

EDVA CJA MENTORING PROGRAM-

I. OBJECTIVES

To promote the diversity of the Criminal Justice Act Panel (the “CJA Panel”) and ensure quality representation for all defendants, particularly the indigent, the CJA Panel Committee (the “Committee”) has developed a mentoring program (the “Program”) to identify and help prepare candidates to qualify for consideration for appointment to the CJA Panel. While expanding diversity is a significant objective of the Program, its primary goal is to promote and train the best qualified CJA Panel candidates. As such, the Program is open to all qualified candidates.

The Federal Public Defender’s Office for the Eastern District of Virginia (FPD) in conjunction with the CJA Panel Committee, will administer the Program. The Program provides a mentoring program for a limited number of panel applicants who meet all panel qualifications but do not yet have sufficient federal court experience and expertise to qualify for membership on the panel. Acceptance into the Program is not a guarantee of a future position on the panel, but the program is designed to help Mentees obtain the skills necessary for future panel membership. Participation in the mentorship is for training purposes; accordingly, Mentees will not be compensated for the time spent participating in the program that does not involve representation of appointed clients. As described below, however, Mentees may receive compensation at a rate determined by the Court for legal services provided in the course of participation in the Program.

A. CJA Mentoring Subcommittee

The FPD will be responsible for overseeing the Program and for providing continuing guidance concerning the overall objectives and administration of the Program. The FPD’s responsibilities include: 1) review of Mentee applications and determining admission into the Program; 2) selection and approval of Mentors for the Program; 3) administration of orientation and training programs for Mentees, and 4) identification of appropriate cases for the Program.

The FPD’s administration will include: 1) pairing of Mentees with Mentors; 2) providing Mentors with guidance regarding the overall objectives, protocol and methods of the Program; and 3) evaluation of the success of the Mentor – Mentee relationships under the Program, with periodic reports to the CJA Panel Committee.

B. Mentors and Mentees

1. Mentors: For year one, the FPD & CJA Committee will propose a pool of approximately five (5) Mentors to serve in the Program, subject to the approval of the CJA Panel Committee.

Additional Mentors will be recruited if required.

a) Qualifications: Mentors are expected to be experienced and respected members of the criminal bar who have practiced extensively in the federal courts, , and who have worked closely with junior attorneys and law students or interns, or are willing to do so. Qualified Mentor volunteers will be drawn from both the CJA Panel and from Office of the Federal Public Defender. Experienced practitioners who have retired from practice may also serve as Mentors, if they have an active bar license and otherwise meet the requirements to serve.

b) Requirements: Mentors will be required to submit a curriculum vitae, and a list of at least ten significant federal cases in which the Mentor has been assigned or retained as lead counsel in the past 5 years.

c) Assignments: No Mentor will be assigned more than one (1) Mentee, as long as there are willing Mentors who have not yet been assigned a Mentee. Mentees may have more than one (1) Mentor.

d) Training: Mentors will be instructed on:

i) the goals and objectives of the Program;

ii) the protocols and manner of instruction to be used in training Mentees, including the selection of appropriate cases to use as teaching vehicles, the critical need to expose Mentees to all aspects of federal criminal practice, as well as the assessment and development of a Mentee's oral and written advocacy skills, and computer/Electronic Case Filing ("ECF") and voucher submission proficiency;

iii) the permissible roles and tasks to be performed by Mentees;

iv) the review and frank assessment of the Mentee's progress and ability to practice in federal court.

e) No Reimbursement: No Mentor shall submit a CJA voucher for time spent exclusively training Mentees. Time spent on providing legal services to clients appointed by the Court, however, will be recompensed as in the ordinary course.

f) Review and Assessment: The FPD & CJA Subcommittee attorneys will meet on a periodic basis with each Mentor to discuss the matters that the Mentee and Mentor have worked on together and the progress of the Mentee in the Program.

2. Mentees: Qualified candidates include state and federal practitioners with one or more years of criminal experience, including substantial trial experience, either as lead counsel or second chair or other comparable in-court experience, who, with additional federal criminal experience obtained through the Program, would merit consideration for membership on the CJA Panel. In addition, prospective Mentee candidates must exhibit strong research and writing skills. Mentees also must attend CLE programs that focus on federal criminal practice.

a) Admission to the EDVA: Candidates must be admitted to practice in the Eastern District of Virginia. Applicants will be required to submit a Certificate of Good Standing from the Bar of the state or states in which s/he is admitted.

b) Applications: All Mentee applicants will be required to submit a completed application form, brief resume and writing sample. Applications for participation in the program will be posted on the Court website at www.edva.uscourts.gov under the CJA tab at the top of the webpage.

c) Evaluations: The FPD will meet with each Mentee and their Mentor at least once a month, and perhaps more often, to review the Mentee's progress in the Program. Each Mentee will also be required to complete an evaluation form as to his/her Mentor at the conclusion of the

training period. The training period will terminate when the matters the Mentor and the Mentee have worked on together have concluded or at a time that may be mutually agreed upon by the Mentor and the Subcommittee.

d) Duration and Graduation: As described below, the program is expected to last at least 12 months, and successful completion will occur upon certification by the CJA Panel Committee.

e) Endorsement and Appointment of Mentee:

i) Participants in the Program are not guaranteed appointment to the EDVA CJA Panel. No person has a right either to be appointed to the Panel or to be selected as a Mentee.

ii) Mentees who successfully complete the Program will be encouraged to apply for appointment to the Panel. If a Mentee does apply, in addition to following the normal application review process, the Committee will solicit the views of the Mentor, the Subcommittee, and the judge(s) before whom the Mentee has appeared as to whether the Mentee qualifies for appointment.

Identifying Potential Mentees and Promotion of the Program

A. Posted on the Court's website at www.vaed.uscourts.gov under the CJA tab at the top of the webpage, will be a Program description, as well as the application and evaluation forms, in fillable or downloadable format (PDF/WORD), which will be referred to the committee for review.

B. The FPD and Committee Panel will recruit potential mentees pursuant to resources provided by the Virginia Indigent Defense Commission as well as through outreach to local bar associations, including but not limited to the following::

South Hampton Roads Bar Association
Old Dominion Bar Association
Norfolk Portsmouth Bar
Virginia Beach Bar Association
VSB YLC
Virginia State Bar liaison for Local and Specialty Bars

C. The FPD and Committee Panel will also identify attorneys who are currently on the panel but have limited Federal Court experience, as potential participants.

Benefits to the Mentees:

In addition to the valuable training provided, Mentees will also have the opportunity to build important networks that strengthen their practice. Members of a mentee "class" are encouraged to build relationships with each other and, through their exposure to members of the federal criminal defense bar, the federal bench and other federal court participants, broaden their base of resources, contacts and knowledge. Federal courtroom experience and strengthening client skills are also benefits from participation. Additionally, due to the significant amount of writing involved in federal practice, the program provides opportunities to work with a mentor to improve legal writing skills.

Expectations of Mentees:

The selection process for this program is competitive. A commitment to devote the time and effort necessary to succeed is a basic expectation. The attorneys chosen to participate in the program must attend the bi-monthly training sessions (six per year), participate in the regular training seminars presented by the Federal Defender's Office, meet regularly with the Program Coordinator, and work with a mentor on four assigned cases for a minimum one-year period. (most programs are two years or more)

Mentee Compensation

1. Since the Mentee will provide actual legal services and will work as associate counsel with the Mentor, and the prototype Program case will be the type of case that normally warrants authorization of an associate counsel or paralegal, the Mentor will be permitted to apply to the District Court to have the Mentee authorized as associate counsel at the reduced rate of eighty dollars (\$80.00) per hour (subject to modification as CJA Panel rates are adjusted and by the CJA panel committee).

2. Authorization of the Mentee as co-counsel and compensation, if any, for the Mentee will be determined by the District Court on a case by case basis (*see infra*). The Mentor should identify the Mentee at any initial presentment or other appearance before the Magistrate Judge or District Judge.

Program Outline

Select AFPD's will be responsible for mentoring 2-3 attorneys per year. Senior CJA Panel members will be responsible for mentoring two attorney per year.

For year one, the estimate will be three AFPD Mentors/Mentees; two Senior CJA Panel Members/Mentees for a total of five Mentees in the first "class."

While the mentoring program will be individualized to some extent based on the Mentee's particular experience, it is anticipated that all Mentees will be required to do the following:

1. Second-chair two district court felony cases with an experienced AFPD/SCJA, as selected by the FPD. The Mentor will be the counsel of record and serve as first chair. All case assignments will be made as close to the initial appearance as reasonably practicable. During the pendency of these cases, the Mentee will be expected to be present for all substantive court appearances and to take on some of the responsibilities associated with preparing the cases under the supervision of the first chair.

The cases assigned should focus on those issues most common to Federal Criminal Practice. These include firearm, drugs, violent crimes (robbery/VICAR) and fraud.

2. Attend and observe one complete felony trials if no such trial opportunity is available as part of the two-case assignment.
3. Second chair at least two sentencing hearings.
4. This program requires a 6 month to 1 year commitment for mentees.

5. Attend a two-day training program called the “Introduction to Federal Criminal Practice,” Hosted by the FPD. Complete FPD sponsored CJA Training program, including bi-monthly classroom training.

Monthly class meetings:

The Mentee class meets every other month for a CLE-type training that is designed and provided for them exclusively. These trainings address substantive federal criminal law, skills development and practical points for effective representation. Additionally, mentees learn about the agencies specific to federal criminal practice. Trainers include members of the District Court, CJA panel members, attorneys from the Federal Defender’s Office and representatives from various federal agencies, including the U.S. Probation Office, the U.S. Attorney’s Office and the U.S. Clerk’s Office.

6. Complete self-study using the FD.org/USSC.gov training videos on:
 - o Initial interview and bail;
 - o Discovery issues;
 - o Drug offenses/mandatory minimum/851/RICO and VICAR;
 - o Sentencing guidelines;
 - o Weapons Offenses/ACCA;
 - o Ethics; and
7. Complete self-study of an additional two training videos of their choice, in consultation with their mentor, from the following options:
 - o Fraud;
 - o Offenses-child pornography;
 - o Supervised release and other violations;
 - o Use of Experts; and
 - o Representing clients on appeal.

CJA TRAINING PROGRAM/RESOURCES

LIVE SEMINARS

FPD EDVA/WDVA- Frank Dunham Criminal Defense Seminar- April

FPD EDVA- November Seminar- Richmond

FPD EDVA – Summer - Introduction to Federal Court- Norfolk/Newport News - July

FD.ORG- <https://www.fd.org/training-events>

TRIAL SKILLS WORKSHOP I: ADVOCACY STRATEGIES & SKILLS TO
MAXIMIZE USE OF EXPERTS

FUNDAMENTALS OF FEDERAL CRIMINAL DEFENSE SEMINAR I

WINNING STRATEGIES SEMINAR II

RACE IN THE FEDERAL CRIMINAL COURT: STRATEGIES IN PURSUIT
OF JUSTICE

NON-CAPITAL SENTENCING MITIGATION SKILLS WORKSHOP

THE ANDREA TAYLOR SENTENCING ADVOCACY WORKSHOP II

United States Sentencing Commission – National Seminar –

<https://www.ussc.gov/education/annual-national-training-seminar/2020-national-seminar>

National Association of Criminal Defense Lawyers- www.nacdl.org

Capital Defense Network- <http://www.capdefnet.org/>

Virginia Association of Criminal Defense Lawyers- <https://www.vacdl.org/>

National College For DUI Defense- <https://www.ncdd.com/>

National Criminal Defense College- <http://www.ncdc.net/>

ONILNE TRAINING/RESOURCES

FD.ORG- <https://www.fd.org/program-materials-and-videos>

<https://www.fd.org/cja-resources/new-attorney-training>

USSC.GOV- <https://www.ussc.gov/education>

<https://www.ussc.gov/product-type/elearning> - Federal Sentencing, The Basics

NACDL.ORG