

**U.S. DISTRICT COURT, SOUTHERN DISTRICT OF WEST VIRGINIA
CRIMINAL JUSTICE ACT
TRAINING PANEL PROGRAM**

GUIDELINES

I. INTRODUCTION

The United States District Court (hereinafter “Court”), in conjunction with the CJA Supervising Attorney, will oversee the Training Panel program, wherein attorneys who do not have the requisite experience or qualifications for membership on the regular Criminal Justice Act Panel will be eligible to assist members of the CJA Panel, the Federal Defender’s Office, and other private criminal defense attorneys in a “second chair” capacity, in order 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. The CJA Panel attorney, Federal Defender attorney, or other private attorney in each case shall be the court-appointed counsel and will be referred to *infra* as the “Mentor.”

These Guidelines are meant to supplement the Court’s CJA Plan, especially Section VII.B.7.

II. TRAINING PANEL MEMBERSHIP

A. Selection of Training Panel Members

The Panel Advisory Committee (PAC) will select and forward to the Court for its approval a list of the attorneys recommended to participate in the Training Panel. The CJA Supervising Attorney will notify each of the attorneys selected.

B. Eligibility for the Training Panel

Training Panel attorneys must be members in good standing of the Bar of the Southern District of West Virginia. Although they may lack the requisite experience, Training Panel members should be otherwise qualified to serve on the CJA Panel. Each member should demonstrate a commitment to providing criminal defense services to indigent clients.

III. EXPECTATIONS FOR PARTICIPANTS IN THE PROGRAM

A. Mentors

Training Panel members are encouraged to seek out their own Mentors and obtain approval of the Mentor from the Court. Training Panel members may also ask the CJA Supervising Attorney for assistance in finding a Mentor. The Court will maintain a list of approved Mentors for such purpose.

The Mentor shall train and supervise the Training Panel attorney according to Section III.B., *infra* but shall have discretion regarding the extent of the Training Panel member's involvement, depending on the unique needs of the case and the experience of the attorney.

The Mentor will have the ultimate responsibility for any case in which a Training Panel member is assisting, including the final decision-making authority about legal strategy. The Mentor will also have the primary responsibility for communication with the client, although it is anticipated that the Training Panel member will attend client meetings if the defendant consents.

B. Training Panel members

Each Training Panel attorney will serve in a second chair capacity through various stages of a federal criminal case and should strive to assist with and/or attend the following, if possible:

- Initial appearance
- Arraignment/detention hearing
- Jail visit/client meeting
- Plea negotiation
- Plea hearing
- Sentencing hearing
- Guidelines calculations and analyses
- Motion drafting
- Composing sentencing memoranda
- Trial (if applicable)

Training Panel attorneys will also be invited to attend the CJA training seminars sponsored by the Federal Defender's Office and/or the Court. Such seminars are designed to assist CJA Panel members in keeping current with new developments in the law and thus

will be of value to the Training Panel members. All participants will be expected to keep current with developments in federal criminal defense law, practice, and procedure.

The Training Panel attorney will assist the Mentor as requested, but will be assigned to the case in a learning capacity, not as a full co-counsel. However, Training Panel attorneys will have the same professional responsibilities to the client and the Court as they would in a case in which they were the appointed attorney.

There is no set amount of time that Training Panel members will serve before being considered for membership to the CJA Panel. Admission to the Panel will depend on the progress of the attorney, as well as the number of slots available on the Panel. Absent extraordinary circumstances, should a Training Panel member desire to apply for membership to the CJA Panel, s/he should do so in the normal course of the CJA Panel application cycle. At that time, the PAC will make a recommendation to the Court regarding whether the participant should be considered for membership on the CJA Panel, remain on the Training Panel, or be removed from the Training Panel.

Although it is anticipated that the program will provide the Training Panel attorney the opportunity to gain the experience necessary to become a successful member of the CJA Panel, participation in the program does not guarantee admission to the Panel (nor is Training Panel membership required for admission to the CJA Panel).

C. Removal from the Training Panel

A Training Panel attorney may be removed if s/he is unable to meet the expectations for members, as described above. The decision as to removal from the Training Panel will be guided by the recommendation of the PAC, and left to the discretion of the Court.

D. No compensation

Training Panel members will not be compensated independently for their service on the Training Panel. However, CJA Panel attorneys who work at the same firm as a Training Panel member may utilize the services of that attorney, and the Panel attorney may receive compensation pursuant to CJA Guidelines § 230.53.10(b) (“[A]ppointed counsel may claim compensation for services furnished by a partner or associate . . . within the maximum compensation allowed by the CJA, separately identifying the provider of each service.”).

IV. UPDATES ON PROGRESS/NEEDS

The CJA Supervising Attorney shall periodically consult with (1) the Mentor about the training needs and progress of the Training Panel attorney, and (2) the Training Panel attorney about his/her experiences and training needs. S/he shall report such information to the PAC so that it can monitor the progress of each Training Panel attorney. The PAC may also develop sufficient qualitative and quantitative means for monitoring the progress of the Training Panel members, whether it be by letter, evaluation form, or otherwise.

Mentors will not only be asked which of the above events/tasks Training Panel members attended or assisted with, but they will also be asked to evaluate the quality of work the Training Panel members perform (i.e., research and writing skills, demeanor with the client, professionalism, etc.). A Mentor's commentary will be strongly considered, should the Training Panel member apply for membership to the CJA Panel.