

CRIMINAL JUSTICE ACT TRAINING PANEL PROCEDURES

Introduction:

The United States District Court (hereinafter “Court”) will establish a Training Panel pilot program to effectuate the training program described in the District Criminal Justice Act (CJA) Plan, Appendix I, Section II (2)(D). The objective of the program will be to increase diversity and insure the availability of qualified applicants to the CJA Panel by providing attorneys who do not have the required experience for membership on the CJA Panel with an opportunity to gain the experience necessary to provide high quality representation in federal criminal cases to individuals who cannot afford to retain counsel. The CJA Panel attorney in each Training Panel case shall be referred to as the “lead attorney” or “mentor”. The training panel attorney (hereinafter referred to as TPA) may also be referred to as “mentee”. The training panel attorneys will not exceed 8 attorneys, with 4 attorneys from the Newark vicinage, 2 attorneys from the Trenton vicinage and 2 attorneys from the Camden vicinage.

Administration of the Criminal Justice Act (CJA) Training Program:

The CJA Training Program will be administered by the District Court CJA Committee. A subgroup of that committee, consisting of the CJA Committee Chair, the District CJA Panel Representative, and the Federal Public Defender for the District of New Jersey or its designee, shall be known as the CJA Training Panel Selection and Management Committee (hereinafter referred to as the Management Committee). At the discretion of the Chair, the Management Committee may be expanded to include one representative from each vicinage. The Management Committee shall be responsible for the selection of program participants and

mentors. The Management Committee will also be responsible for collecting feedback from mentors, including confidential assessments and recommendations.

Assignment of Training Panel Attorneys:

Assignment of a TPA to a particular case will be the responsibility of the District or Magistrate Judge to whom the case is assigned. Appointments should be limited to cases that appear to involve complex factual and legal issues and/or significant discovery. A case that would likely warrant the authorization of a paralegal or associate counsel to assist the panel attorney of record is an example of a case suitable for the program.

Service as a Mentor:

At the request of the CJA Training Panel Committee, a panel member may serve as a mentor to a Training Panel attorney. All CJA Panel members are expected to agree to reasonable mentoring requests unless a compelling reason excuses participation at a particular time or in a particular case. No CJA Panel attorney may be assigned more than one mentee at a time. The mentor is the primary attorney, and is, therefore, responsible for representation.

Second Chair Attorney Duties and Responsibilities:

1. Appear and argue on the record as counsel for the defendant, with the Mentor, as counsel of record, present.
2. Confer, on behalf of the defendant and under the direction of the Mentor, as counsel of record, with: the government; Chambers; U.S. Pretrial Services Agency; U.S. Probation Office; federal, state and local law enforcement agents and agencies; U.S. Bureau of Prison personnel; defendant's family, friends and potential witnesses; interpreters; and other members of the defense team, such as investigators or paralegals.

3. Perform traditional paralegal assignments, such as: organizing and review of discovery material; legal research; organizing of exhibits; obtaining discovery or reproducing discovery, etc.
4. Write and file submissions, pleadings, memoranda and motions, under the direction, review and co-authorship of the Mentor.
5. With the consent of the defendant, and under the direction of the Mentor, participate in hearings, trials and evidentiary proceedings. Examination of witnesses or any addresses or statements to a jury will be done only under the direction of the Mentor and with the Mentor present during the examination, the address, or statement.

Completion Requirements:

Completion of the training program will ordinarily require 12 to 18 months. During that time, a second chair attorney should participate in at least three cases, though participation in a particularly lengthy case may also satisfy the completion requirements. Second chair attorneys must attend the orientation program and at least two CLE programs dealing exclusively with federal criminal practice.

Neither participation in nor completion of the training program by the second chair attorney will guarantee appointment to the CJA Panel.

Compensation and Expenses of Training Panel Attorney:

In their capacity as a TPA, mentees will provide services essential to the defense of the case. The services of the Second Chair, therefore, qualify as “other services necessary for adequate representation of the defendant”, and may be compensated upon ex parte application as provided in the CJA. Title 18 U.S.C. §3006A (e)(3). Such reimbursement shall be limited as follows:

- (1) reimbursement rate may not exceed \$75 per hour;

- (2) reimbursement of the TPA may not exceed the maximum for reimbursement maximums provided for “other services” in 18 U.S.C. §3006A (e)(3), unless otherwise approved by the district court;
- (3) reimbursement will not be approved for services that duplicate the work of the CJA panel member appointed to the case; and
- (4) the reimbursement request shall be submitted on a CJA 21 and may not be submitted to the Court unless first approved by the CJA panel member appointed to the case;
- (5) the mentor and mentee will bill only for services rendered and will not bill for time spent principally on training and teaching.

(Rev. 12/12/16)