UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
CRIMINAL JUSTICE ACT
TRAINING PANEL PROGRAM

I. INTRODUCTION

The United States District Court establishes the Criminal Justice Act (CJA) Training Panel Program to implement the mentor program described in the Southern District of Ohio CJA Plan, Section VI(D)(2). The objective of the program will be to increase diversity on and insure the availability of qualified applicants to the CJA Panel. The Court, in conjunction with the CJA Training Panel Advisory Committee, will oversee the CJA Training Panel Program, wherein attorneys who do not yet have the required experience for membership on the regular CJA Panel will be eligible to assist and be mentored by members of the CJA Panel in a "second chair" capacity. The program is designed to give Training Panel Attorneys ("mentees") the experience necessary to provide high quality representation to indigent defendants in federal court cases. The CJA Panel attorney in each Training Panel case shall be the court-appointed attorney and will be referred to below as the "Lead Attorney" or mentor.

II. ADMINISTRATION OF THE CJA TRAINING PANEL PROGRAM

The CJA Training Panel Program will be administered by the District Court CJA Committee. A subgroup of that committee, consisting of the CJA Seat of Court Chair, the Federal Public Defender or designee, and the CJA Panel representative, shall be known as the CJA Training Panel Advisory Committee.

III. TRAINING PANEL MEMBERSHIP

A. Eligibility for the CJA Training Panel

Training Panel Attorneys must be members in good standing with a state bar

and the Bar of the United States District Court for the Southern District of Ohio. Although they may lack the requisite experience, Training Panel Attorneys should be otherwise qualified to serve on the CJA Panel. Each Training Panel Attorney should demonstrate a commitment to providing criminal defense services to indigent clients. Applications, including a resume and cover letter, should be submitted to the Chair of the CJA Training Panel Advisory Committee for the respective location of Court. The application is available on the Court's website at www.ohsd.uscourts.gov.

B. Selection of Training Panel Members

The CJA Training Panel Advisory Committee will select and forward to the Chief Judge for his or her approval a list of the attorneys recommended to participate in the CJA Training Panel Program. The Chair of the CJA Training Panel Advisory Committee will notify each of the attorneys selected.

C. Length of Training Period

There is no set amount of time that Training Panel Attorneys will serve before being considered for membership to the regular CJA Panel. Admission to the CJA Panel will depend on the progress of the attorney, as well as the number of slots available on the CJA Panel. Training Panel Attorneys who wish to apply for membership to the CJA Panel should do so in the normal course of the CJA Panel application cycle. At that time, the CJA Training Panel Advisory Committee will make a recommendation to the CJA Seat of Court Committee 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 Training Panel Attorneys 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 CJA Panel.

D. Removal or Resignation from the Training Panel Program

A Training Panel Attorney may be removed from the program if unable to meet the expectations for Training Panel members. The presiding Judicial Officer or the CJA Training Panel Advisory Committee will have the authority to remove an attorney from the panel.

IV. EXPECTATIONS FOR PARTICIPANTS IN THE PROGRAM

A. Lead Attorney

Lead Attorneys participating in the program shall train and supervise the Training Panel Attorneys. Lead Attorneys shall have discretion regarding the extent of the Training Panel Attorney's involvement, depending on the unique needs of the case and the experience of the Training Panel Attorney. The Lead Attorney will have the ultimate responsibility for the case, including the final decision–making authority about legal strategy. The Lead Attorney will also have the primary responsibility for communication with the client.

B. Training Panel Attorneys

Each Training Panel Attorney will serve in a second chair capacity through various stages of a federal criminal case and is expected to assist with and/or attend the following, as appropriate to the particular case:

- Initial appearance
- Bond/detention hearing
- Arraignment
- Jail visit/client meeting

- Plea negotiation
- Plea hearing
- Sentencing hearing
- Guidelines calculations and analyses
- Motion drafting
- Composing sentencing memoranda
- Trial (if applicable)

The Training Panel Attorney will assist the Lead Attorney as requested, and may, at the discretion of the Lead Attorney:

- Appear and argue on the record as counsel for the defendant, with the Lead Attorney, as counsel of record, present.

- Confer, on behalf of the defendant and under the direction of the Lead Attorney, as counsel of record, with: the government; Chambers; the U.S. Pretrial Services Office; the U.S. Probation Office; federal, state and local law enforcement agents and agencies; U.S. Bureau of Prison personnel; the defendant's family, friends and potential witnesses; interpreters; and other members of the defense team, such as investigators or paralegals.

- Perform assignments, such as: organizing and review of discovery material; legal research; organizing of exhibits; obtaining discovery or reproducing discovery, etc.

- Write and file submissions, pleadings, memoranda and motions, under the direction, review and co-authorship of the Lead Attorney.

- With the consent of the defendant, and under the direction of the Lead Attorney, participate in hearings, trials and evidentiary proceedings. Examination of witnesses or any addresses or statements to a jury will be done only under the direction of the Lead Attorney and with the Lead Attorney present during the examination, the address, or statement.

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.

Training Panel Attorneys will be expected to keep current with developments in federal criminal defense law, the Sentencing Guidelines, and federal practice and procedure. It is expected that Training Panel Attorneys will attend the CJA training

seminars and educational programs sponsored by the Federal Public Defender's Office.

V. ASSIGNMENT OF CASES

Lead Attorneys shall identify appropriate cases for the assignment of a Training Panel Attorney. Each Seat of Court CJA Training Panel Advisory Committee shall determine the mechanism by which CJA Training Panel Attorneys will be assigned to a particular case.

A Training Panel Attorney will be assigned to no more than one Training Panel case at any time.

VI. COMPENSATION AND EXPENSES OF TRAINING PANEL ATTORNEY

A. Compensation

Attorneys on the Training Panel will provide services essential to the defense of the case. Therefore, the services of the Training Panel Attorney qualify as "other services necessary for adequate representation of the defendant," and may be compensated upon ex parte application under the CJA. *See* 18 U.S.C. § 3006A(e)(3). Such compensation shall be limited as follows:

1) The rate of compensation will be 60% of the rate that the CJA Panel member receives per hour for both in court and out of court services, not to exceed $100 per hour, and may not exceed a maximum of $2,000.00 unless otherwise approved by the Court.

2) Reimbursement will not be approved for services that duplicate the work of the CJA Panel member appointed to the case.

3) The compensation request shall be submitted on a CJA 21 in accordance with the Court's eVoucher procedures and may not be submitted to the Court unless first approved by the Lead Attorney appointed to the case;

4) The Lead Attorney and Training Panel Attorney will bill only for services rendered and will not bill for time spent principally on training and teaching.

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B. Expenses

Training Panel Attorneys may be reimbursed for travel-related expenses, such as mileage and parking. Travel expenses will be reimbursed at the current mileage rate prescribed in the CJA Pay Chart on the Court's website. No other expenses are reimbursable.

VII. Effective Date of Plan

This Plan became effective when approved by the Sixth Circuit Judicial Council on May 24, 2019.

VIII. Signatures:

EDMUND A. SARGUS, JR.
Chief United States District Judge

WALTER H. RICE
United States District Judge

ALGENON L. MARBLEY
United States District Judge

THOMAS M. ROSE
United States District Judge

MICHAEL H. WATSON
United States District Judge

SUSAN J. DLOTT
United States District Judge

TIMOTHY S. BLACK
United States District Judge

MICHAEL R. BARRETT
United States District Judge

GEORGE C. SMITH
United States District Judge

ELIZABETH A. PRESTON DEAVERS
Chief United States Magistrate Judge

JAMES L. GRAHAM
United States District Judge

SHARON L. OVINGTON
United States Magistrate Judge

KAREN L. LITKOVITZ
United States Magistrate Judge

STEPHANIE K. BOWMAN
United States Magistrate Judge

MICHAEL J. NEWMAN
United States Magistrate Judge

KIMBERLY A. JOLSON
United States Magistrate Judge

CHELSEY M. VASCURA
United States Magistrate Judge

NORAH McCANN KING
United States Magistrate Judge

MICHAEL R. MERZ
United States Magistrate Judge

CERTIFICATE OF APPROVAL

This is to certify that, in accordance with the Criminal Justice Act of 1964 as amended, 18 U.S.C. § 3006A, *et seq*, the foregoing Criminal Justice Act Plan for the United States District Court for the Southern District of Ohio, has been duly received and approved via mail ballot dated May 8, 2019 as complying with the law by the Judicial Council of the Sixth Circuit of the United States. The said amended plan shall become effective upon the date of this approval.

This 24th day of May, 2019.

R. Guy Cole, Jr., Chief Judge