

CJA SECOND CHAIR PROGRAM FOR THE DISTRICT OF UTAH

To sustain and strengthen Utah's federal defense bar into the future.

The CJA Committee¹ for the District of Utah has established a Second Chair Program (the Program) for licensed attorneys with criminal court experience who do not yet have the requisite federal experience for membership on the Criminal Justice Act Panel. Second chair attorneys will assist members of the CJA Panel and will gain the necessary experience required to provide high quality representation in federal criminal cases to individuals who cannot afford to pay for those services.²

Authority. The Committee adopts this Program pursuant to the local CJA Plan and the Guide to Judiciary Policy, which encourages a CJA Committee to “[e]ngage in recruitment efforts to establish a diverse panel and ensure that all qualified attorneys are encouraged to participate in the furnishing of representation in CJA cases.”

Second Chair Attorneys³. Second chair attorneys should be experienced in criminal defense and have: trial experience outside of the federal system, excellent oral and written advocacy skills, a strong reputation, and a demonstrated commitment to representing people who cannot afford to pay for a lawyer. They must be admitted to practice in the District of Utah and must be members good standing with the Utah State Bar. Acceptance into the program is not a guarantee of future CJA Panel membership but will be beneficial for future panel membership and or private practice in federal court.

Program Administration. The CJA Resource Attorney at the Utah Federal Public Defender's Office will be the primary point of contact for this Program. The CJA Resource Attorney manages the day-to-day operations, by recruiting and evaluating applicants, ensuring appropriate CJA Mentors, guiding attorneys on Program requirements, working with judges to appoint second chair attorneys on appropriate cases, reviewing vouchers for reasonableness.

Compensation. Appropriate CJA Act compensation will be provided to second-chair attorneys through eVoucher, when they perform case-related work as co-counsel on appointed CJA cases. Compensation of CJA mentees is authorized by Volume 7, Chapter III,

¹ Utah's CJA Panel Committee comprises a current US District Court Magistrate Judge, the Chief Federal Defender, the Panel Representative, the CJA Resource Attorney, and three CJA Panel attorneys with significant federal criminal defense experience.

² See 18 U.S.C. § 3006A; Guide to Judiciary Policies and Procedures (Guide), Volume 7.

³ The CJA panel attorney in each case shall be the court-appointed counsel and the "lead attorney," while the new attorneys in the Program are "second chair" attorneys.

Part A, §310.20.10(A) of the Guide to Judiciary Policies and Procedures.⁴ The rate for Second Chair Attorney is 80% of the current CJA Attorney hourly rate. No attorney—second chair or lead—may bill for time spent primarily on training.

Program Term. Attorneys must commit to participate for two years in the Program, and while this may be more or less time than is necessary to complete all casework, the two-year commitment is required. During the two years, the second-chair attorney must maintain good standing with the Utah State Bar and membership with the U.S. District Court for the District of Utah.

Program Requirements. All second chair attorneys should, during their time in the Program, attend all FPD/CJA CLE trainings and will need to record the relevant trainings they attend to provide to the CJA Supervising Attorney as requested.

Second chair attorneys must be familiar with and use the following (all of which are linked on the UTPFD website)

- The CJA Handbook
- CMECF/PACER
- eVoucher

CJA Panel Attorneys. Existing CJA panel attorneys will serve as lead attorneys to the second chair attorneys depending on their availability and willingness to mentor newer attorneys. More than one CJA panel attorney may serve as a lead attorney to a single second chair attorney. All lead attorneys will be compensated under the normal CJA attorney rates for all case-related work as they supervise and guide their work with the goal of ensuring second chair attorneys are exposed to core federal procedure and substantive law.

Appointment Procedure on CJA Cases. CJA attorneys should, as soon as possible after appointment on appropriate cases, move the court to appoint the second chair attorney as co-counsel under this program. Such motions shall not be filed under seal.

⁴ Attorneys who serve in “mentoring programs” may be compensated “under the CJA at a reduced associate rate with prior authorization by the court.” *Guide*, Vol 7A, Appx. 2A.