

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA**

**IN RE: AMENDMENTS TO THE PLAN FOR THE COMPOSITION,
ADMINISTRATION, AND MANAGEMENT OF THE PANEL OF
PRIVATE ATTORNEYS UNDER THE CRIMINAL JUSTICE ACT**

STANDING ORDER NO. 2010-4

The Court having approved amendments to the Court's Plan For the Composition, Administration, and Management of the Panel of Private Attorneys under the Criminal Justice Act (hereinafter referred to as "the Plan"), and the Judicial Council of the Fourth Circuit having approved such amendments by Judicial Council Order No. 261, dated March 4, 2010, it is hereby **ORDERED** that the Plan as amended is hereby adopted in the form attached to and made a part of this Order.

In order to carry out the provisions of these amendments to the Plan, it is further **ORDERED** that the Clerk of this Court shall divide the members of the current CJA Panel randomly into three groups. The members of one such group shall have their terms as CJA Panel members expire on July 1, 2010. The members of the next group shall have their terms as CJA Panel members expire on July 1, 2011. The members of the third group shall have their terms as CJA Panel members expire on July 1, 2012. All these members may be reappointed for terms of three years. The division into groups is for the purpose of thereafter having the terms of one-third of CJA Panel members expire each year. CJA Panel members interested in being considered for reappointment must advise the Court's CJA coordinator no later than 90 days prior to the expiration date of their terms.

For the Court:
ENTER: March 11, 2010

/s/ JAMES P. JONES
Chief United States District Judge

PLAN FOR THE COMPOSITION, ADMINISTRATION, AND MANAGEMENT OF
THE PANEL OF PRIVATE ATTORNEYS UNDER THE CRIMINAL JUSTICE ACT
FOR THE
UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF VIRGINIA

I. COMPOSITION OF PANEL OF PRIVATE ATTORNEYS

A. CJA PANEL

1. Approval. The Court shall establish a panel of private attorneys for each of the divisions of the Court (hereinafter collectively referred to as the "CJA Panel") who are eligible and willing to be appointed to provide representation under the Criminal Justice Act ("the CJA"). The Court may approve attorneys for membership after receiving recommendations from the "CJA Advisory Committee," established pursuant to paragraph B of this Plan.
2. Size. The Court may fix, periodically, the size of the CJA Panel. The CJA Panel must be large enough to provide a sufficient number of experienced attorneys to handle the CJA caseload, 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 bar of this Court, and have demonstrated experience in, and knowledge of, the Federal Rules of Criminal Procedure, the Federal Rules of Evidence, and the U. S. Sentencing Guidelines. In addition, each panel member must complete at least 8 hours of continuing legal education each year on subject matters relevant to the defense of federal criminal cases. To be eligible for acceptance on the CJA Panel, an attorney must have had at least 5 years experience as an attorney and must have participated in at least 4 state or federal criminal trials. 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.
4. Term and Removal. Members of the CJA Panel are appointed for terms of three years, and may be reappointed for additional terms, provided that members of the CJA Panel serve at the pleasure of the Court and may be removed from the CJA Panel at any time with or without cause. No

attorney has a property interest in continued membership on the CJA Panel. A member seeking reappointment to the CJA Panel following expiration of his or her term must make application at least 90 days prior to the expiration date of the current term.

5. Suspension from Practice. Members of the CJA Panel whose privilege to practice law in any jurisdiction is suspended or revoked shall be removed automatically from the CJA Panel and must reapply for membership.
6. Application. Application forms for membership on the CJA Panel shall be made available, upon request, by the Clerk. Completed applications shall be submitted to the Clerk who will transmit the applications to the Chairperson of the CJA Advisory Committee.
7. Appointment of Non-Panel Attorney. Subsection (b) of the CJA provides, in part, that “[c]ounsel 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 presiding judge or the chief judge if a 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. 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 CJA Panel in the ordinary course of panel selection.

B. CJA ADVISORY COMMITTEE

1. Membership. A CJA Advisory Committee shall be appointed by the chief judge of the Court. The Committee shall consist of the Federal Public Defender, the Clerk, and one CJA Panel member from each division of the Court. The chief judge shall designate the chairperson. Any CJA Panel member of the Committee may be removed by the chief judge, or by the Court, with or without cause.
2. Division Review Panels. A Review Panel for each division of the Court shall also be established, consisting of the Clerk, the member of the CJA Advisory Committee from that division, and the Federal Public Defender

or an Assistant Federal Public Defender as designated by the Federal Public Defender. The Review Panel shall meet periodically to advise the CJA Advisory Committee as to appointments to the CJA Panel from that division.

3. Duties.

- a. The CJA Advisory Committee shall meet at least once a year to consider applications and to recommend, for approval by the Court, those applicants best qualified to fill the vacancies.

At its annual meeting, the Committee shall also review the operation and administration of the CJA Panel over the preceding year, and recommend to the Court any changes deemed necessary or appropriate by the Committee regarding the appointment process and panel management.

- b. 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 Committee may solicit applications for the vacancies, convene special meetings to review the qualifications of the applicants, and select prospective members for recommendation to the Court for approval.

C. CJA TRAINING PANEL

The CJA Advisory Committee may establish a "CJA Training Panel," consisting of attorneys who do not have the experience required for membership on the CJA Panel. Training Panel members may be assigned to assist members of the CJA Panel in a "second chair" capacity or to misdemeanor cases or felony cases of minimal complexity. Training Panel members serving in a second chair capacity are not eligible to receive compensation for their services in assisting CJA Panel members. Prior service on the CJA Training Panel is not a requirement for membership on the CJA Panel, nor will service on the Training Panel guarantee admission of an attorney to the CJA Panel.

II. SELECTION FOR APPOINTMENT

A. MAINTENANCE OF LIST AND DISTRIBUTION OF APPOINTMENTS

The Clerk shall maintain a current list of all attorneys included on the CJA Panel, with current office mailing addresses, e-mail addresses, and telephone numbers.

B. METHOD OF SELECTION

Appointments from the CJA Panel must 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. This procedure should result in a balanced distribution of appointments and compensation among the members of the CJA Panel, and quality representation for each CJA defendant.

Whenever possible, the Federal Public Defender must be appointed to represent qualifying defendants.

III. COMPENSATION – FILING OF VOUCHERS

Claims for compensation shall be submitted, on the appropriate CJA form, to the office of the Clerk. The Clerk, or his or her designee, shall 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 form for the consideration and action of the presiding judge.

UNITED STATES COURT OF APPEALS

FOR THE FOURTH CIRCUIT

JUDICIAL COUNCIL

In the Matter of the Review of *
Amendments to the Plan for the Composition, *
Administration, and Management of the Panel of *
Private Attorneys Under the Criminal Justice Act * No. 261
for the U.S. District Court for the *
Western District of Virginia *

ORDER

The Plan for the Composition, Administration, and Management of the Panel of Private Attorneys Under the Criminal Justice Act for the United States District Court for the Western District of Virginia, as amended, which is attached to and made a part of this Order is hereby approved by the Judicial Council of the Fourth Circuit, and it is so ORDERED.

FOR THE COUNCIL:


Samuel W. Phillips, Secretary

Date: March 11, 2010

