

# **CRIMINAL JUSTICE ACT – MENTORING PROGRAM GUIDELINES**

## **DISTRICT OF WYOMING**

### **I. PURPOSE**

The purpose of a mentoring program is to provide an opportunity for attorneys, who lack necessary experience to serve on the Criminal Justice Act (“CJA”) Panel, as prescribed in Section II, Paragraph B of the District’s Criminal Justice Act Plan. While there is no guarantee, attorneys who successfully complete the program will be given strong consideration for future panel membership.

### **II. ADMINISTRATION**

The District Court will administer the program. The CJA Committee (“Committee”) will assist the Court by making regular recommendations regarding attorney participants, the scope and length of their involvement in the program, and the overall operation of the program.

### **III. OPERATION**

#### **A. Mentors**

Mentors are comprised of the Federal Public Defender’s Office and Core Felony Tier panel members who have volunteered to serve in the program. To obtain a mentee (“associate counsel”), the mentor should do the following: 1) determine whether the case is the type that normally warrants authorization of an associate counsel or paralegal, and is at a stage where an associate counsel could be beneficial to the case; 2) consult and receive consent from the client; 3) contact the CJA Panel Administrator (magistrate judge in Cheyenne) to determine the availability of an associate counsel; and 4) seek the Court’s approval by filing an *ex parte* motion justifying the need and communicating the consent of the client.<sup>1</sup>

Mentors shall train and supervise associate counsel while working together in the case. Mentors shall have discretion regarding the extent of the associate counsel’s involvement depending on the unique needs of the case and the experience of the associate counsel.

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<sup>1</sup> In cases in which the Federal Public Defender’s Office is the mentor the proposed associate counsel shall file the *ex parte* motion with the Court.

The mentor, as lead attorney, will have the ultimate responsibility for any case involved in the program, including the final decision-making authority about legal strategy. The mentor will also have the primary responsibility for communication with the client.

Mentors will provide necessary feedback to the Committee and Court regarding associate counsel's progress in the program.

### **B. Associate Counsel**

Associate counsel participating in the program will be required to attend the training seminars sponsored by the Committee or Federal Public Defender's Office.<sup>2</sup> Such seminars are designed to assist CJA panel members in keeping current with new developments in the law and thus will be of value to the program participants. All participants will be expected to keep current with developments in federal criminal defense law, practice, and procedure.

Associate counsel will assist the lead attorney as requested, but will be assigned to the case in a learning capacity, not as a full co-counsel. However, associate counsel will 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.

Associate counsel may be removed from the program if he or she cannot meet the expectations of the program or for training panel members, as described above. The ultimate decision to remove a participant from the program will be left to the Court after accepting any recommendations from the Committee.

### **C. Selection of Program Participants**

Recruitment of program participants and the frequency for such recruitment will vary depending on need. The recruitment process will be conducted by the Committee after consultation with the Court. The Committee will annually recommend to the Court the number and names of program participants who are willing to serve as associate counsel. The Court will consider those recommendations and make a final determination. Notice of such selection(s) will be made by the Committee.

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<sup>2</sup> Counsel may seek reimbursement of some or all training costs by applying to the Attorney Admission fund through the Clerk of Court.

**D. Length of Training Program**

Each associate counsel will serve in the program for up to two years. However, during the program, the Committee, after seeking input from the Court and the participant's mentors and considering counsel's prior experience, will make a recommendation to the Court regarding the duration of the participant's program and whether he or she should be considered for membership on the CJA Panel.

**E. Size of Associate Counsel Panel**

To assure that each associate counsel receives an opportunity to gain the desired experience, the number of program participants shall be limited to only eight associate attorneys.

**F. Monitoring the Assignment of Cases**

The Court, through the magistrate judge in Cheyenne, will maintain the current list of available associate counsel and monitor assignments to ensure an equitable balance among the participants.

**IV. COMPENSATION AND EXPENSES**

**A. Compensation**

Compensation to be paid to associate counsel will be \$80.00 per hour for both in-court and out of court services. Associate counsel shall not be paid an hourly rate for travel.

**B. Expenses**

The only expenses allowed to be incurred by associate counsel 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.

Any other expenses, such as costs associated with experts of any kind (including interpreters), investigators, transcripts, litigation support, filing fees, etc., shall not be reimbursable to associate counsel. Rather, it will be the responsibility of the mentor appointed to the case to bear these expenses and seek reimbursement as required in the *Guide to Judiciary Policies and Procedures*.

### **C. Case Budgeting**

If a mentor expects an assigned associate counsel to bill more than \$800.00 to assist with the case, including travel and other expenses, when the mentor requests approval from the Court for an associate counsel, the mentor shall ask the Court to *pre-authorize* more than \$800.00, under the *Guide to Judiciary Policies and Procedures*. For all CJA payment cases, amounts over \$2,400 for such “other services” requires certification of the judge and approval from the Chief Judge of the Circuit (or his or her designee) once the voucher is submitted.

### **D. Sources of Payment**

i. If the mentor is a CJA panel member, all payments made to associate counsel for hourly fees and travel related expenses shall be paid with CJA funds.

ii. If the mentor is a member of the Federal Public Defender’s Office, all payments made to associate counsel for hourly fees and travel related expenses shall be paid with United States District Court Attorney Admission funds.

### **E. Payment Process**

When the case concludes the associate counsel shall complete the Claim for Services and Expenses Form along with an itemized billing statement. Those forms shall be reviewed by the mentor for accuracy then to the Clerk’s Office for technical review. Designated personnel within the Clerk’s Office will then forward the documents to the judge assigned to the case, for his or her consideration. Upon approval by the assigned judge, the claim shall be submitted to the Clerk of Court for payment.