



**CRIMINAL JUSTICE ACT
TRAINING PANEL PROGRAM**

GUIDELINES

I. INTRODUCTION

The United States District Court, in conjunction with the Panel Selection Committee, will oversee a pilot program in which attorneys who do not have the requisite experience for membership on the regular Criminal Justice Act (CJA) Panel will be eligible to assist members of the CJA Panel and the Federal Public Defender's Office in a "second-chair" capacity, to gain the necessary 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) The Federal Public Defender attorney or the CJA panel attorney in each case shall be the court-appointed counsel and will be referred to below as the "lead attorney." The training panel attorney shall be referred to as the "second-chair" attorney.

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. The assigned CJA Panel members and the Federal Public Defender's Office will supervise the second-chair attorneys. The Federal Public Defender's Office will provide training programs in defending federal criminal cases.

III. TRAINING PANEL

A. Eligibility Requirements

To be admitted to the CJA Training Panel, attorneys must demonstrate:

1. Three years admitted in good standing with a state Bar.
2. Membership in good standing in the Bar of the United States District Court for the District of Vermont.
3. Demonstrated commitment to providing criminal defense services to indigent clients.

4. Completion of at least one training seminar on the United States Sentencing Guidelines.
5. Knowledge of the Federal Rules of Criminal Procedure and the Federal Rules of Evidence.
6. Having observed at least parts of three federal criminal cases.

B. Selection of Program Participants

The Panel Selection Committee will select and forward to the court for its approval a list of the second-chair attorneys to participate in the program. The Clerk's Office will notify the selected attorneys.

C. Length of Training Period

A second-chair attorney will serve on the training panel until he/she completes the requirements for eligibility on the Criminal Justice Act Panel. The Training Panel member shall 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 forward to the court its recommendation as to whether the participant should be considered for membership on the CJA Panel. (Although it is anticipated the program will provide a second-chair attorney the opportunity to gain the necessary experience to become a member of the CJA Panel, participation in the program does not guarantee admission to it).

D. Removal or Resignation from the Program

A second-chair attorney may be removed from the program if unable to meet the expectations for training panel members. The presiding Judicial Officer of the Panel Selection Committee will have the authority to remove an attorney from the panel.

IV. EXPECTATIONS FOR PARTICIPANTS IN THE PROGRAM

A. Lead Attorney

Lead attorneys participating in the program shall supervise the second-chair attorneys. 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.

The lead attorney will have the ultimate responsibility and the final decision-making authority about legal strategy.

B. Second-Chair Attorneys

Second-chair attorneys will be required to attend the training seminars sponsored by the Federal Public Defender's Office for CJA Panel members, and expected to keep current with developments in federal criminal defense law, practice and procedure.

The second-chair attorney will assist the lead attorney as requested. Second-chair attorneys will have the same professional responsibilities to the client and the court as in a case in which they were the appointed attorney.

Non-Continuity of Representation by Training Panel Members

Section VIII(E) of the Revised Plan for Furnishing Representation Pursuant to the Criminal Justice Act for the District of Vermont ("the CJA Plan") provides that once counsel is appointed pursuant to the CJA Plan representation shall remain continuous, including for purposes of any appeal or review taken by certiorari, or the occurrence of other specified events. 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 and such second chair appointments shall be terminated fourteen days after entry of the judgment, or as otherwise ordered by the court.

V. ASSIGNMENT OF CASES

The clerk of court will assign second-chair attorneys to work with lead attorneys who are participating in the program.

VI. COMPENSATION AND EXPENSES OF APPOINTED COUNSEL

A. Hourly Rates

Compensation to be paid to CJA Training Panel members will be \$100.00 per hour for in-court and out-of-court services up to a maximum of \$2,000 per case.

B. Expenses

The only expenses allowed to be incurred by a second-chair attorney are travel-related expenses, 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. It will be 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.)

C. Source of Payment

Payments made to second-chair attorneys will be paid from the United States District Court's attorney admission funds (Special Court Fund).

D. Payment Process

At the conclusion of the case, the second-chair attorney shall complete a detailed memorandum supporting and justifying the total number of hours claimed. The memorandum 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. The claim for services shall be reviewed by the lead attorney for accuracy and be forwarded to the clerk of court for review and approval by the presiding judge.

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

Dated at Burlington, in the District of Vermont, this 23rd day of March, 2012.



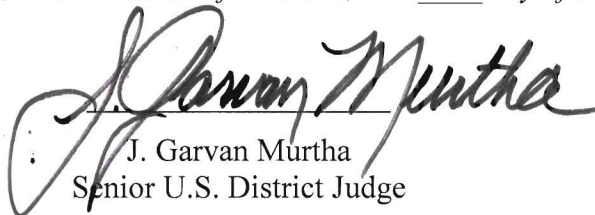
Christina Reiss
Chief Judge

Dated at Burlington, in the District of Vermont, this 16 day of March, 2012.



William K. Sessions III
U.S. District Judge

Dated at Brattleboro, in the District of Vermont, this 20th day of March, 2012



J. Garvan Murtha
Senior U.S. District Judge