

The Prosecution's Obligations to Disclose Witness Proffers

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A prosecutor who does not appreciate the perils of using rewarded criminals as witnesses risks compromising the truth-seeking mission of our criminal justice system. Because the government decides whether and when to use such witnesses, and what, if anything, to give them for their service, the government stands uniquely positioned to guard against perfidy. . . . Accordingly, we expect prosecutors and investigators to take all reasonable measures to safeguard the system against treachery. This responsibility includes the duty as required by *Giglio* to turn over to the defense in discovery all material information casting a shadow on a government witness's credibility.

United States v. Bernal-Obeso, 989 F.2d 331, 333-34 (9th Cir. 1993) (internal citations omitted).

I. INTRODUCTION

In most white-collar criminal cases, the prosecution relies at least in part on the assistance and testimony of cooperating witnesses. White-collar defendants or targets must also face the decision whether to cooperate.

Negotiations with a prospective cooperator usually involve a series of "proffers" to the government. The process typically begins with an initial proffer of the cooperator's testimony, conveyed to the government either by the cooperator himself or by his attorney. As negotiation continues, the government may conduct in-person interviews or "proffer sessions" with the prospective cooperator, to elicit more detailed informa-

tion or to probe new subject areas. The cooperator's attorney may or may not be present at these sessions, and the parties involved may or may not take notes. If successful, the sessions may ultimately result in a cooperation agreement promising immunity, leniency, or other benefits to the cooperator in return for his testimony.

The cooperation process raises a host of difficult issues for the prosecution, the defense, and the prospective cooperator. Among these are the scope and ramifications of the government's obligations to disclose witness proffers to the defense.

II. APPLICABLE DISCOVERY OBLIGATIONS

The proffer process implicates several different discovery obligations. Under *Brady v. Maryland*, 373 U.S. 83, 87 (1963), due process is violated, and a new trial required, if the prosecution fails to disclose evidence favorable to an accused that is material either to guilt or to punishment. As the Supreme Court recently noted, the term "Brady violation" is often used loosely to describe a breach of the prosecution's broad duty to search for and disclose favorable evidence to the defense. See *Strickler v. Greene*, 527 U.S. 263, 281 (1999). A "true Brady violation," however, requires a showing of three elements: (1) favorable evidence; (2) suppression by the government; and (3) prejudice. *Id.*

"Favorable" evidence includes, of course, material tending to directly exculpate the accused. In the context of proffer sessions, excul-

patory evidence may include statements by a cooperator affirmatively exonerating the defendant or supporting the defendant's theory of the case. Such material is favorable to the defense for *Brady* purposes whether or not the cooperator ultimately testifies for the government. In *Brady* itself, for example, the Court found a due process violation where the prosecution failed to disclose the confession of an accomplice who admitted being the one to commit the actual offense. See *Brady*, 373 U.S. at 86. In another case, the D.C. Circuit found that the undisclosed statements of a non-testifying informant were affirmatively exculpatory, where they tended to show the informant's motive to plant incriminating evidence. See *In re Sealed Case (Brady Obligations)*, 185 F.3d 887, 893-94 (D.C. Cir. 1999).

Favorable evidence also includes material adversely affecting the credibility of prosecution witnesses. See *Strickler* at 281; *United States v. Bagley*, 473 U.S. 667, 676 (1985); *Giglio v. United States*, 405 U.S. 150, 154 (1972). As the Court has recognized, "if disclosed and used effectively, [impeachment evidence] may make the difference between conviction and acquittal." *Bagley*, 473 U.S. at 676. With respect to cooperating witnesses, the prosecution must thus disclose plea agreements, promises of leniency, and other inducements to cooperate. See *Giglio*, 405 U.S. at 154-55, *Bagley*, 473 U.S. at 676. Other potential sources of impeachment material include inconsistencies between a cooperator's various proffer statements to the government. See, e.g., *Jackson v. Johnson*, 194 F.3d 641, 649 (5th Cir. 1999) (finding that inconsistent statements by cooperating witness constituted favorable impeachment material, although cumulative of other evidence); *United States v. Service Deli, Inc.*, 151 F.3d 938, 944 (9th Cir. 1998) (finding that inconsistent statements by key cooperating witness were favorable and material). If the prospective cooperator does not ultimately testify for the prosecution, the government may question whether such impeachment material must be disclosed. At least one court, however, has found that impeachment material may be favorable for *Brady* purposes if the cooperator is

called as an adverse witness by the defense. See *In re Sealed Case (Brady Obligations)*, 185 F.3d at 893; see also *Kyles*, 514 U.S. at 445-46 (ordering new trial, where defense could have called informant as an adverse witness and used undisclosed evidence for impeachment).

The second element of a *Brady* violation is suppression by the government. The prosecution has a duty to obtain and disclose favorable evidence in possession of investigators and other agents acting on the prosecution's behalf. See *Kyles v. Whitley*, 514 U.S. 419, 437 (1995). Courts will find no *Brady* violation, however, if undisclosed evidence is otherwise available to the defense through the exercise of reasonable diligence. See, e.g., *United States v. Earnest*, 129 F.3d 906, 910 (7th Cir. 1997). In addition, there is no government "suppression" if the defense actually obtains such evidence through other channels in time for its effective use at trial. See, e.g., *Blackmon v. Johnson*, 145 F.3d 205, 208-209 (5th Cir. 1998) (government's failure to disclose leniency agreement with cooperating witness not *Brady* violation, where witness admitted the existence of the agreement on cross-examination).

The suppression element may present particular problems in the cooperation context. One issue arises when the substance of a suppressed proffer statement is otherwise a matter of public record. For example, the substance of the cooperator's statement may be publicly disclosed at a change of plea hearing or in the records of other related criminal or civil proceedings. In determining whether the government's non-disclosure amounted to a *Brady* violation, the courts must consider whether the defense would have discovered the public information through reasonably diligent investigation. See, e.g., *United States v. Payne*, 63 F.3d 1200, 1208-09 (2d Cir. 1995) (not reasonable for defense to discover cooperator's sworn affidavit filed in support of pretrial motions in related criminal case); *United States v. Burnside*, 824 F. Supp. 1215, 1261 (N.D. Ill. 1993) (not reasonable for defense to monitor proceedings in related criminal trial concerning cooperator).

Another issue arises when exculpatory information is proffered by an alleged accomplice of the defendant. Such material is clearly favorable for *Brady* purposes and should be disclosed. Some courts, however, may be hostile to the argument that the defendant was unaware of the accomplice's potential testimony. In one recent case, for example, the defendant claimed to be an unknowing participant in a narcotics delivery scheme. The government failed to disclose that, in several proffer sessions, a cooperating co-defendant made statements corroborating the defendant's version of events. The cooperator, who was not ultimately called as a prosecution witness, refused to talk to the defense. The Eighth Circuit found no *Brady* violation, noting that the government had not restricted access to the cooperator and that the defendant was aware of the substance and underlying basis of the cooperator's potential testimony, as the cooperator's proffers were consistent with the defendant's own account. See *United States v. Zuazo*, ___ F.3d ___, 2000 WL 1868284 at *2 (8th Cir. 2000).

The final element of a *Brady* violation, prejudice, requires a showing of materiality. Favorable evidence is material "if there is a reasonable probability that, had the evidence been disclosed, the result of the proceeding would have been different." *Kyles*, 514 U.S. at 434; *Bagley*, 473 U.S. at 682. As the Supreme Court has repeatedly emphasized, the materiality element does not require a showing that the untainted evidence was insufficient to support a conviction, or that disclosure would more likely than not have resulted in an acquittal. See *id.* Rather, the defense must show that "the favorable evidence could reasonably be taken to put the whole case in such a different light as to undermine confidence in the verdict." *Kyles*, 514 U.S. at 434.

In determining materiality, a court must consider the cumulative effect of the undisclosed evidence. See *Kyles*, 514 U.S. at 436-37. Thus, where a witness has been thoroughly impeached by the defense at trial, additional undisclosed impeachment evidence may be deemed cumulative. See, e.g., *Jackson*, 194 F.3d at 648-50 (undisclosed witness statements showing incon-

sistencies deemed cumulative of other inconsistent statements in possession of defense); *United States v. Orena*, 145 F.3d 551, 558-60 (2d Cir. 1998) (evidence that informant routinely lied to government about other crimes deemed cumulative of other impeachment evidence). Another factor bearing on materiality is the admissibility of the undisclosed evidence. If most of the undisclosed material is inadmissible, its cumulative effect may be deemed minimal. See, e.g., *United States v. Sarno*, 73 F.3d 1470, 1504-05 (9th Cir. 1995). On the other hand, some courts have found that inadmissible evidence may be material where its disclosure would have led to the discovery of admissible evidence. See *Felder v. Johnson*, 180 F.3d 206, 212-13 & n.7 (5th Cir. 1999).

Information relating to proffer sessions is also potentially discoverable under the Jencks Act, 18 U.S.C. 3500. Under the Jencks Act, the government must produce all statements of a government witness in the government's possession that relate to the subject matter of the witness's testimony. See 18 U.S.C. 3500(b). A statement is defined as: (1) a written statement made by the witness that has been signed or otherwise adopted or approved by him; (2) a contemporaneously recorded and substantially verbatim recital of an oral statement made by the witness; or (3) a statement made by the witness to the grand jury. See 18 U.S.C. 3500(e). Unlike *Brady* material, which must be disclosed in time for effective use at trial, Jencks statements need only be disclosed after the witness has testified on direct examination. See 18 U.S.C. 3500(a).

The Jencks Act has important implications in the cooperation context. A witness proffer may fall within the scope of Jencks if, for example, it is submitted in written form or recorded during a proffer session. Those proffers that are not "favorable" or "material" under *Brady* may thus be discoverable under Jencks, although disclosure is not required until after the witness's direct examination. Where a witness statement constitutes both *Brady* and Jencks material, however, courts differ as to which doctrine governs the timing of disclosure. See *United States v. Beckford*, 962 F.

Supp. 780, 791 (E.D. Va. 1997) (collecting cases). Statements of prospective cooperators who do not ultimately testify as government witnesses, as well as statements not relating to the subject matter of witness testimony, remain governed by *Brady* and Federal Rule of Criminal Procedure 16. See, e.g., *United States v. Mills*, 810 F.2d 907, 910 (9th Cir. 1987).

III. UNITED STATES V. SUDIKOFF

A recent case from the Central District of California illustrates the complexity of these discovery issues in the cooperation context. In *United States v. Sudikoff*, 36 F. Supp. 2d 1196 (C.D. Cal. 1999), the court granted a motion for the pretrial discovery of a wide range of material concerning proffers by accomplice witnesses. In that case, the defendants were charged with various securities and related violations. The government based its case in part on the expected testimony of at least one cooperating witness, who had reached an immunity agreement with the government only after several months of communications regarding his possible testimony.

The defendants sought production of documents and other evidence concerning communications between the government and cooperating witnesses or their counsel, including materials relating to “proffer sessions.” The defendants argued that proffers and any notes from proffer sessions were discoverable under *Brady* and *Giglio*, as material bearing on the credibility and motives of cooperating witnesses, as well as under the Jencks Act.

The court’s opinion reviewing this request is notable for four reasons: (1) its application of the materiality element; (2) its analysis of the factor of admissibility; (3) its broad view of the value of proffer session materials; and (4) its discussion of discovery proffers under the Jencks Act. These matters are addressed in turn.

A. Materiality in the Pretrial Context

In addressing whether the requested material

fell within the scope of *Brady*, the *Sudikoff* court considered the difficulty of applying the “materiality” element to a pretrial discovery request. The court noted that appellate decisions defining the *Brady* obligation apply a post-trial perspective, viewing the materiality of disputed evidence in light of a fully developed record. “Whether disclosure would have influenced the outcome of a trial can only be determined after the trial is completed and the total effect of all the inculpatory evidence can be weighed against the presumed effect of the undisclosed *Brady* material.” *Id.* at 1198-99. This analysis, the court noted, could not be applied in the context of a pretrial discovery request.

The court also likened the post-trial materiality standard to harmless error review. The court compared the *Brady* materiality standard to the prejudice prong of an ineffective assistance of counsel claim. See *Strickland v. Washington*, 466 U.S. 668, 694 (1984) (drawing prejudice standard from *Brady* materiality standard). The court found that, just as performance of counsel may be improperly deficient without being prejudicial, “so suppression of exculpatory evidence is improper even if it does not satisfy the materiality standard of *Brady* and result in a due process violation. Though an error may be harmless, it is still error.” *Sudikoff*, 36 F. Supp. 2d at 1199. In the pretrial context, the court concluded, it would be “inappropriate” to apply the materiality element to a *Brady* claim. *Id.* at 1199. Rather, the court held, “the government is obligated to disclose all evidence relating to guilt or punishment which might reasonably be considered favorable to the defendant’s case.” *Id.*

At least one other court has approached a similar analysis to *Brady* claims in the pretrial context. In *Daughtry v. Dennehy*, 946 F. Supp. 1053, 1059 n.2 (D. Mass. 1996), a district court noted that “the analytic framework established by *Brady* . . . speaks to the situation that arises post-trial.” In contrast, the court recognized appellate attempts to give “meaningful life” to the *Brady* obligation in the context of pretrial discovery. *Id.* “At that point, given the very nature of the adversary process, neither the government nor the

defense, much less the Court, can say with any real certainty what ultimately will prove material. In the pre-trial situation, therefore, materiality is largely in the eye of the beholder." *Id.*

These holdings call into question the continuing validity of the *Brady* materiality element as a basis for pretrial discovery orders. As noted in Section II above, materiality is an essential element of a *Brady* violation. Accordingly, the appellate courts typically define the prosecution's duty of disclosure as restricted by the materiality element. See, e.g., *Spicer v. Roxbury Correctional Inst.*, 194 F.3d 547, 559 (4th Cir. 1999) (holding that favorable evidence must only be disclosed if it is material). There is some appellate authority, however, supporting the *Sudikoff* court's view. In *Brady* itself, for example, the Supreme Court recognized that the government's suppression of evidence favorable to the accused "casts the prosecutor in the role of an architect of a proceeding that does not comport with standards of justice." *Brady*, 373 U.S. at 87. The Court then continued: "The question remains whether petitioner was denied a constitutional right." *Id.* This discussion implies that the government's suppression of favorable evidence is improper whether or not it amounts to a *Brady* violation. Similarly, in its most recent case defining the *Brady* obligation, the Supreme Court emphasized the "special" role of a criminal prosecutor as a seeker of truth and justice. *Strickler*, 527 U.S. at 281. The Court then distinguished the "prosecution's broad duty of disclosure" from its holding "that not every violation of that duty necessarily establishes that the outcome was unjust." *Id.* These cases arguably imply that the government's "duty of disclosure" under *Brady* is broader than the scope of an actual due process violation.

On the other hand, there is explicit authority rejecting such a distinction. In particular, the Supreme Court has found that such a distinction would undermine the constitutional basis for the *Brady* obligation:

[U]nless the omission deprived the defendant of a fair trial, there was no

constitutional violation requiring that the verdict be set aside; and absent a constitutional violation, there was no breach of the prosecutor's constitutional duty to disclose. . . . [T]o reiterate a critical point, the prosecutor will not have violated his constitutional duty of disclosure unless his omission is of sufficient significance to result in the denial of the defendant's right to a fair trial.

Bagley, 473 U.S. at 675-76 (quoting *United States v. Agurs*, 427 U.S. 97, 108 (1976)). Significantly, the Supreme Court has also explicitly rejected a "harmless error" rule in the *Brady* context "because under that rule every non-disclosure is treated as error, thus imposing on the prosecutor a constitutional duty to deliver his entire file to defense counsel." *Bagley*, 473 U.S. at 680. The Court found that such a broad interpretation of *Brady*, whereby "the prosecutor commits error by any failure to disclose evidence favorable to the accused, no matter how insignificant," would impermissibly burden the prosecutor, undermine the finality of judgments, and disrupt the adversarial process. *Id.* at 675 & n.7.

B. Admissibility of Witness Proffers

The *Sudikoff* court also addressed the argument that materials relating to proffer sessions were not discoverable because they would be inadmissible at trial. Although the admissibility of potential *Brady* material is usually considered as a factor bearing on its materiality, the court instead addressed this issue in the context of the definition of "evidence favorable to an accused." *Sudikoff*, 36 F. Supp. 2d at 1199-1200. The court rejected the restrictive view that the *Brady* obligation only encompasses admissible evidence. See *id.* at 1200. The court also rejected, as overly broad and inconsistent with established authority, the view that *Brady* encompasses inadmissible materials that would merely "assist in the defense's trial preparation." *Id.* Rather, the court held that the government must disclose all favor-

able information “that is either admissible or is reasonably likely to lead to admissible evidence.” *Id.*

This holding is consistent with appellate authority. As noted in Section II above, where the bulk of disputed *Brady* material is inadmissible, its cumulative effect may be deemed minimal. However, the materiality element is often deemed satisfied where the disclosure of inadmissible evidence would have led to the discovery of admissible evidence. See *Felder v. Johnson*, 180 F.3d 206, 212-13 (5th Cir. 1999); *United States v. Kennedy*, 890 F.2d 1056, 1059 (9th Cir. 1989).

The court further held that the witness proffers sought by the defense in that case were likely to lead to admissible evidence. See *Sudikoff*, 36 F. Supp. 2d at 1203. The court noted the possibility that, after further investigation, the defense could corroborate information obtained in witness proffers with admissible evidence. See *id.* at 1203-1204. Even apart from that possibility, however, the court found that witness proffers could be used at trial to impeach a cooperator’s testimony or to elicit testimony by refreshing his recollection. See *id.* at 1204.

C. Value of Witness Proffers

The *Sudikoff* court also considered whether witness proffers and related materials are favorable under *Brady*. In addressing this issue, the *Sudikoff* court took a broad view of the value of such material to the defense:

[P]roffers of an accomplice witness that led to a leniency agreement and information that reveals the negotiation pursuant to which that agreement was reached might reasonably be considered favorable to the defendant’s case. This is for two reasons. First, to the extent the proffers and other information reveal that the witness’s proposed testimony may have varied over time, they may reveal inconsistencies relevant to the accomplice witness’s

credibility and within the scope of *Brady*. Second, to the extent the proffers and other information reveal the accomplice witness’s motives and desire to seek an immunity agreement, they are relevant to the witness’s credibility and within the scope of *Giglio*.

Id. at 1201-1202.

The court held that any variations in a cooperator’s proposed testimony must be disclosed to the defense. Although noting that variations in witness proffers might be a natural result of a lengthy negotiation process, the court found that such inconsistencies could also reflect a cooperator’s tendency to embellish the truth. See *id.* at 1202. Absent detailed knowledge of the defense strategy, the court emphasized, neither the court nor the government was in a position to determine which inconsistencies were important. See *id.* The court further held that information revealing the negotiation of a leniency agreement was discoverable under *Brady* and *Giglio*. See *id.* at 1203. The court noted that the context of witness proffers may reveal a cooperator’s motives to testify, such as a desire to seek leniency. See *id.* Moreover, “information that illuminates the process leading up to the agreement may ‘cast a shadow’ on an accomplice witness’s credibility in a manner that disclosure of only the agreement itself would not accomplish.” *Id.*

This broad view of the utility of witness proffers accords with several recent appellate decisions. In *United States v. Service Deli, Inc.*, 151 F.3d 938 (9th Cir. 1998), the defendant corporation was convicted of making a false statement to a government agency. At trial, the prosecution’s key witness was the corporation’s president, who presumably testified pursuant to a cooperation agreement. The government disclosed typewritten summaries of seven proffer sessions with the cooperator, but not the interviewing attorney’s rough notes of those sessions. On review, the Ninth Circuit found that the government’s failure to disclose the rough notes constituted a *Brady* violation. See *id.* at 944. Specifically, the court

found that the undisclosed rough notes revealed three key pieces of information: that the cooperator changed his story after being confronted with prior inconsistencies; that he may have changed his story due to a desire for leniency; and that inconsistencies may have been caused by a stroke that affected the cooperator's memory. *See id.* Because the prosecution's entire case rested on the testimony of the cooperator, the court found that the undisclosed notes were unquestionably material. *See id.*

Similarly, in *Spicer v. Roxbury Correctional Inst.*, 194 F.3d 547 (4th Cir. 1999), the court found a Brady violation where an undisclosed proffer by a cooperator's attorney differed from the cooperator's subsequent statements to the prosecution. In that case, an informant told his attorney that the defendant had been acting suspiciously several days before the commission of an assault, but denied being an eyewitness. *See id.* at 551. The attorney proffered this information to the prosecution. *See id.* In subsequent interviews with the prosecution, as well as in testimony before the grand jury and at trial, the informant stated that he had seen the defendant fleeing the scene of the assault. *See id.* On review, the Fourth Circuit found that the undisclosed discrepancy was unquestionably favorable and material to the defense. *See id.* at 556, 560.

The court noted that the prosecutor had genuinely failed to recognize the import of the discrepancy, having discounted the reliability of the earlier attorney proffer. *See id.* at 558. Nevertheless, the court found that the prosecutor had breached his Brady obligation:

[W]e do not hold that the prosecutor is obligated under *Brady* to seek out or to uncover inconsistencies in the versions of events that a witness presents to his own attorney in preparation for plea negotiations. . . . Nor do we hold that the prosecutor is obligated to disclose potentially exculpatory material contained in the back-and-forth hypothesizing that commonly occurs during

plea negotiations between the prosecution and defense attorneys. But when the prosecutor receives information that he, as an objectively reasonable prosecutor, should recognize as exculpatory or of impeachment value, he is under a duty to disclose it to the defendant if it is material.

Id.

D. Discovery of Witness Proffers Under the Jencks Act

Finally, the *Sudikoff* court addressed the defendants' request for discovery of witness proffers under the Jencks Act. Although the court declined to rule on this issue, it "highlight[ed] certain considerations" that would bear on such a determination. *Sudikoff*, 36 F. Supp. 2d at 1204. Significantly, the court rejected the argument that disclosure of proffers made to the government by a cooperator's lawyer would violate the attorney-client privilege. *See id.* The court held that the privilege did not protect a client's communications of proposed testimony to his lawyer, made with the intent that the communications be relayed to the government. *See id.* at 1205. The court also noted that, without conducting an in-camera review, it could not determine whether the witness proffers met the definition of a Jencks "statement." *See id.* The court predicted, however, that written proffer statements conveyed to the government and government notes of proffer sessions would likely be Jencks material. *See id.* Finally, the court held that proffer statements that merely reflected the negotiation process would not "relate to" a witness's testimony under Jencks. *See id.* at 1205-1206.

IV. RAMIFICATIONS

As the *Sudikoff* case illustrates, the prosecution's obligations under *Brady* and Jencks to disclose proffer materials have significant ramifications. For the prosecution, the boundaries of its

discovery obligations are unclear. Whether the prosecution takes notes of a proffer session, for example, may bear on its disclosure obligations. Notes could be discoverable under Jencks as well as *Brady*, affecting the timing of disclosure. Without notes, the prosecution would still be required under *Brady* to disclose its recollection of material discrepancies between various proffer sessions, but much of the detail that holds impeachment value would likely be lost. On the other hand, as in *Spicer*, a prosecutor who fails to take notes could be vulnerable to post-trial allegations that he improperly withheld favorable proffer materials. In either case, the prosecution bears new burdens to examine witness proffers for potential exculpatory and impeachment material. In fact, unless the prosecution believes the cooperator has information of significant value, it may view proffer sessions as little more than an opportunity to generate favorable defense evidence. Logically, the prosecution is also responsible for informal proffer sessions with investigators acting on the government's behalf, whether or not notes of such proffer sessions were taken.

For the defendant, discovery of proffer session materials is a mixed blessing. On the one hand, such materials potentially could be highly favorable to the defendant's case. On the other hand, when deciding whether to cooperate himself, the defendant may be deterred by the knowledge that purportedly confidential proffers could be disclosed to his accomplices. The prospect of disclosure, and the attendant burdens on the prosecu-

tion, may also make efforts to cooperate with the government more complicated and difficult.

Another concern is the possibility that cooperation could create conflicts for defense lawyers. A cooperator's lawyer will usually either convey his client's proffer or be present when the proffer is made. If proffer sessions are later the basis of an alleged *Brady* violation, the defense lawyer would be uniquely positioned to testify as to undisclosed proffer materials. As in *Spicer*, for example, a defense lawyer could be called as a witness to impeach his own client regarding the content of a proffer. A similar issue could arise if attempts at cooperation are unsuccessful in a multi-defendant case. A proffer may be both inculpatory to the prospective cooperator and favorable to his co-defendants. In addition to confronting a *Bruton* issue, the cooperator's lawyer would again face the prospect of testifying regarding his client's proffer.

As the above examples illustrate, the potential disclosure of witness proffers adds new complexities to the cooperation process. Whether or not the government's discovery obligations come to be as widely defined as in the *Sudikoff* case, all parties to a white-collar case must be alert to these new concerns.

Endnotes

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