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SEP 01 1999

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT

BY _____
DEPUTY CLERK

EASTERN DISTRICT OF CALIFORNIA

RE:)	
)	GENERAL ORDER NO. 370
ADOPTION OF AMENDMENT)	
TO CRIMINAL JUSTICE ACT)	
PLAN)	
_____)	

The Criminal Justice Act Plan is hereby amended to add new paragraph 4 in Section B of Appendix I; to renumber the remaining paragraphs; and, to add a new unnumbered sub-paragraph after the first sub-paragraph of paragraph 3 in Section C of Appendix I. IT IS HEREBY ORDERED that the attached amendment to the CJA Plan is effective August 31, 1999.

DATED: August 31, 1999.

FOR THE COURT:



WILLIAM B. SHUBB, Chief Judge
Eastern District of California

B. Composition of CJA Panel of Private Attorneys.

1. **Approval.** A separate panel of private attorneys who are eligible and willing to be appointed to provide representation under the Criminal Justice Act shall be established in the Fresno and Sacramento divisions of the court. Separate CJA panels of attorneys to be appointed by magistrate judges sitting in areas other than Sacramento or Fresno may be established. Eligibility for membership on the CJA panels in Sacramento and Fresno shall be determined by CJA Panel Committee, established pursuant to paragraph C of this Plan. Membership on the panels shall be approved by the chief judge or his or her designee or a committee of the court established for that purpose.

2. **Size.** The CJA panels in Sacramento and Fresno shall be large enough to provide a sufficient number of experienced attorneys to satisfy the caseload needs under the Criminal Justice Act, yet small enough so that CJA panel members will receive an adequate number of appointments to maintain their proficiency in federal criminal defense work and thereby provide a high quality of representation. The CJA Panel Committee may establish separate panels of attorneys who are qualified for appointment in felony, misdemeanor and appellate cases. Attorneys on the appellate panel also may serve on either the felony or misdemeanor panels.

3. **Eligibility.** Attorneys who serve on the CJA panel shall be

members in good standing of the California State Bar, members of the bar of the Eastern District of California and maintain their principal office in this District. Attorneys must also have demonstrated experience in, and knowledge of, the Federal Rules of Criminal Procedure, Federal Rules of Evidence, Sentencing Guidelines and the Local Rules. Preference for CJA panel membership shall be given to attorneys who have been in practice at least three years with experience in the field of criminal law. When a judge finds special circumstances to exist, an attorney other than a CJA panel attorney may be appointed to represent a defendant on an ad hoc basis, provided the attorney has a level of experience and knowledge that otherwise would qualify the attorney for membership on the CJA panel.

4. **Equal Opportunity.** All qualified attorneys shall be encouraged to participate in the furnishing of representation in CJA cases, without regard to race, color, religion, sex, age, national origin or disabling condition.

5. **Terms.** Attorneys shall serve as a member of the CJA panel for three years. Attorneys may be eligible for unlimited additional three-year appointments. Removal from the CJA panel shall be by voluntary resignation, rotation off the panel after serving a three-year term on the panel, failure to be in good standing with the Bar, or removal for cause.

6. **Application.** Application

forms for membership on the CJA panel shall be made available, upon request, from the Office of the Federal Defender in Fresno and Sacramento. Completed applications shall be submitted to the Office of the Federal Defender located in the area where the court sits.

C. CJA Panel Committee.

1. *Membership.* Separate CJA Panel Committees shall be established by the court for the Fresno and Sacramento divisions. Each Committee shall consist of two experienced members of the CJA panel, two experienced criminal law practitioners who are not members of the CJA panel, and the Federal Defender or a designee from the Office of the Federal Defender. The attorney from the Office of the Federal Defender shall serve as permanent secretary. One of the other attorney members shall serve as the chairperson. Three members shall constitute a quorum to conduct business.

2. *Term.* Members of the CJA Panel Committee shall be appointed for a term of three years.

3. *Duties.* The CJA Panel Committee shall meet at least twice a year to consider applicants for the CJA panel. Subject to the need to add new members to the CJA panel, the Committee shall review the qualifications of applicants and recommend to the court the admission of those applicants found qualified. The Committee shall perform such other duties and functions as assigned to it by

the court from time to time. For purposes of this paragraph, the Committee may meet in person, or by telephonic communication or by circulating CJA panel applications for appropriate action.

When the Committee submits the names of applicants for panel membership to the Court for approval, the Committee shall furnish information to the Court regarding recruitment efforts undertaken by the Committee in furtherance of the Equal Opportunity statement in Paragraph B.4. of this plan. At least once each year the Committee shall provide the court with information on the panel of attorneys in each of the categories listed in paragraph B.4. of this plan.

Annually, in the first quarter of each year, the Committee shall also review the operation and administration of the CJA Panel over the preceding year and recommend to the court any changes deemed necessary or appropriate by the Committee in regard to the appointment process and CJA panel management. This report shall be in writing and prepared by the secretary.

The Committee shall inquire periodically as to the continued availability and willingness of each CJA panel member to accept appointments. The Committee may adopt such rules and regulations as it deems necessary to carry out the business of the Committee.

4. *Removal of CJA Panel Member for Cause.* Allegations of inadequate representation, impropriety or unethical conduct

impropriety or unethical conduct on the part of any CJA panel member shall be investigated by the CJA Panel Committee. The Committee shall call a special meeting for this purpose. The CJA member against whom the allegations are made shall have written notification of the charges and be given the opportunity to attend the special meeting and present written and verbal evidence. The Committee shall prepare findings and recommendations concerning the CJA panel member's continued membership on the CJA panel. Peer review and counselling by the Committee or another experienced member of the criminal defense bar selected by the Committee may be required as a condition of remaining on the CJA Panel. Written findings and recommendations shall be forwarded to the Chief Judge of the District for appropriate action by the court.