



UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
CRIMINAL JUSTICE ACT PLAN

APPENDIX B

**Composition, Administration and Management of the CJA Panel**

I. CJA Panel Selection Committee and CJA Panel.

A. CJA Panel Selection Committee.

1. *Membership.* The CJA Panel Selection Committee will be appointed by Order of the Chief Judge and will consist of:
  - a. one district judge acting as chair;
  - b. one United States magistrate judge;
  - c. the Chief Federal Defender, and;
  - d. at least three attorneys who:
    - (i) have been members of the CJA Panel for at least five years;
    - (ii) are based in different divisions of the Court; and
    - (iii) will serve staggered terms of three years each; and
  - e. an *ex officio* staff member, who is employed by the Federal

Defenders of Montana, Inc., and tasked with panel administration, to act as administrative coordinator and arrange all meetings, coordinate the Selection Committee's activities, maintain a list of current Panel members and applicants, and keep a record of the Committee's reports and recommendations.

2. *Duties.* The Selection Committee will:
  - a. convene at least once each year;
  - b. review applications for membership on the CJA Panel and recommend approval of the applicants it finds qualified;
  - c. consider the reappointment of member attorneys whose continuation on the Panel has not been reviewed within the previous five years; or, for member attorneys whose continuation on the Panel has never been reviewed, randomly select at least eight attorneys per year for review until all have been reviewed;
  - d. review the operation and administration of the CJA Panel over the preceding year, including:
    - (i) the apportionment of cases between the Federal Defenders and the CJA Panel;
    - (ii) recruitment of qualified counsel and identification and proposal of opportunities, such as the Mentor Program, for potential applicants to acquire the expertise and experience required for Panel membership;
    - (iii) consideration of diversity in race, color, religion, sex, age, national origin and disabling condition among Panel members and expansion of the Panel's diversity;
    - (iv) persistent issues or difficulties encountered by defendants or counsel; and
    - (v) the balance between the distribution of appointments and compensation among the members of the CJA Panel and quality representation of each CJA defendant; and
  - e. recommend any necessary or appropriate changes to the Chief Judge.

B. CJA Panel.

1. *Application.* Application forms for membership on the CJA Panel are available from the Federal Defenders. Completed applications must be addressed to the court and submitted to the Panel Selection Committee's administrative coordinator.
2. *Equal Opportunity.* All qualified attorneys are encouraged to participate in the furnishing of representation in CJA cases, without regard to race, color, religion, sex, age, national origin or disabling condition.
3. *Appointment to Panel.* After considering the recommendations of the Selection Committee, the Article III judges of the court will appoint or re-appoint attorneys to the CJA Panel. Members of the CJA Panel serve at the pleasure of the Article III judges of the court.
4. *District of Montana Mentor Program.*
  - a. The purpose of the Mentor Program is to allow a new or prospective Panel member to become familiar with federal criminal defense practice in the District of Montana, regardless of the attorney's previous experience in other jurisdictions.
  - b. Before being appointed to a case, a new member of the Panel or a prospective applicant for Panel membership must "shadow" an appointed Federal Defender or senior member of the CJA Panel on at least one case from initial appearance through final disposition in this Court.
  - c. The mentored attorney will not be appointed to represent the client, any work performed on the mentor case will not be compensated, and expenses will not be reimbursed.
  - d. The Mentor Program shall be maintained, administered, and operated by the Federal Defenders of Montana.

II. Appointment of CJA Counsel.

- A. *Membership List and Distribution of Appointments.* The Federal Defenders of Montana will maintain a current list of all CJA Panel member attorneys, including each member's qualifications, experience, and appointments, along with statistical data reflecting the proportion of appointments between the Federal Defenders and the CJA Panel.

B. Panel Members' Appointment as Counsel.

1. *Rotation.* Appointments from the Panel should be made on a rotational basis, subject to exceptions based on the nature and complexity of the case, an attorney's experience, and geographical considerations.
2. *Designation.* A judge may appoint any member of the CJA Panel or may direct the Federal Defenders to locate a qualified member at the earliest opportunity. The Federal Defenders may be designated to appear until a panel attorney is available. In each case, a CJA Panel member must be designated by order.

III. Authorization of Funds and Payment to CJA Panel Members.

A. E-Vouchers. Counsel must use the e-voucher system.

B. Compensation for Services as Counsel.

1. *Motions.*
  - a. *Motion for Interim Payment.* Compensation for services rendered as counsel will rarely be approved before the conclusion of the case. A motion seeking such interim payment must include the phrase "(Circuit Approval Required)" immediately below the title of the motion.
  - b. *Other Motions.* A motion is not required and should not be filed for any other purpose relating to compensation for services rendered as counsel, such as payment in excess of the statutory maximum. Any order granting a motion for payment or declaring a case to be complex or extended will not guarantee payment. Any finding that a matter is complex, extended, or otherwise unusual will have no binding or preclusive effect on a judge deciding what compensation is appropriate for any attorney.
2. *Time of Payment.*
  - a. *Attorneys Withdrawing Before End of Case.* Because payment must be apportioned among CJA Panel attorneys appointed in one case, counsel withdrawing before the conclusion of a case must await judgment or dismissal to request payment.
  - b. *At End of Case.*

- (i) E-vouchers should be submitted within 30 days after judgment or dismissal. The clerk will alert counsel if requests for payment are not made within 30 days, but responsibility for timely seeking payment rests exclusively with counsel.
- (ii) Where multiple panel members have represented one client in a case, payment will not be made to any attorney until all have submitted their claims for payment. In such instances, the total compensation paid to all panel members is subject to the statutory maximum for one defendant, unless the case involves extended or complex representation.
- (iii) Any request for payment made six weeks or more after judgment or dismissal must be accompanied by a showing of good cause for the delay in submission.
- (iv) The court will exert its best effort to avoid delays in reviewing vouchers.

C. Funds for Services Other Than Counsel.

1. *Motions.*

a. *Services Other than Counsel.*

- (i) Amounts Up to \$2,400. Motions seeking authorization to expend any amount up to \$2,400 must be limited to a specific amount and accompanied by documentation showing why that amount is necessary. If the motion is granted, counsel must give the service provider a copy of the order and must advise the provider the court will not pay more than the specific amount authorized.
- (ii) Amounts Over \$2,400. Motions seeking authorization of any amount over \$2,400 must comply with subparagraph (i) and must also include the phrase “(Circuit Approval Required)” immediately below the title of the motion. If the motion is granted, counsel must give the service provider a copy of the order and must advise the provider the court will not pay more than the specific amount authorized.

b. *Rule 17(b) Subpoenas.* Motions for subpoenas under Fed. R. Crim. P. 17(b) or for fees and expenses for fact witnesses or a defendant under 28 U.S.C. § 1825 must:

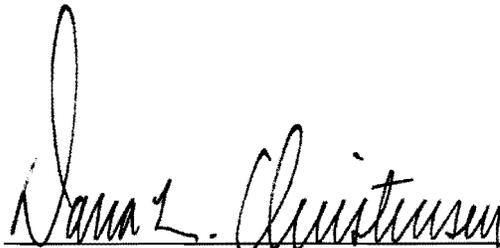
- (i) state that fees and expenses of fact witnesses and costs of service of process may not be paid from CJA funds under CJA Guidelines § 230.66.50;
- (ii) request that the United States Marshals Service be ordered to pay witness fees and expenses; and
- (iii) if formal service of the subpoenas is required, request that the Marshals Service be ordered to effect or pay for service of process.

2. *Time of Payment.* Requests for payment to service providers should be made in the e-voucher system after completion of the provider's services and not later than 30 days after judgment or dismissal.

D. Failure to comply with any requirement of this Part III may result in denial of payment without giving counsel further notice or opportunity to respond.

IT IS SO ORDERED.

DATED this 15th day of May, 2014.

  
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Dana L. Christensen, Chief Judge  
United States District Court