

CRIMINAL JUSTICE ATTORNEY
TRAINING PANEL PROGRAM

GUIDELINES

I. INTRODUCTION

The United States District Court (hereinafter "Court") in conjunction with the Northern District of Indiana, Federal Community Defenders (hereinafter "Federal Defenders Office") will oversee a pilot program wherein attorneys who do not have the requisite experience for membership on the regular CJA Panel (see 18 U.S.C. § 3006A; *Guide*, Volume 7) will be eligible to assist members of the CJA Panel, in a "second chair" capacity, in order to gain the necessary experience required to provide high quality representation to defendants in federal court cases.

II. ADMINISTRATION OF THE CJA TRAINING PROGRAM

Management of the CJA Training Panel program will be centralized at the Federal Defenders Office located at 219 Russell Street, Hammond, Indiana, 46320. The Federal Defenders Office, with the help of the CJA Panel members, will provide each CJA Training Panel member with individual training and supervision.

III. TRAINING PANEL MEMBERSHIP

A. Approval

The Court, after considering the recommendation of the CJA Panel Selection Committee (hereinafter "Committee"), will appoint the members of the CJA Training Panel who will serve at the pleasure of the Court.

B. Size of Training Panel

The size of the CJA Training Panel will be no greater than, but may be less than, five members for each division (Hammond, South Bend and Ft. Wayne).

C. Eligibility

Attorneys serving on the CJA Training Panel will be members of the bar of the district court in good standing. Each member should demonstrate a strong interest in providing criminal defense services for the indigent.

CJA Training Panel members will be expected to keep current with developments in federal criminal defense law, practice and procedure. Members will be expected to attend the CLE seminars (training sessions designated to keep members of the CJA Panel current with criminal defense practice in this district) which are sponsored by the Federal Defenders Office.

D. Recruitment

Applications for the CJA Training Panel should be submitted to and maintained by the Federal Defenders Office. All qualified attorneys are encouraged to apply without regard to race, color, religion, gender, sexual orientation, age, national origin or disabling condition.

E. The Selection Process

The responsibility for reviewing applications and making recommendations to the Court regarding the CJA Training Panel membership will reside with the Committee for each division.

F. Terms

Each member of the CJA Training Panel program will serve on the training panel for a period of three years. At the expiration of said term, the Committee for each division will make a recommendation to the Court as to whether or not the training member should remain on the training panel for further educational experience. Service on the CJA Training Panel will not guarantee a member admission to the CJA Panel program. However, CJA Training Panel members may be considered for admission if an opening arises.

G. Removal

Members of the CJA Training Panel may be removed from the training program at any time. The decision to remove a member will rest exclusively with the Court after receiving a recommendation from the Committee.

IV. ASSIGNMENT OF CASES

A. Appointment Procedures

Upon receipt of a new case from the Court, and after a CJA Panel member or an attorney from the Federal Defenders Office has been assigned to a case, the Federal Defenders Office will review the case and decide if a CJA Training Panel member should be

appointed. If the Federal Defenders Office has been appointed, the CJA Training Panel member will be assigned to an attorney in the Federal Defenders Office. If a CJA Panel member has been appointed, the Federal Defenders Office will contact the appointed CJA Panel member and inquire if he/she is willing to allow a CJA Training Panel member to assist with his/her case. After the "lead" attorney has consented, the Federal Defenders Office will provide the CJA Training Panel member with the pertinent information about the case, as well as information regarding the "lead" attorney (Federal Defender or CJA Panel member), i.e., name, address, phone and fax numbers, etc.

V. COMPENSATION AND EXPENSES OF APPOINTED COUNSEL

A. Hourly Rates

Compensation to be paid to CJA Training Panel members will not exceed \$23.00 per hour for both in court and out of court services.

B. Expenses

The **ONLY** expenses allowed to be incurred by a CJA Training Panel member are travel related expenses, such as mileage and toll related expenses. Travel expenses will be reimbursed at the current mileage rate prescribed for federal judiciary employees at the time of the claim. Any expenses incurred relative to "toll expenses" must be accompanied by receipts (when available at the toll booths) when billed.

Any other expenses, such as expenses associated with experts of any kind, investigators, reproduction of transcripts/briefs, computer-assisted legal research, filing fees, etc. shall **NOT** be reimbursable to any CJA Training Panel member. Rather, it will be the responsibility of the "lead" attorney (Federal Defender and/or CJA Panel member) to bear these expenses and seek reimbursement when appropriate as described in pertinent portions of the Guide to Judiciary Policies and Procedures (See Chapter II, Part C - Compensation and Expenses of Appointed Counsel and Chapter III, Parts A & B - Authorization and Payment for Investigative, Expert or Other Services).

C. Source of Payment

All services rendered by CJA Training Panel members, including fees and travel related expenses, will be paid from the United States District Court's Library Fund.

D. PACER

CJA Training Panel members will be eligible to receive, free of charge, PACER services in CJA related matters. In order to take advantage of this service, the CJA Training

Panel member will need to access the PACER website at: <http://pacer.psc.uscourts.gov> and complete the online registration form. CJA Training Panel members should, under "Firm Name," type in his/her name followed by "***CJA Panel Attorney.***" Once the registration has been submitted, the CJA Training Panel member will receive his/her own ID number and password directly from PACER. CJA Training Panel members should be aware, however, that PACER services are monitored and that the use of the free service is for CJA related matters only. Any CJA Training Panel member who wishes to use PACER for non-related CJA matters may do so by registering on-line for a different account number, without specifying "CJA Panel Attorney" after the "Firm Name." PACER services for non-related matters are \$0.7 per page.

E. Forms to be Used

The forms for compensation and reimbursement of travel expenses shall be submitted on "*CJA Training Form - Appointment and Authority to Pay Training Attorney*," (hereinafter "*CJA Training Form*"), as well as, *In Court, Out of Court, and Travel Expense Worksheets*. The "*CJA Training Form*" will be generated by the Federal Defenders Office **after** a CJA Training Panel member has been assigned to a case. ***(Copies of all forms are attached herein.)***

F. Instructions for Use of Form

1. Once the "*CJA Training Form*" has been generated and signed by the Federal Defenders Office, it will then be sent to the CJA Training Panel member who will retain the form until the case has been completed.
2. Upon final disposition of the case, the CJA Training Panel member will complete the "*CJA Training Form*," and attach any required *In Court, Out of Court* and *Travel Expense Worksheets*. After completing, the CJA Training Panel member should send all documents relating to the claim to the "lead" attorney (Federal Defender or CJA Panel member) for his/her review and signature on the *CJA Training Form* (Line 22) and the *In Court, Out of Court, and Travel Expenses Worksheets* (at the top of each page). After the "lead" attorney has reviewed and signed the form and worksheets for accuracy, he/she will forward the properly executed forms to the Federal Defenders Office.
3. When the Federal Defenders Office receives the above-mentioned forms/worksheets, the CJA Panel Administrator will review same for mathematical errors and accuracy. If changes need to be made, the Federal Defenders Office will make the necessary changes, contact the CJA Training Panel member and/or the "lead" attorney for clarification, if necessary, and then advise the CJA Training Panel member of any changes. Thereafter, a "*CJA Training Voucher Review Form*" will be generated, approved and signed by

the Executive Director of the Federal Defenders Office. All documents relating to the claim will be forwarded to the respective Judge/Magistrate Judge for final approval.

4. After the Judge/Magistrate Judge receives the “*CJA Training Voucher Review Form*” (with all necessary attachments), he/she will review same and either approve or deny final payment. If payment is approved, the Judge/Magistrate Judge will sign the “*CJA Training Form - Appointment and Authority to Pay Training Attorney*” form in the appropriate space. Thereafter, the Judge/Magistrate Judge will have the form (with attachments) sent to the Financial Office of the United States District Court, 204 South Main Street, South Bend, Indiana 46601, for payment.

If payment is denied, the Judge/Magistrate Judge will advise the CJA Training Panel member, as well as the Executive Director of the Federal Defenders Office, via phone or letter. If payment is denied due to a technical error, the Federal Defenders Office will coordinate a resubmission of the claim.

G. Time Limits

The “*CJA Training Form - Appointment and Authority to Pay Training Attorney*” shall be submitted to the Federal Defenders Office no later than 45 days after the final disposition of the case.

H. Case Compensation Maximums

CJA Training Panel members should adhere to the following case compensation maximums for each case he/she is assigned to:

Felonies	-	\$3,500.00 (trial level)
Misdemeanors (Including petty offenses Class B or C misdemeanors or infractions)	-	\$1,000.00 (trial level)
Supervised Release	-	\$ 750.00
Proceedings under Sec. 4107 or 4108 of title 18, U.S.C. proceeding (for counsel & guardians ad litem providing services in connection with prisoner transfer proceedings)	-	\$1,000.00 (for each verification)

Pre-Trial Diversion	-	\$3,500.00 (if offense alleged by US Attorney is a felony) \$1,000.00 (if offense alleged by US Attorney is a misdemeanor)
Proceedings under Sec. 983 of title 18, U.S.C. (for services provided by counsel appointed under 18 U.S.C. 983(b)(1) in connection with certain judicial civil forfeiture proceedings)	-	\$3,500.00 (trial level)
Non-capital Post-Conviction Proceedings under Sec. 2241, 2254, or 2255 of title 18, U.S.C.	-	\$3,500.00 (trial level)
Proceedings to Protect Federal Jurors Employment under Sec. 1875 of title 28 U.S.C.	-	\$3,500.00 (trial level)
Other Representations (required or authorized by the CJA)	-	\$ 750.00 (trial level)

“Other Representations” includes:

- A. Probation Violation
- B. Supervised Release Hearing
- C. Parole Proceedings under Chapter 311 of title 18 U.S.C.
- D. Material Witness in Custody
- E. Mental Condition Hearings Pursuant to Chapter 313 or title 18 U.S.C. (with the exception of hearings pursuant to sections 4241 and 4244 of title 18, U.S.C., which are considered part of the case in chief with no separate compensation maximums applying.)
- F. Civil or Criminal Contempt (where the person faces loss of liberty)
- G. Witness (before a grand jury, a court, the Congress, or a federal agency or commission which has the power to compel testimony, where there is a reason to believe either prior to or during testimony, that the witness could be subject to a criminal prosecution, a civil or criminal contempt proceeding, or face loss of liberty.)
- H. International Extradition (under chapter 209 of title 18, U.S.C.)

- I. Ancillary Matters (representation in ancillary matters shall be compensable as part of the representation in the principal matter for which counsel has been appointed, and shall not be considered a separate appointment for which a separate compensation maximum would apply.

I. Waiving Case Compensation Maximums

Unlike a CJA Panel member, a CJA Training Panel member will *not* be eligible for excess payments beyond the case compensation maximum as set out above

J. Record Keeping

Appointed CJA Training Panel members must maintain contemporaneous time and attendance records for all work performed. Such records, which may be subject to audit, must be retained for three years after approval of the final voucher for an appointment.

CJA TRAINING FORM - APPOINTMENT AND AUTHORITY TO PAY TRAINING ATTORNEY

1 CIR./DIST./DIV.CODE	2. PERSON REPRESENTED	VOUCHER NUMBER	
3 MAG DKT/DEF. NUMBER	4. DIST.DKT/DEF. NO.	5. APPEALS DKT / DEF. NO.	6. OTHER DKT NO.
7. IN CASE/MATTER OF:	8 PAYMENT CATEGORY	9 TYPE PERSON REPRESENTED	10. REPRESENTATION TYPE

11 OFFENSE(S) CHARGED (Cite US Code, Title & Section) If more than one offense, list (up to five) major offenses charged (1.)

12 ATTORNEY'S NAME (First Name, MI, Last Name) AND MAILING ADDRESS
Telephone Number: _____

13 APPOINTMENT TYPE
 T Appointed Training Counsel

14. NAME AND MAILING ADDRESS OF LAW FIRM (Only provide per instructions)

Signature of Federal Community Defender or CJA Panel Administrator _____ Date Appointed _____

CLAIM FOR SERVICES AND EXPENSES FCD/COURT USE ONLY

CATEGORIES (Attach Itemization of services w/dates)	HOURS CLAIMED	TOTAL AMOUNT CLAIMED	MATH/TECH ADJUSTED HOURS	MATH/TECH ADJUSTED AMOUNT	ADDITIONAL REVIEW
15 In Court	a. Arraignment and/or Plea				
	b. Bail and Detention Hearings				
	c. Motion Hearings				
	d. Trial				
	e. Sentencing Hearings				
	f. Revocation Hearings				
	g. Appeals Court				
	h. Other (Specify on add'l sheet)				
Rate per hour = \$23.00 TOTALS:					
16 Out of Court	a. Interviews and Conferences				
	b. Obtaining and reviewing records				
	c. Legal research and brief writing				
	d. Travel time				
	e. Investigative and other work (Specify on additional sheets)				
Rate per hour = \$23.00 TOTALS:					
17 Travel Expenses (lodging, parking, meals, mileage, etc.)					
18 Other Expenses (Specify in detail on additional sheets)					

GRAND TOTAL - CLAIMED & ADJUSTED

19. CERTIFICATION OF ATTORNEY/PAYEE FOR THE PERIOD OF SERVICE
From: _____ To: _____

20. DATE IF OTHER THAN CASE COMPLETION _____

21. CASE DISPOSITION _____

22. CLAIM STATUS Final Payment Interim Payment Supplemental Payment

Have you previously applied to the court for compensation and/or reimbursement for this case YES NO If yes, were you paid? YES NO

Other than from the Court, have you, or to your knowledge has anyone else, received payment (compensation or anything of value) from any other source in connection with this Representation? YES NO If yes, give details on additional sheets.

! SWEAR OR AFFIRM THE TRUTH OR CORRECTNESS OF THE ABOVE STATEMENTS.

Signature of Training Attorney _____ Date _____

CERTIFICATION OF LEAD ATTORNEY (PREVIOUSLY APPOINTED BY COURT)

I, _____, HEREBY CERTIFY THAT I HAVE REVIEWED THE TRAINING FORM AND ATTACHED WORKSHEETS (Printed Name)

HEREIN RELATIVE TO ALL WORK PERFORMED/HOURS CLAIMED BY THE TRAINING ATTORNEY UNDER MY SUPERVISION, AND ACKNOWLEDGE THAT SAID WORK/HOURS ARE ACCURATE TO THE BEST OF MY KNOWLEDGE.

Signature of Lead Attorney _____ Date _____

APPROVED FOR PAYMENT - COURT USE ONLY

23. IN COURT COMP.	24. OUT OF COURT COMP.	25. TRAVEL EXPENSES	26. OTHER EXPENSES	27. TOTAL AMOUNT APP./CERT.
28. SIGNATURE OF THE PRESIDING JUDGE			DATE	28a. JUDGE CODE
29. IN COURT COMP	30. OUT OF COURT COMP.	31 TRAVEL EXPENSES	32 OTHER EXPENSES	33. TOTAL AMT. APPROVED

**UNITED STATES DISTRICT COURT, IN CONJUNCTION WITH THE
NORTHERN DISTRICT OF INDIANA FEDERAL COMMUNITY**

CJA TRAINING VOUCHER REVIEW FORM

Date Received	Cause No.	Case Last Name	Case First Name	Payee Last Name	Payee First Name
6/19/2006	2:06 CR 0000	Doe	Jane	Enter Payee Last Name	Enter Payee First Name
Lead Attorney Name		Training Attorney Name:		Division	Judge
Enter Atty Last Name, Enter Atty First Name		Enter Atty Last Name		CJA - Hammond	Lozano
Partial/Final Bill		Service Dates		CJA Form	FCD ID #
Final		01/01/06 - 06/01/06		CJA TR FORM	2006 FELO 1719
US Code			CaseType		
18:922Q.F			CARRYING/USING FIREARM IN/NEAR SCHOOL ZONE		
In Court - Training Hours			In Court - Training Rate Amount Allowed		In Court Amount Due
5			\$23.00		\$115.00
Arrestment and/or Plea	1	Sentencing Hearings	1		
Bail and Detention Hearing	0	Revocation Hearings	0		
Motion Hearings	3	Other	0		
Trial	0	Appeals Court	0		
Out Of Court - Training Hours			Out Of Court - Training Rate Allowed		Out Of Court Amount Due
17			\$23.00		\$391.00
Interviews and Conferences	6	Travel Time	0		
Obtaining and Reviewing Record	5	Investigative and Other Work	2		
Legal Research and Brief Writing	4			Travel/Other Expenses	
					\$5.40
Recommendation	Recommended	Amount Edited			Total Amount Due
		\$0.00			\$511.40
Comments					
N/A.					
Sent To Court					7/10/2006
Case Disposition					4

FEDERAL COMMUNITY DEFENDERS' RECOMMENDATION:

I, JEROME T. FLYNN, EXECUTIVE DIRECTOR OF THE NORTHERN DISTRICT OF INDIANA FEDERAL COMMUNITY DEFENDERS, INC., HEREBY STATE THAT I HAVE REVIEWED THE ATTACHED TRAINING VOUCHER FOR ACCURACY AND RECOMMEND PAYMENT AS INDICATED HEREIN.

Dated: _____