



***CRIMINAL JUSTICE ACT  
TRAINING PANEL PROGRAM  
GUIDELINES***

*November 1, 2022*

## **I. INTRODUCTION**

Attorneys who do not have the requisite experience for membership on the regular Criminal Justice Act (CJA) Panel may be eligible to participate on the Training Panel, to assist members of the CJA Panel and the Federal Public Defender Office in a "second-chair" capacity and to gain the experience required to provide high quality representation in federal criminal cases to individuals who cannot afford to pay for those services. (*See* 18 U.S.C. § 3006A; *Guide to Judiciary Policies and Procedures*, Volume 7).

Attorneys on the Training Panel will participate in at least three cases. In the first two cases, the Training Panel member will work in a "second chair" capacity while being supervised by an attorney in the Federal Public Defender Office. On the third case, the Training Panel member will be assigned as the lead attorney under the supervision of an attorney in the Federal Public Defender Office. (If an attorney in the Federal Public Defender Office cannot be assigned to work with the Training Panel attorney, an attorney on the CJA Panel will be assigned instead.)

## **II. ADMINISTRATION OF THE CJA TRAINING PANEL PROGRAM**

The program will be administered by the Clerk's Office with assistance from the Panel Selection Committee. Attorneys from the Federal Public Defender Office and the CJA Panel will be assigned to supervise the Training Panel attorneys, as above. The Federal Public Defender Office will provide training programs in defending federal criminal cases and will direct Training Panel attorneys to other training programs, as well.

## **III. TRAINING PANEL**

**A. Eligibility Requirements.** To be admitted to the CJA Training Panel, attorneys must demonstrate:

1. Being admitted for at least three years to a state bar and being in good standing with such state bar.
2. Membership in good standing in the bar of the United States District Court for the District of Vermont.
3. A demonstrated commitment to providing criminal defense services to indigent clients.
4. Having completed at least one training seminar on the United States Sentencing Guidelines, within the last 24 months of applying.
5. Knowledge of the Federal Rules of Criminal Procedure and the Federal Rules of Evidence.
6. Having observed significant parts of at least three federal criminal cases.
7. Significant experience in in-court proceedings, preferably in criminal cases.

**B. Selection of Program Participants.** The CJA Panel Selection Committee will review applications for membership to the Training Panel and will select a list of attorneys recommended to participate in the program. The Clerk's Office will notify the selected attorneys.

**C. Length of Training Period.** An attorney will serve on the Training Panel until he/she meets the requirements to apply to be admitted to the Criminal Justice Act (CJA) Panel.<sup>1</sup> After completing the requirements, the Training Panel member may submit a cover letter and CJA Panel application to the clerk of court to be considered for the CJA Panel. The Panel Selection Committee will determine whether the participant should be accepted for membership on the CJA Panel. If the attorney does not meet the requirements within five years of being placed on the Training Panel, the attorney will be removed from the Training Panel. (Although it is anticipated the program will provide a Training Panel attorney the opportunity to gain the necessary experience to become a member of the CJA Panel, participation in the Training Panel program does not guarantee admission to the CJA Panel.)

**D. Removal from the Program.** An attorney on the Training Panel may be removed from the program if unable to meet the expectations of the program. The presiding Judicial Officer of the Panel Selection Committee will have the authority to remove an attorney from the Training Panel.

#### **IV. EXPECTATIONS FOR PARTICIPANTS IN THE TRAINING PANEL PROGRAM**

**A. Training Panel attorneys.** Attorneys on the Training Panel will be required to attend the training seminars sponsored by the Federal Public Defender Office and are expected to keep current with developments in federal criminal defense law, practice and procedure. On the cases to which they are assigned as "second-chair," Training Panel attorneys will assist the lead attorney. Lead attorneys shall have discretion regarding the extent of the second-chair attorney's involvement, depending on the unique needs of the case and the experience of the attorney. Second-chair attorneys will have the same professional responsibilities to the client and the court as in a case in which they are the lead attorney.

On the cases to which they are assigned as lead attorneys, Training Panel attorneys will be primarily responsible for managing the case, but shall consult regularly with, and initiate the necessary contacts with, the attorney who is appointed to supervise the case.

**B. Federal Public Defender Office or CJA panel members assigned as lead attorney.** When assigned as the lead attorney, the Federal Public Defender Office or CJA Panel attorney shall supervise the Training Panel second-chair attorneys. On the cases in which a

---

<sup>1</sup> Criminal Justice Act (CJA) Plan, District of Vermont, Part IX (C)(3), August 15, 2022.

Training Panel attorney is assigned as the lead attorney, the Training Panel attorney shall consult regularly with the attorney from the Federal Public Defender Office or CJA Panel attorney.

At the conclusion of the Training Panel attorney's cases, the supervising attorney (Federal Public Defender Office or CJA panel attorney) shall provide a confidential assessment of the quality of representation provided by the Training Panel attorney to the CJA Selection Committee.

**C. Non-Continuity of Representation by Training Panel Members.** Section VIII(E) of the CJA Plan for the District of Vermont provides that when an attorney is appointed pursuant to the CJA Plan, that representation shall remain continuous, including for any appeal or review taken by certiorari, and for certain other specified events. However, the requirement of continuity of representation set forth in the CJA Plan *does not apply* to second chair attorneys appointed pursuant to this Training Panel Program. Training Panel second chair appointments shall be terminated upon entry of the judgment.

## V. ASSIGNMENT OF CASES

The Clerk of Court will assign Training Panel members as second-chair attorneys to work with lead attorneys who are participating in the program, and will assign Training Panel members as lead attorneys to be supervised by a Federal Public Defender Office or CJA Panel attorney.

## VI. COMPENSATION AND EXPENSES

### A. Training Panel attorneys.

**1. Hourly Rates.** Compensation to be paid to CJA Training Panel members on the cases on which they are second-chair will be at \$125 per hour for in court and out-of-court services up to a maximum of \$2,700 per case. As explained below, if excess compensation is warranted, a training panel member may seek approval from the court for additional payment up to a maximum of \$8,000. See Sec. VI(D).

When assigned as the lead attorney, CJA Training Panel members shall be compensated at the rates paid to attorneys on the Criminal Justice Act Panel.

**2. Expenses.** The only expenses allowed to be incurred by a Training Panel attorney are travel-related, such as mileage and parking. Travel expenses will be reimbursed at the current mileage rate prescribed for federal judiciary employees at the time of the claim.

Any other expenses, such as costs associated with experts (including interpreters), investigators, reproduction of transcripts or briefs, computer-assisted legal research, filing fees, etc., shall not be reimbursable to a second-chair attorney. Rather, it is the responsibility of the lead attorney to bear these expenses and seek reimbursement when appropriate. (*See Guide*, Volume 7, Chapter II, Part C – Compensation and Expenses of Appointed Counsel and Chapter III, Parts A and B – Authorization and Payment for Investigative, Expert, or Other Services.)

**B. CJA Panel Attorneys.** CJA Panel members appointed as supervising attorneys for Training Panel lawyers who are acting as lead counsel shall be eligible for compensation up to \$2,700 per case.

**C. Payment Process.** Because CJA Training Panel attorneys will be providing legal services essential to the defense of the case, the services provided qualify as “other services necessary for the adequate representation of the defendant,” and may be compensated under the CJA. At the conclusion of a case, the CJA Training Panel attorney shall submit a request for compensation on a CJA 21 form in accordance with the Court’s eVoucher procedures. The form should include an itemization of services provided, by date, and indicate the number of hours (in hours and tenths of an hour) for each separate service provided. As in all CJA authorizations for “other services,” the claim for services shall be reviewed and approved by the lead/supervising attorney prior to the voucher being submitted to the Court for payment.

When assigned as lead counsel, compensation for CJA Training Panel members should be accomplished in the same manner as attorneys on the CJA Panel. Compensation is sought through the submission of a CJA 20 form in accordance with the Court’s eVoucher procedures.

Payments made to CJA Panel attorneys acting as supervising attorneys will continue to be paid from the United States District Court attorney admission fund (Special Court Fund). Claims for payment should be submitted to the Clerk of Court for review and approval.

**D. Excess Compensation.** Payment of amounts in excess of the \$2,700 maximum for “other services” will require certification of the District Judge and approval of the Second Circuit once the voucher is submitted. All claims for excess compensation shall be supported by a detailed memorandum justifying the need for the additional training time spent on the case. If payment in excess of the \$2,700 is warranted, under no circumstance shall the CJA Training Panel attorney be paid more than \$8,000 in any one case as a second chair attorney, regardless of the amount of time spent on the case.

## **VII. EFFECTIVE DATE**

This revision is effective November 1, 2022. These guidelines and all revised rates and case compensation maximums are applicable only to new appointments beginning on or after November 1, 2022.

*The Criminal Justice Act Training Panel Guidelines and the procedures specified herein are hereby APPROVED.*

*Dated at Burlington, in the District of Vermont, this 17th day of October, 2022.*



---

Geoffrey W. Crawford  
Chief Judge