

EASTERN DISTRICT OF MISSOURI
PLAN FOR THE APPOINTMENT OF ATTORNEYS
UNDER THE CRIMINAL JUSTICE ACT

I. COMPOSITION OF PANELS OF ATTORNEYS.

A. CJA Lead Panel of Attorneys.

1. Membership. There shall be a Criminal Justice Act (CJA) Lead Panel of Attorneys, which shall consist of attorneys selected and appointed by the Court upon the recommendation by the Panel Selection Committee.

2. Qualifications. Members of the CJA Lead Panel shall be attorneys in good standing in the bar of the Eastern District of Missouri who have, prior to their recommendation for selection, demonstrated substantial experience and ability in the trial defense of criminal defendants and who have demonstrated a desire to increase the quality of criminal defense representation in this district. The Panel Selection Committee may establish further, specific qualifications for membership in the Lead Panel of Attorneys.

3. Duties. To maintain membership on the CJA Lead Panel, each said attorney shall: (1) if called upon by the Court, accept at least two appointments under the Criminal Justice Act each year; (2) if called upon by the Court, act as an unpaid mentor or advisor to a member of the CJA General Panel of Attorneys in the representation of an indigent under the Act; and (3) if called upon by the Court, participate in the offering of continuing criminal law education for interested members of the bar of this Court. Members of the Lead Panel of Attorneys may refuse appointment by this Court to represent indigents in civil matters. The court shall have the authority

to remove a member of the Lead Panel who fails to fulfill any of the duties specified in this paragraph.

4. Applications. Application forms for membership on the CJA Lead Panel of Attorneys shall be made available upon request to the Clerk's office. Completed applications shall be submitted to the Clerk who will transmit the applications to the chairperson and the members of the Panel Selection Committee.

5. Non-Discrimination. 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.

6. Professionalism. An attorney appointed to the CJA Lead Panel is expected to provide representation in CJA cases consistent with the highest professional and ethical standards applicable to members of the bar. The Court shall have the authority to monitor the performance of Lead Panel attorneys and to remove a member from the panel when the quality of legal representation being provided is deemed by the Court to be unsatisfactory.

B. CJA General Panel of Attorneys.

All attorneys who are admitted to practice before this Court under Local Rule 11.01(A) of this Court shall comprise the Criminal Justice Act (CJA) General Panel of Attorneys. Each member of the CJA General Panel of Attorneys shall be eligible to be appointed to provide representation under the Criminal Justice Act. Any attorney who is admitted to

practice before this Court may at any time inform the Clerk of the Court, in writing, that he or she has a special interest in being appointed pursuant to the Act. The Clerk of the Court shall maintain a record of those attorneys who have expressed such special interest in accepting appointments pursuant to the Act.

C. CJA Training Panel.

The Panel Selection Committee established by the Court may establish a CJA Training Panel consisting of members of the CJA General Panel of Attorneys, who do not have the experience required for membership on the CJA Lead Panel and who apply for membership on the Training Panel. Members of the Training Panel may be assigned by the Court to assist, as a "second chair" without compensation, an attorney appointed from either the General Panel or the Lead Panel to represent indigent criminal defendants. Prior service on the Training Panel shall not be required for membership on the Lead Panel.

D. Panel Selection Committee.

1. Membership. There shall be a Panel Selection Committee established by the Court. Said Panel Selection Committee shall consist of the Chief district judge and another district judge, one magistrate judge, two attorneys in private practice of sufficient experience and ability, who are selected by the Chief district judge, and the Federal Public Defender for this district, who shall be a permanent member of the Panel Selection Committee ex officio.

2. Duties. The Panel Selection Committee shall review applications for membership in, and recommend for Court appointment to, the CJA Lead Panel of Attorneys. The Panel

Selection Committee shall be permitted to gather information about any applicant from any source for the purpose of making a worthiness determination. The Panel Selection Committee shall meet when summoned by the Chief district judge, at least once per year to review applicants for the CJA Lead Panel and to review the performance of the members of the CJA Lead Panel of Attorneys.

When the names of applicants for panel membership are submitted to the Court for approval, the Committee shall furnish information regarding recruitment efforts undertaken by the Committee in furtherance of the equal opportunity statement in Paragraph IA 5 of this plan. At least once each year the Committee shall provide the Court such information as may be available regarding the composition of the CJA lead panel of attorneys.

II. SELECTION OF ATTORNEYS FOR APPOINTMENT UNDER THE CRIMINAL JUSTICE ACT.

A. Maintenance of Lists of Panels.

The Clerk of Court shall maintain a current list of the attorneys who are the members of the CJA Lead Panel of Attorneys, of the CJA General Panel of Attorneys, and of the CJA Training Panel of Attorneys, with current office addresses and telephone numbers, as well as a record of the appointments performed by each attorney under the CJA or in service as a member of the CJA Training Panel. The Clerk shall furnish a copy of this list to each district judge and magistrate judge, when requested. The clerk shall remove from the list the name of a Lead Panel attorney when directed to do so by the Court pursuant to Paragraphs A(3) or A(6).

B. Method of Selection for Appointment.

1. Appointments from the Lead Panel of Attorneys and from the General Panel of Attorneys shall be made on a rotational basis, subject to the Court's discretion to make exceptions due to the nature and complexity of the case, an attorney's experience, and geographical considerations.

2. Upon the determination of a need for the appointment of counsel, the district judge or magistrate judge shall first endeavor to appoint the Federal Public Defender. In the event that the office of the Federal Public Defender is unavailable for appointment, the Court shall endeavor to appoint a member of the Lead Panel before a member of the General Panel.

3. When requested by the appointing judge, the Clerk shall determine and provide the name of the next member of the panel requested by the judge.

4. In the event of an emergency or the need for appointment during the non-working hours of the Clerk's office, the appointing district judge or magistrate judge may appoint an attorney from the membership of either the Lead Panel or the General Panel. In all cases where members of a panel are appointed out of sequence, the appointing district judge or magistrate judge shall notify the Clerk of Court as to the name of the attorney appointed and the date of appointment.

III. COMPENSATION - FILING OF VOUCHERS.

Each claim for compensation shall be submitted on appropriate CJA forms, with required supplemental information about the claim, to the office of the Clerk of Court. The Clerk of Court shall review the claim and the accompanying information 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 form and accompanying claim materials for the consideration and action by the appropriate judge.

If the court determines that a claim should be reduced, appointed counsel shall be provided written notice of the proposed reduction with a brief statement of the reason(s). Counsel shall have ten days from the date of the notice to provide a response. Notice shall not be provided to counsel when a reduction is based on mathematical or technical errors.

IV. CONTINUING CRIMINAL LAW EDUCATION.

Periodically, the Court will sponsor, or seek the aid of local bar associations in sponsoring, seminars and programs designed to educate and assist attorneys who might be appointed pursuant to the Criminal Justice Act. Members of the Lead Panel of Attorneys and of the General Panel of Attorneys will be encouraged to attend and participate in such seminars and programs.