

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF INDIANA**

**CRIMINAL JUSTICE ACT PLAN**

**I. AUTHORITY**

Pursuant to the Criminal Justice Act of 1964 (CJA), as amended, Section 3006A of Title 18, United States Code, and the *Guidelines for the Administration of the Criminal Justice Act and Related Statutes (CJA Guidelines)*, Volume VII, *Guide to Judiciary Policies and Procedures*, the judges of the United States District court for the Northern District of Indiana 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 Anti-Drug Abuse Act of 1988 (codified in part at Section 3599 of Title 18, United States Code), and the *CJA Guidelines* in a way that meets the needs of this district.

B. Compliance.

1. The court, its clerk, the federal community defender organization, and private attorneys appointed under the CJA, shall comply with the *CJA Guidelines* approved by the Judicial Conference of the United States and/or its Committee on Defender Services and with this Plan.
2. Each private attorney shall be provided by the federal community defender with a then-current copy 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 Criminal Justice Act (CJA panel). The federal community defender shall also maintain a current copy of the *CJA Guidelines* for the use of members of the CJA panel and shall make known to such attorneys its

availability. The clerk shall maintain a copy of the CJA plan and the *CJA Guidelines* online at the District Court's website at (<http://www.innd.uscourts.gov>).

### III. DEFINITIONS

- A. "Representation" includes counsel and investigative, expert and other services.
- B. "Appointed attorney" includes private attorneys and the executive director (federal defender) and staff attorneys of the federal defender organization recognized under paragraph V of this Plan.

### IV. PROVISION OF REPRESENTATION

- A. Circumstances.
  - 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 Section 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 district court judge or 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, other than to set aside or vacate a death sentence under Sections 2241, 2254, or 2255 of Title 28, United States Code;
  - 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 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;
  - 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 district court judge or magistrate judge, when they are formally charged or notified of charges if formal charges are sealed, or when a district court judge or magistrate judge otherwise considers appointment of counsel appropriate under the CJA, whichever occurs earliest.

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), 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), 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 consider the recommendation of the federal community 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.
  - c. Attorney Qualification Waiver. Pursuant to 18 U.S.C. § 3599(d), the presiding judicial officer, for good cause, may appoint an attorney who may not qualify under 18 U.S.C. § 3599(b) or (c), but who has the background, knowledge, and experience necessary to represent the defendant properly in a capital case, giving due consideration to the seriousness of the possible penalty and the unique and complex nature of the litigation.

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 court judge or magistrate judge after making appropriate inquiries concerning the person's financial condition.
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 DEFENDER ORGANIZATION

- A. Recognition of Existing Organization. The Northern District of Indiana Federal Community Defenders, Inc., previously established in this district pursuant to the provisions of the CJA, is hereby recognized as the federal defender organization for this district.
- B. Supervision of Defender Organization. The federal community defender shall be responsible for the supervision and management of the federal defender organization. Accordingly, the federal community defender shall be responsible for the assignment of cases to staff attorneys at the discretion of the federal defender.
- C. Management of the Panel. The Federal Defender Office shall also be responsible for the systematic distribution of cases to and for the CJA Panel subject to the provisions of the Plan for the Composition, Administration, and Management of the Panel of Private Attorneys under the Criminal Justice Act, found in the Appendix of this CJA Plan.

VI. PRIVATE ATTORNEYS

- A. Establishment of CJA Panel. The existing, previously established panel of attorneys (CJA panel) who are eligible and willing to be appointed to provide representation under the CJA is hereby recognized.
- B. Organization. The Plan for the Composition, Administration, and Management of the Panel of Private Attorneys under the Criminal Justice Act is found in the Appendix of this CJA Plan.

- C. Ratio of Appointments. Where practical and cost effective, private attorneys from the CJA Panel shall be appointed in a substantial proportion of the cases in which the accused is determined to be financially eligible for representation under the CJA. “Substantial” shall usually be defined as at least 25% of the appointments under the CJA annually throughout the district.

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

The court shall appoint a member or members of the Special Death Penalty Habeas Corpus Panel, or the federal defender with his or her consent, or a qualified attorney recommended by the federal defender, or other attorney who qualifies for appointment pursuant to Section 3599 of Title 18, United States Code to represent financially eligible persons seeking habeas corpus relief in state death penalty proceedings under Section 2254 of Title 28, United States Code.

**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 Local Rule 83.5(f).
- 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 (as governed by the circuit CJA plan provisions concerning representation on appeal), 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. [reserved]**

**X. MISCELLANEOUS**

- A. Forms. Standard forms, pertaining to the CJA and approved by the Judicial Conference of the United States or its Committee on Defender Services, 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 and the claims of experts hired by those attorneys pursuant to CJA Forms 20, 21, 30, & 31 shall be submitted to the Federal Community Defenders, 31 East Sibley Street, Hammond, Indiana 46320. The federal community defender shall review the claim forms in a timely manner for mathematical and technical accuracy, reasonableness, and for conformity with the *CJA Guidelines*. If correct, the federal community defender shall forward the claim forms for the timely consideration of the appropriate district court judge or magistrate judge. CJA Form 24 (transcript requests) claims shall be submitted directly to the Financial Office in the Clerk's Office located in the South Bend Division for direct processing.
- C. Supersession. This Plan supersedes all prior Criminal Justice Act Plans of this court.

**XI. EFFECTIVE DATE**

This Plan shall become effective when approved by the Judicial Council of the Seventh Circuit.

## APPENDIX

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

#### I. COMPOSITION OF PANEL OF PRIVATE ATTORNEYS

##### A. CJA Panel.

1. Approval. The district court judges in each division of this district (excepting the Lafayette Division) 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 in that division. The district court judges of the divisions shall approve attorneys for membership on the CJA panel after receiving recommendations from the CJA panel selection committee, of the division established pursuant to paragraph B of this Plan. Members of the CJA panel shall serve at the pleasure of the judges.
2. Size. The district court judges in each division shall fix, periodically, the size of the CJA panel for that division. Each division's CJA panel shall be large enough to provide a sufficient number of experienced attorneys to handle the CJA caseload in the division, 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.
3. 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, and the Sentencing Guidelines.

Subsection (b) of the Act provides, in part, that:

Counsel furnishing representation under the plan shall be selected from a panel of attorneys designated or approved by the court, or from a bar association, legal aid agency, or defender organization furnishing representation pursuant to the plan.

However, when the district court judge presiding over the case, or the chief judge if a district court 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.

4. Equal Opportunity. All qualified attorneys shall be encouraged to participate in the furnishing of representation in CJA cases, without regard to race, color, religion, sex, age, national origin or disabling condition.
5. Terms. Attorneys admitted to membership on the CJA panel will each serve for a term of three years. A member of the CJA panel may be removed from the panel at the member's request or by a majority vote of the district court judges after consultation with the CJA panel selection committee.
6. Application Process. Any attorney wishing to apply for consideration to the CJA panel should submit his/her resume to the Federal Defender Office, 31 East Sibley, Hammond, Indiana 46320. Upon receipt of all resumes, the Federal Defender Office shall submit said resumes to the CJA panel selection committee in each division prior to the annual meeting of the CJA panel selection committee.

B. CJA Panel Selection Committee

1. Membership. A CJA panel selection committee shall be established by the district court judges in each division. The committee shall consist of the magistrate judge(s) of the division, one current member of the CJA panel from the division, and the federal defender. The committee shall be chaired by the magistrate judge.
2. Duties.
  - a. The CJA panel selection committee in each division shall meet at least once per year to consider applications for any vacancies on the panel. The committee shall review the qualifications of applicants and the performance of current members wishing to remain on the panel for another term, and recommend, for approval by the district court judges in the division, those applicants best qualified to fill the vacancies.

- b. At its annual meeting, the committee shall also review the operation and administration of the panel over the preceding year, and recommend to the district court judges any changes deemed necessary or appropriate by the committee regarding the appointment process and panel management. The committee shall also inquire annually as to the continued availability and willingness of each panel member to accept appointments.
- c. 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 CJA panel, the CJA panel selection committee shall solicit applications for the vacancies, convene a special meeting to review the qualifications of the applicants, and select prospective members for recommendation to the judges for approval. Members approved by the judges to fill mid-term vacancies shall serve until the expiration of the term that was vacated.
- d. When the committee submits the names of applicants for panel membership to the district court judges for approval, the committee shall furnish information regarding the recruitment efforts undertaken by the committee in furtherance of the Equal Opportunity statement in Paragraph I.A.4 of this plan. At least once each year, the CJA panel selection committee shall provide the judges with information on the CJA panel in each of the categories listed in paragraph I.A.4. of this Plan.
- f. A CJA panel selection committee may choose to meet at any time to consider matters relating to the composition of the division's CJA panel and make recommendations concerning the same to the judges.

## **II. CJA TRAINING PANEL**

The district court judges, in conjunction with the federal community defender, 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.

A. Administration of the CJA Training Program

Management of the CJA Training Panel program will be centralized at the Federal Defender Office located at 31 East Sibley Street, Hammond, Indiana, 46320. The Federal Defender Office, with the help of the CJA panel members, will provide each CJA training panel member with individual training and supervision.

B. Training Panel Membership

1. Approval. The district court judges, after considering the recommendation of the CJA panel selection committee, will appoint the members of the CJA training panel who will serve at the pleasure of the district court judges.
2. 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.
3. Eligibility. Attorneys serving on the CJA training panel will be in good standing of the federal bar of this district. 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 the district) which are sponsored by the federal community defender.

4. Recruitment. Resumes for the CJA training panel should be submitted to and maintained by the Federal Defender Office. All qualified attorneys are encouraged to apply without regard to race, color, religion, gender, sexual orientation, age, national origin or disabling condition.
5. The Selection Process. The responsibility for reviewing resumes and making recommendations to the district court judges regarding the CJA training panel membership will reside with the CJA panel selection committee for each division.
6. 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 CJA panel selection committee for each division will make a recommendation to the district court judges as to whether 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 and the district court judges approve after considering the recommendations of the Committee.

7. 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 district court judges after receiving a recommendation from the Committee.

C. Assignment of Cases

1. Appointment Procedures. Upon receipt of a new case and after a CJA panel member or an attorney from the Federal Defender Office has been assigned to a case, the Federal Defender Office will review the case and decide if a CJA training panel member should be appointed in a second chair capacity. If the Federal Defender Office has been appointed, the CJA training panel member will be assigned to assist an attorney in the Federal Defender Office. If a CJA panel member has been appointed, the Federal Defender 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 Defender 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.
2. A CJA training panel member will not enter his/her appearance in any criminal case nor appear in court without the lead attorney.

D. Compensation and Expenses of Appointed Counsel

1. 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.
2. Expenses. The only reimbursable expenses allowed 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 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).

3. Source of Payment. All services rendered by CJA training panel members, including fees and travel related expenses, will be paid from the District Court’s Library Fund. The clerk’s office will track and send out any IRS 1099’s in the event a trainee exceeds \$600.00 in attendance and preparation fees.
4. 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 must register under his/her own name and obtain a different account number.
5. Forms to be Used The forms and worksheets for compensation and reimbursement of travel expenses shall be submitted on documents prepared by the Federal Defender Office. CJA training panel members may obtain the appropriate forms and worksheets from the Federal Defender Office.
6. Instructions for Use of Forms/Submission for Payment.
  - a. A form entitled “*CJA Training Form*” will be generated by the Federal Defender Officer after a CJA training panel member has been assigned to a case. Once the “*CJA Training Form*” has been generated and signed by the federal defender, it will then be sent to the CJA training panel member who will retain the form until the case has been completed.

- b. 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 worksheets, the CJA training panel member will be required to send all documents relating to the claim to the “lead” attorney 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 Defender Office with the lead CJA’s voucher. NOTE: The CJA Training Voucher MUST be routed together with the lead CJA voucher to the Federal Defender Office for payment consideration.
- c. When the Federal Defender Office receives the above-mentioned forms/worksheets, the federal defender will review same for mathematical errors and accuracy. If changes need to be made, the federal defender 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 federal defender. All documents relating to the claim will be forwarded to the respective district court judge or magistrate judge for final approval.
- d. After the district court judge or 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 district court judge or magistrate judge will sign the “*CJA Training Form - Appointment and Authority to Pay Training Attorney*” form in the appropriate space. Thereafter, the district court judge or 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 approved, the clerk’s office will send the CJA training panel member’s check directly to the trainee. If payment is denied, the district court judge or magistrate judge will advise the CJA training panel member, as well as the federal defender, via phone or letter. If payment is denied due to a technical error, the Federal Defender Office will coordinate a resubmission of the claim.

7. Time Limits. The “*CJA Training Form - Appointment and Authority to Pay Training Attorney*” shall be submitted to the Federal Defender Office together with the lead CJA’s voucher.

8. Case Compensation Maximums. CJA training panel members should adhere to the following case compensation maximums for each case to which he/she is assigned:

Felonies - \$3,500.00 (trial level)

Misdemeanors - \$1,000.00 (trial level)  
(Including petty offenses Class B or C misdemeanors or infractions)

Supervised Release - \$ 750.00

Proceedings under Sec. 4107 or 4108 or Title 18, U.S.C. - \$1,000.00 (for each proceeding (for counsel & guardians ad litem providing services in connection with prisoner transfer proceedings)

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 - \$ 750.00 (trial level)  
(required or authorized by the CJA)

“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.)
9. 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.
10. 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.

### **III. SELECTION FOR APPOINTMENT**

#### **A. MAINTENANCE OF LIST AND DISTRIBUTION OF APPOINTMENTS**

The clerk, with the assistance of the Federal Defender Office, 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 clerk shall furnish a copy of this list to each district court judge and magistrate judge.

#### **B. METHOD OF SELECTION**

After a district court judge or a magistrate judge determines that a defendant qualifies for CJA legal services and grants the defendant's request for the appointment of counsel, the Federal Defender Office shall assign appointed counsel from the list of CJA panel attorneys on a rotational basis, subject to the nature and complexity of the case, the attorney's experience and general reputation in the legal community, and geographical considerations.

Upon determination of a need for the appointment of counsel, the district court judge or magistrate judge shall notify the Federal Defender Office of the appointment of counsel and the nature of the case. After the Federal Defender Office has assigned appointed counsel from the list of CJA panel attorneys, the clerk will be notified, via phone and/or e-mail, of such appointment. The clerk shall then make the appropriate entries on the court docket regarding said appointment.

The Federal Defender Office shall monitor the status of distribution of cases between the Federal Defender Office and the CJA panel. In the event of an emergency, i.e., weekends, holidays, or other non-working hours of the Federal Defender Office, the presiding judge or magistrate judge may directly appoint any CJA panel member. In all cases where members of the CJA panel are appointed out of sequence directly by the district court judge or magistrate judge, the appointing judge or magistrate judge shall notify the Federal Defender Office as to the name of the CJA panel member appointed and the date of the appointment.

### **IV. COMPENSATION - FILING OF VOUCHERS**

Claims for compensation on CJA Forms 20, 21, 30 & 31 shall be submitted to the Federal Defender Office, who will review the claim form for mathematical and technical accuracy and for conformity with the Guidelines for the Administration of the Criminal Justice Act (Volume VII, *Guide to Judiciary Policies and Procedures*) and, if correct, shall forward the claim forms for the consideration and action of the presiding judge or magistrate judge. Claims for compensation submitted on CJA Form 24 (transcript requests) shall be submitted directly to the Financial Office in South Bend, Indiana, for processing.

**V. ADMINISTRATION BY FEDERAL DEFENDER**

It is hereby agreed, by and between the court and the federal defender that the Federal Defender Office will oversee the management of the CJA panel, said management including, but not limited to, assignment of appointed counsel for new cases, maintaining updated CJA panel lists, overseeing the CJA training program, and processing vouchers, etc., as outlined above. It is further agreed that CJA panel appointments for this district shall be made on a rotational basis, taking into consideration the type of cases, qualifications of the attorneys, and geography, and subject to the discretion of the judges in the division.