

United States District Court
EASTERN DISTRICT *of* TENNESSEE



CRIMINAL JUSTICE ACT MENTORING PROGRAM
GUIDELINES

2018

I. PROGRAM DESCRIPTION AND GOALS

A. PROGRAM GOALS

The United States District Court for the Eastern District of Tennessee (“the Court”) and the Federal Defender Services of Eastern Tennessee, Inc. (“FDSET”) are committed to establishing a diverse group of qualified attorneys who are available for appointment under the CJA and who will provide high quality representation for indigent defendants.

To further these goals, the Court has authorized the creation of a CJA panel mentoring program (“the program”), which will better prepare future CJA panel attorneys by providing criminal defense attorneys valuable experience with the federal criminal justice process. Additionally, participation in the program will allow the Panel Selection Committees to better judge a mentees’ fitness for appointment to the CJA panel.

B. PROGRAM DESCRIPTION

To ensure quality, the program will be limited to no more than four mentees per division. Each mentee will be paired with a mentor to assist on a CJA case. Mentees shall review discovery, identify and research legal issues, organize evidence for the case, and otherwise shadow the mentor. Under direct supervision of the mentor, mentees may also draft legal documents and appear and argue on the record.

C. PROGRAM LENGTH

Mentees may participate in the program for up to two years. Mentees must participate in the program for at least one year before applying for CJA panel appointment. Mentees will be assigned at least one case during the mentee's tenure with the program. Mentees will not be assigned any new cases after their first year as a mentee, although they may continue to assist their mentors in any assigned cases until representation is terminated.

D. ASSIGNMENT OF CASES

Mentees may work on any case to which the mentor is assigned. Mentors should use their discretion in determining whether an assigned case is suitable for the mentee to work on. Mentors should also involve mentees with newly assigned cases, as appropriate, so that mentees may gain experience seeing a case from beginning to end.

E. ADMINISTRATION OF THE PROGRAM

FDSET will administer the program in consultation with the CJA Panel Selection Committee in each division. FDSET's administrative responsibilities shall include orientation, training, identifying potential program participants, providing appointment recommendations to the CJA Panel Selection Committees, fielding questions by program participants, soliciting feedback from program participants, and otherwise monitoring the general administration of the program. The CJA Panel Selection Committees shall be responsible for selecting and matching mentors and mentees from the recommendations made by FDSET.

II. MENTORS

A. QUALIFICATIONS AND SELECTION

Only CJA panel members who are sufficiently experienced and known to provide high quality representation may be considered by the Panel Selection Committee for appointment as a mentor. All CJA panel members are expected to agree to reasonable mentoring requests unless a compelling reason excuses participation. No CJA panel attorney may be assigned more than one mentee at a time. The mentor is the primary attorney on any case, and is, therefore, responsible for all aspects of representation.

B. DUTIES

Mentors shall train and supervise mentees while working together on the case, although mentors shall have discretion regarding the extent of the mentees' involvement depending on the unique needs of the case and the experience of the mentee. Additionally, mentors will provide general guidance and advice to mentees and will assist the mentee in the completion of the Panel Selection Committee's mentoring program checklist. Mentors are responsible for sharing case filings with mentees, as mentees will not have ECF or PACER.

Mentors must also review the CJA 21 voucher submitted by the mentee for correctness before submitting to the Court for payment through eVoucher.

C. EVALUATION

The mentor will fill out an evaluation form at the end of the mentorship.

III. MENTEES

A. QUALIFICATIONS

To be eligible for selection as a mentee, applicants must be members in good standing of the Court's bar, exhibit strong research and writing skills, and demonstrate a commitment to providing criminal defense services to indigent clients. Applicants must have five or more years of criminal experience, which includes substantial trial experience either as lead counsel or second chair, who would merit consideration for membership on the CJA panel with additional federal criminal experience.

No person has a right to be selected as a mentee.

B. APPLICATION

At any time during the year, applicants may fill out the form found at www.fdset.com or www.tned.uscourts.gov. The application will be reviewed by FDSET and the Panel Selection Committee for acceptance into the program. The Panel Selection Committee may assign its own subcommittees for each division to review applications for that division.

C. ASSIGNMENT

The Panel Selection Committee will assign the mentee a mentor from the CJA Panel. If a CJA attorney is not available, the mentee may choose to mentor with FDSET but will not receive payment for his/her time spent on the case. Alternatively, the mentee may wait until a CJA panel attorney becomes available.

D. RESPONSIBILITIES

Under the direction and supervision of the mentor, mentees are expected and permitted to:

1. Obtain, organize, and review discovery material;
2. Perform legal research;
3. Draft submissions, pleadings, memoranda and motions (with the review and co-authorship of the mentor);
4. Appear and argue on the record on behalf of the defendant (with the mentor present in court at all times); and

5. Otherwise participate in all stages of the cases the mentee works on.

Mentees must bill for their time in accordance with section IV of these Guidelines.

Although mentees are assigned to cases in a learning capacity and not as full co-counsel, mentees shall have the same ethical and professional responsibilities to the client and the Court as they would in any case in which they were the appointed attorney.

E. CLE REQUIREMENT

Mentees will be required to complete a minimum of three CLE hours per year that focus on federal criminal practice skills. Any programs sponsored by FDSET or by the Defender Services Office will satisfy this requirement. Additionally, Mentees must attend an orientation seminar sponsored by FDSET and a courtroom technology seminar sponsored by the Clerk's Office.

F. EVALUATION

Mentees must fill out an evaluation form at the end of the program. Evaluation forms, which will be confidential, may be found at www.fdset.org and must be returned to FDSET.

G. APPLICATION FOR APPOINTMENT TO CJA PANEL

Mentees who successfully complete at least one year of supervision by a mentor will be encouraged to apply for appointment to the CJA panel. If a mentee applies, in addition to following the normal application review process, the Panel Selection Committee will solicit the views of the mentor, FDSET, and the judge(s) before whom the mentee appeared as to whether the mentee qualifies for appointment. Participants in the program are not guaranteed appointment to the CJA panel. No person has a right to be appointed to the CJA panel.

IV. Compensation

A. MENTORS MAY NOT CLAIM COMPENSATION

Mentors may not claim time on CJA vouchers for time spent training mentees. Currently, participation in the program does not provide the mentor with Continuing Legal Education credit, although FDSET is exploring that as a future possibility.

B. COMPENSATION OF MENTEES

Because mentees will provide actual legal services essential to the defense of the case the services of mentees 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).

In addition to regulations imposed by 18 U.S.C. § 3006A(e)(3) and the *Guidelines for Administering the CJA and Related Statutes*, compensation of mentees shall be further limited as follows:

1. Mentees will be reimbursed for non-duplicative paralegal services at the rate of \$50.00 per hour.
2. Reimbursable paralegal services include tasks such as research, discovery review, and drafting first drafts of legal documents. Although mentees are encouraged to sit in on client interviews and appear and argue on the record on behalf of the defendant, the mentee will not be reimbursed for the time spent on these tasks.
3. Reimbursement will not be approved for services that duplicate the work of the mentor.

C. EXPENSES

The only expenses a mentee may incur are travel related expenses, such as mileage, meals, and lodging. Travel expenses will be reimbursed at the current rate prescribed for federal judiciary employees at the time of the claim.

D. PAYMENT PROCESS

Mentees must submit requests for compensation on a CJA 21 in accordance with the Court's eVoucher procedures. Mentors must review and approve the mentees' payment voucher before submitting it to the Court for payment.

If a mentor expects a mentee to bill more than \$800.00 to assist with the case, including travel or other expenses, the mentor must ask the Court to pre-authorize the additional expense. In no case may the total amount billed by the mentee exceed \$2,500.