

NACDL Task Force on Federal Indigent Defense

Questions to CJA Panel Reps regarding current system in place in their jurisdiction (non-capital, non-appellate cases):

DEMOGRAPHICAL INFORMATION:

State: _____ District: _____ Circuit: _____

Jurisdictions/Divisions: _____

Panel Rep Name: _____

Email/Phone number: _____

How long have you been the Panel Rep? _____

Nature of District:

Urban Suburban Rural

Mixed: Rural/Suburban Mixed Urban/Suburban Other

Number of Attorneys currently on the Panel: _____

Number of Judges in the District:

Magistrates: _____ District Court: _____

Is there a Federal Defender in your District/Division? _____

If so, is it a Public Defender Office or a Community Defender Office? _____

What is the name/contact information for the Federal Defender:

PANEL COMPOSITION AND STRUCTURE:

Panel Reps:

How are Panel Reps selected/chosen? _____

How many Panel Reps or Standing Committee members are in your District? _____

What is the term for each Panel Rep/Standing Committee member? _____

Panel Attorneys:

What is the process to join the Panel? _____

Is there an: Application? _____

Interview? _____

Reference check? _____

Are there any minimum qualifications to join the Panel? _____

If so, what are they? _____

Are any of the following persons contacted regarding the qualifications of an applicant?

Federal Public Defender's Office _____

U.S. Attorney's Office _____

Members of the District's Federal Judiciary _____

Members of the Federal Bar _____

Current members of the Panel _____

Is participation on the Panel mandatory? _____

If not, is it "encouraged" by the Court? _____

To whom is the request to join the Panel made? (District Court, Chief Judge, Court Clerk, Panel Rep, FPD/CDO, Other Administrator?) _____

Is your Panel size kept to a fixed number? _____

If so, what is that number _____

Are there separate Panels for different types of cases (e.g. general, capital, habeas, appellate)? _____

Aside from the above distinctions, is the Panel “tiered” in any way (i.e. within the panels are there different levels or categories based on the nature of the charge or its penalty)

If so, how many tiers are there? _____

What are the tiers/categories? _____

How is one placed into a particular tier? _____

Can one “move up” to the next tier? _____

If so, how? _____

If so, who decides when someone can “move up” to the next tier?

If the Panel is not “tiered,” is there some other method used to measure the relative experience and/or skill of various members of the Panel?

Is there any mentoring/second chair program offered? _____

If so, is it mandatory? _____

Are there any “term limits” imposed? (i.e. do applicants need to re-apply to the Panel regularly?) _____

If so, how long are these terms? _____

What is the process to renew participation on the Panel? _____

Are there any performance reviews undertaken of Panel attorneys? _____

If so, by whom? _____

How frequently? _____

How is someone removed from the panel?

Voluntary removal process: _____

Performance based removal process: _____

CASE ASSIGNMENTS:

Who assigns individual cases to the Panel attorneys?:

Judge conducting initial appearance? _____

Chief Judge of the District? _____

Chief Judge of the Division? _____

Clerk of Court? _____

Federal Defender/Federal Defender Office? _____

Panel Administrator? _____

If so, does the Panel Administrator operate within a particular office or agency (i.e. Federal Defender Office, Clerk's Office) or are they an independent person/agency? _____

Other? _____

How are assignments done?

Wheel (rotation system)? _____

Modified wheel/rotation based on experience/case complexity? _____

Decided by individual assigning case (i.e. Judge, Clerk, FDO, etc)? _____

Other? _____

Unknown how selection is done? _____

Is there a process for a Panel Attorney to reject an assignment? _____

If so, how is that done? _____

On average, how many cases does a Panel member receive in a year? _____

Do you have access to data regarding:

The number of cases assigned to Panel Attorneys annual? _____

The number of cases an individual attorney accepts? _____

The number of cases an individual attorney rejects? _____

VOUCHERS:

To who are vouchers submitted:

Chief Judge

Judge presiding over case

Federal Defender/Federal Defender's Office

Clerk of Court

Panel Administrator

Other (if so, who: _____)

To whom are requests submitted for travel; expert; transcripts; interim payments, etc?

Chief Judge

Judge presiding over case

Federal Defender/Federal Defender's Office

Clerk of Court

Panel Administrator

Other (if so, who: _____)

Is preliminary review/approval of vouchers made before they are submitted to the court for payment? _____

If so, who makes the preliminary approval? _____

Who makes the final decision? _____

If a voucher is cut, are you told why? _____

If a voucher is cut, is there any avenue for appeal? _____

If so, to whom? _____

How frequently are vouchers being cut? _____

If so, by whom? _____

Have you noticed any changes to the voucher process, approvals, etc. in the past 18 months?

Do you have access to any records or data on the amount requested through the voucher?

Do you have access to any records or data on the amount approved for a voucher?

Do you have access to any records or data on the number of vouchers reduced? _____

If so, do you have access to any records or data on the amount by which they are reduced? _____

Do you have access to any records or data on the amount of money and/or number of vouchers any particular attorney submits? _____

MISC:

What, if any, concerns do you/the panels members express regarding the current state of Federal Indigent Defense? _____

What, if any, impact have delays in payment had upon you or your Panel members? _____

What, if any, impact do you anticipate the rate cut will have upon you or your Panel members?

Do you know of any attorneys who have either ceased their panel service or expressed an intention to do so based on the recent rate cuts and/or delays in payment?

Over the past 12-18 months, in your estimation has the number of attorneys on your panel: grown, shrunk or stayed about the same?

If there has been a change to the Panel's size/composition in the past 12-18 months, what do you believe to be the cause(s) or reason(s) for this change. _____
