or Ms. McKenzie has done anything which would require that they be represented by counsel at the hearing, the Court has no way of knowing exactly what it will learn at the hearing. Therefore, out of an abundance of caution, the Court will order the Federal Defenders Services of Idaho to provide an attorney at the hearing to represent Mr. Wood if necessary, and will recommend that Ms. McKenzie confer with an attorney, and have one accompany her at the hearing, if she so desires.

IT IS ORDERED:

1. A status conference is scheduled for February 14, 2013 at 9:00 a.m. in the Federal Courthouse in Boise, Idaho. Counsel for the Defendant, Mr. Wood, and Ms. McKenzie are ordered to appear at the status conference.
2. The U.S. Marshal shall transport Mr. Wood to the courthouse for the status

conference.

3. The following pretrial deadlines are amended as follows:
 - a. Disclosure of Witnesses: Both parties shall disclose all lay and expert witnesses intended to be called at trial and a summary of the substance of their testimony no later than February 21, 2013.
 - b. Pretrial Motions. All pretrial motions, including motions in limine shall be filed no later than February 21, 2013. Responses shall be filed by March 4, 2013. The parties shall be prepared to argue the motions at the pretrial conference on March 20, 2013, if the Court deems argument necessary.
 - c. Requests for Transport of Prisoner Witnesses and for Issuance of Subpoenas. All requests for the transport of prisoner witnesses to trial shall be made no later than February 21, 2013. All requests for subpoenas for any witnesses who must be subpoenaed to trial (to include their full names and physical service address) shall be made no later than February 21, 2013.
 - d. Exhibit Lists, Exhibits, Proposed Voir Dire, Proposed Jury Instructions, Trial Briefs: All exhibit lists, proposed voir dire, proposed jury instructions, and trial briefs shall be filed with the Court no later than February 21, 2013. On the same date, the parties shall exchange all trial exhibits, but shall not provide them to the

Court until the day of trial.

4. The Clerk of the Court shall provide a copy of this Order to the U.S. Marshal and the Federal Defenders Service of Idaho in Boise, as well as the plaintiff and defendant in this case.



DATED: February 8, 2013

A handwritten signature in black ink that reads "B. Lynn Winmill". The signature is written in a cursive style and is positioned above a horizontal line.

B. Lynn Winmill
Chief Judge
United States District Court