

**United States District Court
For the Southern District of Indiana
Criminal Justice Act Plan
DEVELOPMENTAL PANEL PROCEDURES**

Guidelines effective December 12, 2016

A. Purpose of the Program: The District Court Judges, in conjunction with the Magistrate Judges, and the Indiana Federal Community Defender (the "Federal Defender"), oversee a program wherein attorneys who do not have the requisite experience for membership on a Criminal Justice Act ("CJA") Panel (*see*, 18 U.S.C. § 3006A) are eligible to assist or be mentored by the Federal Community Defender, an Assistant Federal Defender, or a member of the CJA Panel as to cases pending in the Evansville Division and some cases pending in the New Albany Division. The program is designed to allow Developmental Panel members to gain the experience required to provide high quality representation to indigent defendants in federal court cases and eventually join a CJA Panel.

B. Administration of the CJA Developmental Panel

1. **Indianapolis, Terre Haute, New Albany:** Management of the Indianapolis, Terre Haute, and New Albany CJA Developmental Panels is centralized at the office of the Federal Defender. More information about the Developmental Panel is available at www.indianafederaldefender.org. The Federal Defender will provide CJA Developmental Panel Members with training and supervision.
2. **Evansville:** The Evansville CJA Developmental Panel is coordinated through the District Court Clerk's Office. Evansville CJA Panel members will provide CJA Developmental Panel members with learning opportunities and experience.

C. The Selection Process

1. Application:

- a. **Indianapolis, Terre Haute and New Albany:** Attorneys seeking membership on the CJA Developmental Panels for Indianapolis, Terre Haute, and New Albany must be in good standing in the Southern District of Indiana. Each applicant must demonstrate a strong interest in providing

criminal defense services for the indigent. Applications, including a resume and cover letter, should be submitted to the Federal Community Defender. The application is available at: www.indianafederaldefender.org. All qualified attorneys are encouraged to apply and selection will be made without regard to race, color, religion, gender, sexual orientation, age, national origin or disability condition. The responsibility for reviewing application materials and making recommendations to the District Court Judges regarding membership on the Indianapolis, Terre Haute and New Albany CJA Developmental Panels will reside with the CJA Committee.

- b. Evansville:** Attorneys seeking membership on the CJA Developmental Panel for the Evansville Division must be in good standing in the Southern District of Indiana. Each applicant must demonstrate a strong interest in providing criminal defense services for the indigent. Applications, including a resume and cover letter, should be submitted via email to: localrules@insd.uscourts.gov (materials may also be submitted mail by printing the completed application and other required documents, and mailing the materials to: Laura A. Briggs, Clerk of Court, United States District Court, 46 E. Ohio Street, Room 105, Indianapolis, IN 46204). All qualified attorneys are encouraged to apply and selection will be made without regard to race, color, religion, gender, sexual orientation, age, national origin or disability condition. The District Judges have the responsibility for reviewing application materials and determining membership on the Evansville CJA Developmental Panel.
- 2. Approval:** The District Court Judges will appoint individuals to the CJA Developmental Panels.
- 3. Terms:** Once appointed, a member on the CJA Developmental Panel will serve a term of three calendar years. However, all CJA Developmental Panel attorneys will serve at the pleasure of the District Court Judges.

D. Obligations of the CJA Development Panel Members

CJA Development Panel members will be expected to keep current with developments in federal criminal defense law, practice and procedure. Members will be expected to attend continuing legal education (“CLE”) seminars (training sessions designated to keep members of the CJA Panel current with criminal defense practice in the district) sponsored by the Indiana Federal Community Defender’s Office or the Defender Services Office of the Administrative Office of the U.S. Courts. In addition, all CJA Development Panel Members agree to read and abide by the [Seventh Circuit Standards of Professional Conduct](#), consistent with S.D. Indiana Local Rule 83-5.

1. **Indianapolis and Terre Haute:** In order to maintain a position on the CJA Developmental Panel for Indianapolis or Terre Haute, members will be expected to enter an appearance as a member of the Developmental Panel on at least two cases per year and will be required to attend the annual CJA Panel Training, hosted by the Federal Defender. Attendance at monthly brown bag sessions is strongly encouraged.
2. **Evansville and New Albany:** In order to maintain a position on the CJA Developmental Panel for Evansville and/or New Albany, members will be expected to enter an appearance as a member of the Developmental Panel on at least two cases per year, whenever feasible. In addition, on an annual basis, members are required to: 1) attend the annual CJA Panel Training hosted by the Office of the Indiana Federal Community Defenders, in Indianapolis, or at any other location within the Southern District of Indiana; or 2) obtain a minimum of three (3) hours of CLE programming, approved for CLE credit by either Indiana or Kentucky, and focusing on the Criminal Justice Act or other federal criminal procedural practices.

E. Removal

The expectation is that a member of a CJA Developmental Panel will remain on the Panel long enough to develop a comfort level and competency with federal criminal defense work. The amount of time that will take may vary, based upon the number and complexity of cases worked. Members of the Panel will be appointed for a three-year term, and after that time, continued membership will be evaluated by the Court and, for Indianapolis, Terre Haute and New Albany members, by the CJA Committee.

Members of the Panel may be removed from the program at any time. The decision to remove a member will rest with the District Court Judges (only, as to Evansville members) in consultation with the Federal Defender (Indianapolis, Terre Haute, and New Albany members).

F. Assignment of Cases - Appointment Procedures

1. **Indianapolis and Terre Haute:** CJA Developmental Panel members will be assigned cases and mentors by the Federal Defender. After assignment, the CJA Developmental Panel member should file an appearance with the Court.
 - a. **Lead Attorney** - If the Developmental Panel member will be sitting as the lead attorney for the case, with the Federal Defender (or Assistant) serving as mentor, the Federal Defender must file a Notice of FCD

Attorney Designation with the Court. This will trigger the Court to treat the Developmental Panel member as Lead Attorney.

- b. **Second Chair** – If the Developmental Panel member will be sitting as second chair, the member should file an appearance with the court specifically noting the capacity as a CJA Developmental Panel member.
2. **New Albany:** CJA Developmental Panel members will be assigned cases and mentors by the Federal Defender. Mentors may be Assistant Federal Defenders or New Albany CJA Panel members. After assignment, the CJA Developmental Panel member should file an appearance with the Court.
3. **Evansville:** Upon receipt of a new case and after appointment of a CJA Panel member, the assigned District Judge or Magistrate Judge will review the case and determine if it is appropriate to appoint a CJA Developmental Panel member in a lead or second-chair capacity. If deemed appropriate, the assigned Judge will direct the divisional Clerk’s Office to contact the appointed CJA Panel member and inquire: if he/she is willing to allow a CJA Development Panel member to assist with the case, or if he/she is willing to serve as a mentor to a CJA Developmental Panel member. After the Lead Attorney has consented, the Clerk’s Office will provide the CJA Developmental Panel member with the pertinent information about the case, as well as contact information for the Lead Attorney/mentor. The CJA Developmental Panel member should file an appearance with the Court.

G. Compensation and Expenses

1. **Compensation:** CJA Developmental Panel members serving as Lead Attorney in a case will be compensated as CJA counsel and will submit their time through the Court’s eVoucher system for work done on the assigned case(s). Developmental Panel attorneys may not claim compensation for CLE. At the conclusion of the case, or such other interval as may be approved by the Court, counsel shall submit appropriate time and case information for payment, including the Court’s voucher (Form CJA 20). CJA Developmental Panel members serving as Second Chair will have compensation managed by the Lead Attorney.
2. **Expenses:** For cases in which the Federal Defender (or an Assistant) has appeared, the office of the Federal Defender will bear expenses incurred in the case. Expenses incurred by: a CJA Developmental Panel attorney assigned a case in Evansville; or a CJA Developmental Panel attorney assigned a case in New Albany and assigned CJA counsel as a mentor - should be billed by the Lead Attorney/mentor assigned to the case. Questions regarding whether expenses are reimbursable should be directed to the District Court Finance

Staff.

3. **PACER:** CJA Developmental 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 Developmental Panel member will need to access the PACER website at: <http://pacer.psc.uscourts.gov> and complete the online registration form. CJA Developmental Panel members should, under “Firm Name,” type in his/her name followed by “CJA Panel Attorney.” Once the registration has been submitted, the CJA Developmental Panel will receive his/her own ID number and password directly from PACER. CJA Developmental Panel members should be aware, however, that PACER services are monitored and that the use of the free services is for CJA related matters only. Any CJA Developmental Panel member who wishes to use PACER for non-CJA-related matters must register under his/her own name and obtain a different account number.
4. **Forms to be Used**
 - a. Compensation for CJA Developmental Panel members occurs through the court’s eVoucher system.
 - b. CJA Developmental Panel members should address questions to the Federal Community Defender or the District Court Finance Staff: Tricia Anderson (317) 229-3917 or tricia_anderson@insd.uscourts.gov; Baudouin Tam: (317) 229-3914 or baudouin_tam@insd.uscourts.gov
5. **Record Keeping:** Appointed CJA Developmental 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 appointment.