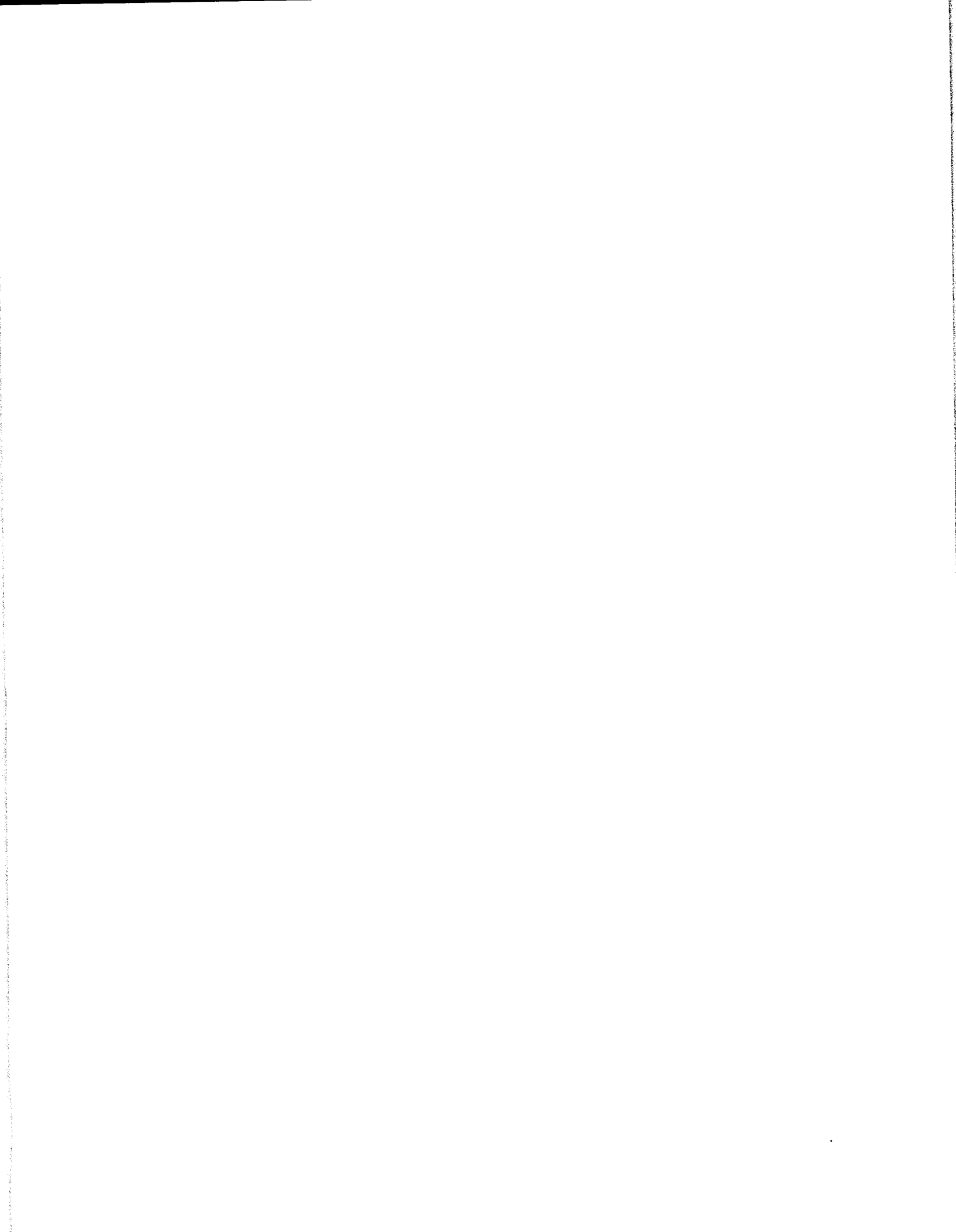


**CRIMINAL JUSTICE ACT PLAN  
of the  
UNITED STATES DISTRICT COURT  
for the  
WESTERN DISTRICT OF PENNSYLVANIA**

*Adopted pursuant to the Criminal Justice Act of 1964, as  
amended. This Local Plan was last revised December 15,  
2015.*



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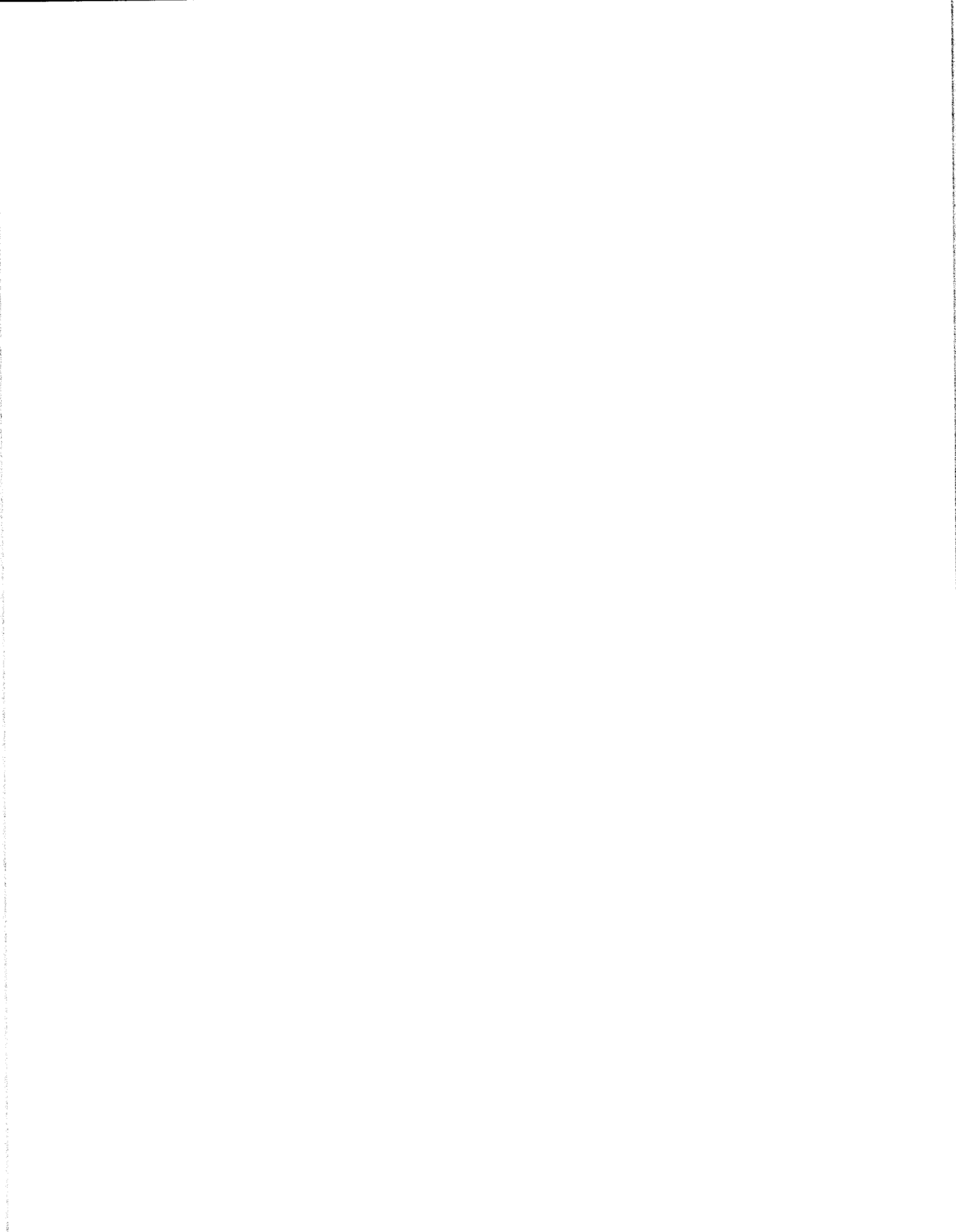
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**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

**CRIMINAL JUSTICE ACT PLAN**

**I. AUTHORITY**

Pursuant to the Criminal Justice Act of 1964, as amended, Title 18, United States Code, § 3006A (“CJA”), and the Guidelines for Administering the Criminal Justice Act and Related Statutes, Volume 7A, of the Guide to Judiciary Policy (“CJA Guidelines”), the judges of the United States District Court for the Western District of Pennsylvania adopt this Plan for furnishing representation in federal court for any person financially unable to obtain adequate representation in accordance with the CJA.

**II. STATEMENT OF POLICY**

A. Objectives.

1. The objective of this Plan is to attain the ideal of equality before the law for all persons. Therefore, this Plan shall be administered so that those accused of crime, or otherwise eligible for services pursuant to the CJA, will not be deprived, because they are financially unable to pay for adequate representation, of any element of representation necessary to an adequate defense.
2. The further objective of this Plan is to particularize the requirements of the CJA, the USA Patriot Improvement and Reauthorization Act of 2005 (recodified at 18 U.S.C. § 3599), and the CJA Guidelines in a way that meets the needs of this District.

B. Compliance.

1. The court, its clerk, Federal Defender organizations, and private attorneys appointed under the CJA, shall comply with the CJA Guidelines approved by the Judicial Conference of the United States and its Committee on Defender Services and with this Plan.
2. Each private attorney shall be provided by the clerk of court with a then-current copy of the CJA Guidelines and of this Plan upon the

attorney's first appointment under the CJA or designation as a member of the Panel of Private Attorneys under the CJA. The clerk shall maintain a current copy of the CJA Guidelines for the use of members of the CJA Plan and shall make known to such attorneys its availability.

### III. DEFINITIONS

- A. "Representation" includes counsel and investigative, expert and other services.
- B. "Appointed Attorney" includes private attorneys and staff attorneys of Federal Defender Organizations.

### IV. PROVISION OF REPRESENTATION

- A. Circumstance.
  - 1. Mandatory. Representation shall be provided for any financially eligible person who:
    - a. is charged with a felony or with a Class A misdemeanor;
    - b. is a juvenile alleged to have committed an act of juvenile delinquency as defined in § 5031 of Title 18, United States Code;
    - c. is charged with a violation of probation, or faces a change of a term or condition of probation (unless the modification sought is favorable to the probationer and the government has not objected to the proposed change);
    - d. is under arrest, when such representation is required by law;
    - e. is entitled to appointment of counsel in parole proceedings;
    - f. is charged with a violation of supervised release or faces modification, reduction, or enlargement of a condition or extension or revocation of a term of supervised release;
    - g. is subject to a mental condition hearing under chapter 313 of Title 18, United States Code;



- h. is in custody as a material witness;
  - i. is seeking to set aside or vacate a death sentence under sections 2254 or 2255 of Title 28, United States Code;
  - j. is entitled to appointment of counsel in verification of consent proceedings pursuant to a transfer of an offender to or from the United States for the execution of a penal sentence under section 4109 of Title 18, United States Code;
  - k. is entitled to appointment of counsel under the Sixth Amendment to the Constitution; or
  - l. faces loss of liberty in a case and federal law requires the appointment of counsel.
2. Discretionary. Whenever a judge or United States magistrate judge determines that the interests of justice so require, representation may be provided for any financially eligible person who:
- a. is charged with a petty offense (Class B or C misdemeanor, or an infraction) for which a sentence to confinement is authorized;
  - b. is seeking relief under sections 2241, 2254, or 2255 of Title 28, United States Code (other than to set aside or vacate a death sentence);
  - c. is charged with civil or criminal contempt and faces loss of liberty;
  - d. has been called as a witness before a grand jury, a court, the Congress, or a Federal agency or commission which has the power to compel testimony, and there is reason to believe, either prior to or during testimony, that the witness could be subject to self-incrimination, a criminal prosecution, a civil or criminal contempt proceeding, or face loss of liberty;
  - e. is proposed by the United States Attorney for processing under a pretrial diversion program; or

- f. is held for international extradition under chapter 209 of Title 18, United States Code.

Representation may also be furnished for financially eligible persons in ancillary matters appropriate to the proceedings pursuant to subsection (c) of the CJA.

B. When Counsel Shall Be Provided.

Counsel shall be provided to eligible persons as soon as feasible after they are taken into custody, when they appear before a magistrate judge or judge, when they are formally charged or notified of charges if formal charges are sealed, or when a magistrate judge or judge otherwise considers appointment of counsel appropriate under the CJA, whichever occurs earliest.

Appointment of Counsel may be retroactive to include representation furnished pursuant to this plan prior to appointment.

C. Number and Qualifications of Counsel.

1. Number. More than one attorney may be appointed in any case determined by the court to be extremely difficult. In a capital case, the following applies:
  - a. Federal Capital Prosecutions. Pursuant to 18 U.S.C. § 3005, a person charged with a federal capital offense is entitled to the appointment of two attorneys, at least one of whom shall be learned in the law applicable to capital cases. Pursuant to 18 U.S.C. § 3599(a)(1)(B), if necessary for adequate representation, more than two attorneys may be appointed to represent a defendant in such a case.
  - b. Habeas Corpus Proceedings. Pursuant to 18 U.S.C. § 3599(a)(2), a financially eligible person seeking to vacate or set aside a death sentence in proceedings under 28 U.S.C. § 2254 or 2255 is entitled to appointment of one or more qualified attorneys. Due to the complex, demanding, and protracted nature of death penalty proceedings, judicial officers should consider appointing at least two counsel.

2. Qualifications. Qualifications for appointed counsel shall be determined by the court. In capital cases, the following also applies:
  - a. Appointment of Counsel Prior to Judgment. Pursuant to 18 U.S.C. § 3599(b), at least one of the attorneys appointed must have been admitted to practice in the court in which the case will be prosecuted for not less than five years, and must have had not less than three years experience in the actual trial of felony prosecutions in that court. Pursuant to 18 U.S.C. § 3005, at least one of the attorneys appointed must be knowledgeable in the law applicable to capital cases.

Pursuant to 18 U.S.C. § 3005, in appointing counsel in federal capital prosecutions, the court shall seek and consider the recommendation of the Federal Public Defender.
  - b. Appointment of Counsel After Judgment. Pursuant to 18 U.S.C. § 3599(c), at least one of the attorneys appointed must have been admitted to practice in the court of appeals for not less than five years, and must have had not less than three years' experience in the handling of appeals in felony cases in the court.

D. Eligibility for Representation.

1. Fact-finding. The determination of eligibility for representation under the CJA is a judicial function to be performed by a district judge or magistrate judge after making appropriate inquiries concerning the person's financial condition. If eligibility is unclear, representation shall be provided and the person seeking such representation shall be advised that, if it is later determined by a judge that he or she was not eligible for court-appointed counsel, whole or partial repayment for services rendered will be required.
2. Disclosure of Change in Eligibility. If, at any time after appointment, counsel obtains information that a client is financially able to make payment, in whole or in part, for legal or other services in connection with his or her representation, and the source of the attorney's information is not protected as a privileged communication, counsel shall advise the court.

## V. FEDERAL PUBLIC DEFENDER ORGANIZATION

### A. Establishment.

1. The existing Federal Public Defender Organization for the Western District of Pennsylvania, previously established in this district pursuant to the provisions of the CJA, is hereby recognized as the Federal Public Defender Organization for this district.
2. The Federal Public Defender Organization shall be capable of providing legal services throughout the district.

B. Supervision of Defender Organization. The Federal Public Defender shall be responsible for the supervision and management of the Federal Public Defender Organization. Accordingly, the Federal Public Defender shall be appointed in all cases assigned to that organization for subsequent assignment to staff attorneys at the discretion of the Federal Public Defender.

C. Management of CJA Panel. The Federal Public Defender shall be responsible for the systematic distribution of cases to the CJA Panel and for the management of the CJA Panel on behalf of the District Court, in accordance with the provisions of the Plan for Composition, Administration, and Management of the CJA Panel of Private Attorneys under the Criminal Justice Act, found in Section XI of this CJA Plan.

## VI. PRIVATE ATTORNEYS

A. Establishment of CJA Panel. The existing, previously established panel of private attorneys (CJA Panel) who are eligible and willing to be appointed to provide representation under the CJA is hereby recognized. At any time, the chief judge or the Panel Selection and Review Committee may require a CJA Panel Member to supply non-privileged information concerning his or her qualifications, training, background or experience.

B. Organization. The CJA Panel shall be organized according to the Plan for the Composition, Administration, and Management of the Panel of private attorneys under the CJA, as provided in Section XI of this Plan. A separate Panel shall be established for each of the Pittsburgh, Erie and Johnstown Divisions. However, this division shall not prohibit the court where appropriate from appointing a Panel member from one division to serve in another division, nor prohibit the court on the basis of geographic

considerations from allowing a Panel member to serve in two or more divisions.

- C. Appointments. Counsel furnishing representation under the Plan shall be selected from the Panel of attorneys designated or approved by the court or from the defender organization. However, when the district judge presiding over the case, or the chief judge if a district judge has not yet been assigned to the case, determines that the appointment of an attorney who is not a member of the CJA Panel, is in the interest of justice, judicial economy, or continuity of representation, or there is some other compelling circumstance warranting his or her appointment, the attorney may be admitted to the CJA Panel *pro hac vice* and appointed to represent the CJA defendant.

Consideration for preserving the integrity of the Panel selection process suggests that such appointments should be made only in *exceptional circumstances*. Further, the attorney, who may or may not maintain an office in the district, should possess such qualities as would qualify him or her for admission to the district's CJA Panel in the ordinary course of Panel selection.

In all cases where appointments are made to attorneys who are not members of the CJA Panel, the appointing judge shall notify the Federal Public Defender as to the name of the attorney appointed, the date of the appointment, and the circumstances warranting the appointment.

- D. Ratio of Appointments. Where practical and cost effective, private attorneys from the CJA Panel shall be appointed in a substantial number of the cases in which the accused is determined to be financially eligible for representation under the CJA. "Substantial" is defined as approximately 25% of the appointments under the CJA annually throughout the district.

## **VII. REPRESENTATION IN STATE DEATH PENALTY HABEAS PROCEEDINGS UNDER 28 U.S.C. §2254**

Appointment of Counsel. The court shall appoint counsel to represent financially eligible persons seeking habeas corpus relief in death penalty proceedings under sections 2254 and 2555 of Title 28, United States Code. The appointment of counsel shall be made to the Capital Habeas Unit of the Federal Public Defender for the Western District of Pennsylvania. If the Capital Habeas Unit is unable to undertake representation, it will inform the court and seek assistance from another Capital Habeas Unit within the Third Federal Judicial Circuit. If no other Capital Habeas Unit is able to accept an appointment, the court shall appoint private attorneys who are members of the District's CJA Panel and who qualify for

appointment pursuant to section 3599 of Title 18, United States Code. *See also* IV.C.1.b. of this Plan.

In appointing counsel in federal habeas corpus cases, the court shall seek and consider the recommendation of the federal public defender.

Before appointment of counsel in a capital habeas case, the court should obtain the consent of the defender or other counsel the court seeks to appoint.

## **VIII. DUTIES OF APPOINTED COUNSEL**

- A. Standards. The services to be rendered a person represented by appointed counsel shall be commensurate with those rendered if counsel were privately employed by the person.
- B. Professional Conduct. Attorneys appointed pursuant to the CJA shall conform to the highest standards of professional conduct, including but not limited to the provisions of the Pennsylvania Rules of Professional Conduct. In all capital proceedings, counsel are expected to comply with the American Bar Association's Guidelines for the Appointment and Performance of Defense Counsel in Death Penalty Cases.
- C. No Receipt of Other Payment. Appointed counsel may not require, request, or accept any payment or promise of payment or any other valuable consideration for representation under the appointment, unless such payment is approved by order of the court.
- D. Continuing Representation. Once counsel is appointed under the CJA, counsel shall continue the representation until the matter, including appeals or review by certiorari, is closed; until substitute counsel has filed a notice of appearance; until an order has been entered allowing or requiring the person represented to proceed pro se; or until the appointment is terminated by court order.

## **IX. DUTIES OF LAW ENFORCEMENT AND RELATED AGENCIES**

- A. Presentation of Accused for Appointment of Counsel. Federal law enforcement and prosecutorial agencies, Probation Officers, and Pretrial Services Officers in this district, and those acting on their behalf, shall promptly ask any person who is in custody, or who otherwise may be entitled to counsel under the CJA, whether he or she is financially able to secure representation, and shall, in such cases in which the person indicates that he or she is not able, notify the Federal Public Defender, who shall discuss with the person the right to representation and to appointed counsel, and if appointment of counsel seems likely, assist in the completion of a financial affidavit (CJA Form 23) and arrange to have the person promptly presented before a magistrate judge or judge for determination of financial eligibility and appointment of counsel.
  
- B. Notice of Indictment or Criminal Information. Upon the return or unsealing of an indictment, the filing of a criminal information, or the filing of a petition to modify or revoke probation, the United States Attorney or the United States Probation officer, shall mail or otherwise deliver forthwith a copy of the document to appointed counsel, or to the defendant if he is without counsel, at the address shown on defendant's bond papers or to the jail in which the defendant is incarcerated.

## **X. MISCELLANEOUS**

- A. Forms. Standard forms pertaining to the CJA and approved by the United States Judicial Conference or its Defender Services Committee and prescribed and distributed by the Director of the Administrative Office of the United States Courts, shall be used, where applicable, in all proceedings under this Plan.
  
- B. Claims. Claims for compensation of private attorneys providing representation under the CJA shall be submitted on the appropriate CJA form to the office of the Clerk of the Court. The Clerk or the Clerk's designee shall review the claim form for mathematical and technical accuracy and for conformity with the CJA Guidelines, and if correct, shall forward the claim form for consideration to the appropriate judge or magistrate judge. The judicial officer shall exert his or her best effort to avoid delays in reviewing payment vouchers and in submitting them for further processing.
  
- C. Supersession. This Plan supersedes all prior Criminal Justice Act Plans of this District.

**XI. PLAN FOR THE COMPOSITION, ADMINISTRATION AND MANAGEMENT OF THE PANEL OF PRIVATE ATTORNEYS UNDER THE CRIMINAL JUSTICE ACT**

A. Composition of Panel of Private Attorneys.

1. CJA Panel.

- a. Approval. The court shall establish a panel of private attorneys (hereinafter referred to as the “CJA Panel”) who are eligible and willing to be appointed to provide representation under the Criminal Justice Act (CJA). The court shall approve attorneys for membership on the Panel after receiving recommendations from the “Panel Selection and Review Committee” established pursuant to Section XI.A.2. of this Plan. Members of the CJA Panel shall serve at the pleasure of the court, and may be added or removed from the panels at any time as the District Court shall see fit. The District Court may also suspend an attorney from the Panel until he or she presents evidence that he or she has received training in a particular area of criminal law.
- b. Size. The Panel Selection and Review Committee shall review the size of the CJA Panel annually to determine how many CJA Panel attorneys are needed to handle the CJA caseload and make a recommendation to the court. The Panel shall be large enough to provide a sufficient number of experienced attorneys to handle the number of cases, yet small enough so that Panel members will receive an adequate number of appointments to maintain their proficiency in federal criminal defense work, and thereby provide a high quality of representation. In making a determination, the court shall consider factors, including the number of cases appointed to CJA counsel over the preceding three years.
- c. Eligibility. Attorneys who serve on the CJA Panel must be members in good standing of the federal bar of this district, and have demonstrated experience in, and knowledge of, the Federal Rules of Criminal Procedure, the Federal Rules of Evidence, the Federal Rules of Appellate Procedure, the United States Sentencing Guidelines, and the Rules of Professional Conduct.



- d. Application. Application forms for membership on the CJA Panel shall be made available, upon request, by the Federal Public Defender or Clerk of Court. Completed applications shall be submitted to the Federal Public Defender, who will forward the applications to the Panel Selection and Review Committee in advance of the Committee's annual meeting, as directed by the chief judge.
- e. Equal Opportunity. All qualified attorneys shall be encouraged to participate in the furnishing of representation in CJA cases, without regard to race, color, religion, gender, age, national origin, sexual orientation or disabling condition.
- f. Qualifications. An attorney seeking initial membership on the CJA Panel must, during the four years prior to the application, have served for at least two years in a state or federal clerkship, have served for at least two years in a state or federal public defender's or prosecutor's office, or have served for at least three years in private practice with state and federal felony cases making up 25% or more of the attorney's overall caseload.

An attorney seeking initial membership must also have:

- i. attended at least one two-hour seminar on a federal sentencing topic within one year of application;
  - ii. attended at least one two-hour seminar on a federal criminal defense topic within one year of application; and
  - iii. been counsel or second chair for one federal criminal trial or guilty plea within one year of application.
- g. Term. The initial CJA Panel established pursuant to this amended plan will be divided into three groups, roughly equal in number. Members will be assigned to one of the three groups on a random basis. Members of the first group will serve on the panel for a term of one year; members of the second group will serve on the panel for a term of two years; and members of the third group will serve on the panel for a term of three years. Thereafter, all attorneys

admitted to membership on the CJA Panel will serve a term of three years.

The CJA Panel Selection and Review Committee may recommend to the court that applicants with limited trial or federal criminal practice experience be accepted to the CJA CJA Panel and placed on probationary status through the completion of the first three cases assigned to them. During the probationary period, the Panel member shall attend all training programs offered by the Federal Public Defender, except for good cause shown, and shall participate in the mentoring program outlined in section XI.A.3. The committee shall be notified by the Panel member upon completion of the probationary period. After consultation with the assigned mentors and the probationary member, the committee will review and recommend to the court either elevation to non-probationary status, a continuation of probationary status for a specified length of time, or removal from the Panel.

The committee may also recommend that some applicants to the CJA Panel be admitted only to the CJA Training Panel, described in Section XI.A.4.

- h. Reappointment. There will be no automatic renewal of membership on the CJA Panel. At the end of a term of service, Panel members will be notified by the court to submit a new application for review by the CJA Panel Selection and Review Committee if they intend to seek reappointment. The committee will review the application and may gather additional information, including but not limited to soliciting information from the court, to determine whether the applicant should be recommended for reappointment to the CJA Panel.

To be eligible for reappointment to the CJA Panel, an attorney shall, at a minimum, have completed at least eight hours of continuing legal education in federal criminal practice, including at least two hours on federal sentencing procedure, in each year of the prior three-year term.

In addition, an attorney seeking reappointment to the CJA Panel must have attended CJA training provided by the Federal Public Defender, and accepted appointments when offered, during the prior term of service.

i. Removal From the CJA Panel. The Panel Selection and Review Committee may determine a CJA Panel Member should be recommended for removal from the CJA Panel during a term of service. The Panel Selection and Review Committee provides recommendations to Board of Judges, which has the final authority for any and all recommendations regarding removal.

i. Mandatory Removal. Any member of the CJA Panel who is suspended or disbarred from the practice of law by a state court before whom such member is admitted, or who is suspended or disbarred from this court, shall be removed immediately from the CJA Panel.

ii. Automatic Disciplinary Review. There shall be an automatic disciplinary review of any CJA Panel member when (1) any public form of discipline has been taken against the Panel member by any licensing authority, grievance committee, or administrative body; or (2) a finding of contempt, sanction or reprimand has been issued against the Panel member by any state or federal court.

In the case of any of the circumstances outlined above in Sections XI.A.1.g.i or ii, the Panel member must immediately notify the chief district court judge of the background and nature of the action that has been taken against him or her.

iii. Complaints. A complaint against a CJA Panel member may be initiated by the Panel Selection and Review Committee, a judge, opposing counsel, another Panel member, or a member of the Federal Defender's Office. A complaint need not follow any particular form, but it must be in writing and state the alleged deficiency with specificity. Any complaint should be directed to the CJA Panel Selection and Review Committee. The committee shall determine whether further investigation is necessary.

If the committee decides to conduct an investigation, the Panel member against whom a

complaint is lodged must be notified of the specific allegations against him or her.

A Panel member against whom a complaint is lodged may respond in writing and shall, if so directed, appear before the committee or subcommittee thereof.

Prior to disposition of any complaint, the Board of Judges may recommend temporary removal of the CJA Panel member from any pending case, or from the Panel, and may take any other protective action that is in the best interest of the client or the administration of this Plan.

After investigation, the committee may recommend any of the following:

- Removing the attorney from the CJA Panel;
- Limiting the attorney's participation to particular types or categories of cases;
- Directing that the attorney complete specific CLE requirements before receiving further Panel appointments;
- Limiting the attorney's participation to handling cases which are directly supervised or overseen by another CJA Panel member or other experienced practitioner;
- Any other appropriate remedial action; or
- Dismissal of the complaint.

The Committee will forward its recommendation to the Board of Judges for consideration and final disposition. The Board of Judges may take any action deemed appropriate, whether or not recommended by the Committee.

Unless otherwise directed by the Board of Judges, any information acquired concerning any possible disciplinary action, including any complaint and any proceeding concerning it, shall be confidential.

None of these procedures should be deemed to create a proprietary interest in being on or remaining on the CJA Panel. *Roth v. King*, 449 F.3d 1272 (D.C.Cir. 2006).

- iv. Reapplication. Any attorney removed from the CJA Panel may reapply one year after removal, except that no attorney removed under the mandatory removal procedures may reapply until after any suspension is terminated.

2. Panel Selection and Review Committee.

- a. Membership. A Panel Selection and Review Committee shall be established by the court. The Committee shall be chaired by the Chief Judge and consist of the Chief Judge, the Chief Magistrate Judge, the Federal Public Defender, and up to five members of the CJA Panel approved by the Chief Judge, in consultation with the Federal Public Defender.

Collectively, the CJA Panel members will have 2 votes, and the Chief Judge, the Chief Magistrate Judge and Federal Public Defender will have one vote each.

- b. Term. The CJA Panel members on the Panel Selection and Review Committee will serve a maximum of two three-year terms, and their replacement will be staggered,
- c. Duties. The Panel Selection and Review Committee shall meet at least annually to consider applications for membership and to review the existing roster of attorneys. The Panel Selection and Review Committee shall meet at least annually to consider applications for membership from new applicants and those seeking readmission, and it will determine those persons best qualified to fill positions on the Panel. In order to facilitate the review of CJA Panel members serving on the Panel Selection and Review Committee, a special committee shall be formed, and its membership shall be the Chief Judge, the Chief Magistrate Judge and the Federal Public Defender.

If at any time during the course of a year, the number of vacancies due to resignation, removal or death significantly decreases the size of the Panel in any of the three divisions of the district, the Committee shall solicit applications,

convene a special meeting to review the qualifications of the applicants and select prospective members for recommendation to the court for approval. Any member selected to fill mid-term vacancies shall serve the remainder of the vacated term and be automatically renewed if the remainder of the vacated term served did not exceed eighteen months.

When the Committee submits the names of applicants for panel membership to the Court for approval, the Committee shall furnish information to the Court regarding recruitment efforts undertaken by the Committee in furtherance of the Equal Opportunity statement in Paragraph I.A.4. of this model plan.

Recruitment efforts to provide opportunities for women, minorities, and otherwise qualified persons with disabilities could include the following:

- Notifying bar associations composed of minorities, persons with disabilities, and women of the availability of panel membership;
- Advertising in legal journals targeted to persons with disabilities, minorities, and women to encourage panel membership;
- Informal person-to-person recruiting of persons with disabilities, minorities and women by panel administrators, and women and minority members of the panel, and members who have disabilities;
- Contacting current or former members of the panel or other prominent local attorneys who have disabilities or are minorities or women to seek recommendations of other persons with disabilities, minority and women practitioners.

3. Mentoring Program.

- a. CJA Panel Members are encouraged and expected to serve as mentors, without compensation, to Panel members on probationary status. The committee can also solicit experienced attorneys who are not on the CJA Panel to serve as mentors. Each Panel member on probationary status will be assigned three mentors – one for each of the probationary

member's first three cases. In the event that a conflict of interest arises, the committee will assign a new mentor. Each mentor will make himself or herself available to answer questions of and provide advice to the probationary member regarding the assigned case. If appropriate, the mentor may also allow the probationary member to observe and to participate in one of his or her federal cases, including client conferences, decisions concerning defense strategy, motion and trial preparation, and court appearances.

- b. Mentors will be expected to accommodate reasonable mentoring requests and endeavor to interact regularly with the probationary member while he or she is assigned a case. At the conclusion of the case, the mentor shall provide the CJA Panel Selection and Review Committee with a confidential assessment of the quality of representation provided by the probationary member. The committee shall establish procedures for the administration of this program, including but not limited the selection of mentors and a system for assignments.

- 4. CJA Training Panel. The CJA Training Panel consists of attorneys who have insufficient trial or federal criminal practice experience for membership on the CJA Panel, and who wish to gain experience in federal criminal practice. Training Panel members may be assigned, by the court, to assist members of the CJA Panel in a "second chair" capacity, with the consent of the appointed counsel and the defendant. Training Panel members are not eligible to receive appointments independently, and shall not be eligible to receive compensation for their services absent an exception, following application by appointed counsel and approval by the court. Prior service on the CJA Training Panel is not a requirement for membership on the CJA Panel, nor will service on the Training Panel guarantee admission of an attorney to the CJA Panel.

The CJA Panel Selection and Review Committee shall provide a list of Training Panel members to the Federal Public Defender's Office, which will facilitate the assignment of Training Panel members to appointed cases.

B. Selection for Appointment.

1. Maintenance of List and Distribution of Appointments.

The Federal Public Defender shall maintain a current list of all attorneys included on the CJA Panel, with current office addresses and telephone numbers, as well as a statement of qualifications and experience. The Federal Public Defender shall furnish a copy of this list to the Chief Judge, each judge and magistrate judge and the Clerk of Court. The court shall also maintain a public record of assignments to CJA Panel members, and, when appropriate, statistical data reflecting the proration of appointments between attorneys from the Federal Public Defender office and the Panel, according to the formula described in the CJA Plan for the District.

2. Method of Selection.

Upon the determination of a need for the appointment of counsel, the judge or magistrate judge shall notify the Federal Public Defender of the need for counsel and the nature of the case.

Appointments from the list of private attorneys should be made on a rotational basis, subject to exceptions for reasons which include the nature and complexity of the case, an attorney's experience, and geographical considerations. This procedure should result in a balanced distribution of appointments and compensation among the members of the CJA Panel, and quality representation for each CJA defendant.

The Federal Public Defender shall advise the judge or magistrate judge as to the status of distribution of cases, where appropriate, as between the Federal Public Defender and the panel of private attorneys when requested. If the judge or magistrate judge decides to appoint an attorney from the CJA Panel, the Federal Public Defender shall determine the name of the next Panel member on the list who has handled, or assisted in, a case of equal or greater complexity than the case for which appointment of counsel is required, and who is available for appointment, and shall provide the name to the appointing judge or magistrate judge.

In the event of an emergency, or on weekends, holidays, or other non-working hours of the Federal Public Defender's Office, the presiding judge or magistrate judge may appoint any attorney from the list. In all cases where members of the CJA Panel are appointed out of sequence, the appointing judge or magistrate judge shall



notify the Federal Public Defender as to the name of the attorney appointed and the date of the appointment.

C. Compensation - Filing of Vouchers.

Claims for compensation shall be submitted on the appropriate CJA form to the office of the Clerk of Court. The Clerk of Court, or his designee, shall review the claim form for mathematical and technical accuracy, and for conformity with the Guidelines for Administering the CJA and Related Statutes (Vol. 7A, Guide to Judiciary Policy), and, if correct, shall forward the claim form for the consideration and action of the presiding judge or magistrate judge. The hourly rate of compensation and case compensation maximums shall be as set forth in the Guidelines for Administering the CJA and Related Statutes (Vol. 7A, Guide to Judiciary Policy), Chap. 2, § 230, and Chap. 6, § 630, and in effect at the time the services are rendered. Where it is considered necessary and appropriate in a specific case, the presiding trial judge may arrange for periodic or interim payments to counsel. Guidelines for Administering the CJA and Related Statutes (Vol. 7A, Guide to Judiciary Policy), Chap. 2, § 230.73.10. In a non-capital case, if excess compensation is anticipated, written approval of the procedure must be obtained from the chief judge of the circuit or his or her delegate prior to the issuance of the order. Guidelines for Administering the CJA and Related Statutes (Vol. 7A, Guide to Judiciary Policy), Chap. 2, App'x 2C. In a capital case, "it is urged that the court permit interim payment of compensation" to counsel. Guidelines for Administering the CJA and Related Statutes (Vol. 7A, Guide to Judiciary Policy), Chap. 6, § 630.40 & App'x 2D.

D. Investigative, Expert and Other Services.

Investigative, expert or other services necessary to adequate representation, as authorized by subsection (c) of the CJA, shall be available to Panel Attorneys with prior authorization of the court. Claims for compensation shall be submitted on the appropriate CJA form to the office of the Clerk of Court. The Clerk of Court, or his designee, shall review the claim form for mathematical and technical accuracy, and for conformity with the Guidelines for Administering the CJA and Related Statutes (Vol. 7A, Guide to Judiciary Policy), and, if correct, shall forward the claim form for the consideration and action of the presiding judge or magistrate judge. The case compensation maximums shall be as set forth in the Guidelines for Administering the CJA and Related Statutes (Vol. 7A, Guide to Judiciary Policy), Chap. 3, § 310, and Chap. 6, § 660, and in effect at the time the services are rendered. Where it is considered necessary and appropriate in a specific case, the presiding trial judge may arrange for periodic or interim payments to an individual whose services are obtained under 18 U.S.C. § 3006A(e). Guidelines for Administering

the CJA and Related Statutes (Vol. 7A, Guide to Judiciary Policy), Chap. 3, § 310.60 & App'x 3B. In a capital case, "it is urged that the court or U.S. magistrate judge permit interim payment of compensation" to service providers. Guidelines for Administering the CJA and Related Statutes (Vol. 7A, Guide to Judiciary Policy), Chap. 6, § 660.40 & App'x 3C. If excess compensation is anticipated, written approval of the procedure must be obtained from the chief judge of the circuit or his or her delegate prior to issuance of the order. Guidelines for Administering the CJA and Related Statutes (Vol. 7A, Guide to Judiciary Policy), App'x 3B & 3C.

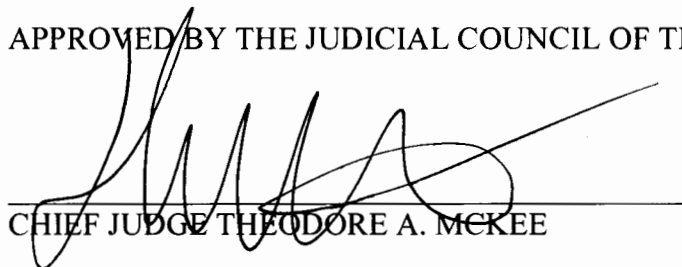
**XII. EFFECTIVE DATE.**

This Plan, as amended, shall take effect immediately upon its approval by the Judicial Council of the Third Circuit.

ENTER FOR THE COURT ON December 22, 2015

  
CHIEF JUDGE JOY FLOWERS CONTI

APPROVED BY THE JUDICIAL COUNCIL OF THE THIRD CIRCUIT

  
CHIEF JUDGE THEODORE A. MCKEE

ON 12/18/2015