

**BROWNSVILLE DIVISION**  
**THE COMPOSITION, ADMINISTRATION, AND MANAGEMENT OF**  
**THE PANEL OF PRIVATE ATTORNEYS UNDER THE CRIMINAL JUSTICE ACT**

**I. COMPOSITION OF PANEL OF PRIVATE ATTORNEYS**

**A. CJA PANEL**

1. Approval. The Court hereby establishes a panel of private attorneys, the CJA Panel, who are eligible and willing to be appointed to provide representation under the Criminal Justice Act. The Court shall approve attorneys for membership on the panel after receiving recommendations from the Panel Selection Committee, established pursuant to paragraph B of this Plan. Members of the CJA Panel shall serve at the pleasure of the Court.
2. Size. The Panel shall be large enough to provide a sufficient number of experienced attorneys to handle the Criminal Justice Act caseload, yet small enough so that Panel members will have the opportunity to receive an adequate number of appointments to maintain their proficiency in federal criminal defense work and thereby provide a high quality of representation. In no case shall the number of attorneys exceed sixty (60) unless the caseload demands a revision of this limit. (Panel size modified on December 30, 2016.)
3. Eligibility. Attorneys who serve on the CJA Panel must be members in good standing of the federal bar of this district, licensed and in good standing with the State Bar of Texas and have demonstrated experience in, and knowledge of, the Federal Rules of Criminal Procedure, the Federal Rules of Evidence and the United States Sentencing Guidelines.
4. Terms. Attorneys admitted as members of the Panel shall normally serve for a term of five years. Thereafter, attorneys must resubmit a new application. Members of the CJA Panel shall serve at the pleasure of the Court.
5. Reappointment. A member of the CJA Panel shall be eligible for reappointment to the panel for successive terms following expiration of his or her term, unless otherwise restricted by the Court.
6. Application. Application forms for membership on the CJA Panel shall be made available, upon request, by the Clerk of the Court. Completed applications shall be submitted to the Clerk of the Court who will transmit the applications to the chairperson of the Panel Selection Committee.

B. PANEL SELECTION COMMITTEE

1. Membership. A Panel Selection Committee shall consist of the district judges and may include one or more magistrate judges and the CJA Supervising Attorney. The Committee shall select its own chairperson. The Panel need not have regular meetings but shall convene when necessary to accomplish the purposes desired in this Plan. No formal records need be made at such meeting.

2. Duties.

- a. The Panel Selection Committee shall meet as needed to consider applications for the vacancies created by the terms expiring each year. The Committee shall review the qualifications of applicants and recommend, for approval by the Court, those applicants best qualified to fill the vacancies.

The Committee shall recruit a broad-based representative panel of competent attorneys with criminal trial experience. The primary objective of the Committee shall be to recruit the most qualified attorneys, but the Committee shall actively recruit women and minority members and shall provide a substantial number of attorneys fluent in languages other than English. The Committee may but need not classify Panel members according to level of experience and area of expertise.

The Committee shall recommend to the Court any changes deemed necessary or appropriate regarding the appointment process and Panel management.

- b. If, at any time during the course of a year, the number of vacancies due to resignation, removal, or death significantly decreases the size of the Panel, the Committee shall solicit applications for the vacancies, convene a special meeting to review the qualifications of the applicants, and select prospective members for recommendation to the Court for approval. Members approved by the Court to fill mid-term vacancies shall serve until the expiration of the term that was vacated and shall be immediately eligible for reappointment.
    - c. The Panel Selection Committee will meet once a year for consideration of all new applicants for admission and for those CJA panel members whose terms are expiring and who desire reappointment. All applications for appointment or reappointment shall be on file with the Clerk of the Brownsville Division by November 1<sup>st</sup> of the year preceding the desired appointment or reappointment to the Panel. The Selection Panel will meet and consider applicants for appointment and reappointment during the month of December and will inform the applicant of the result by December 31st.
    - d. The fact that one has been a member of the Panel does not guarantee reappointment. Further, the fact that one has been appointed as a member of the CJA Panel does not guarantee that one will be appointed as counsel of

record in any pending or future case. Furthermore, failure to comply with either the ethical or competence standards expected by this Court could result in an attorney being dropped from the CJA Panel list. Any decision in this regard is solely up to the Panel Selection Committee.

#### C. CJA TRAINING

Panel attorneys shall attend the training program offered by the office of the Public Defenders at least once per year.

#### D. CJA TRAINING PANEL

The Panel Selection Committee shall establish a CJA Training Panel, consisting of volunteer attorneys who seek to acquire the experience required for membership on the CJA Panel. Training Panel members must be members in good standing of the federal bar of this district, licensed and in good standing with the State Bar of Texas. Training Panel members selected by the Court may be appointed to assist members of the CJA Panel in a “second chair” capacity. Training panel members are not eligible to receive appointments independently and shall not be eligible to receive compensation for their services in assisting CJA Panel members. Prior service on the CJA Training Panel is not a requirement for membership on the CJA Panel, nor will service on the Training Panel guarantee admission of an attorney to the CJA Panel.

### **II. THE APPOINTMENT PROCESS**

#### A. MAINTENANCE OF LIST AND DISTRIBUTION OF APPOINTMENTS

The Clerk shall maintain the current CJA Panel list and shall furnish a copy to each judge and the Federal Public Defender upon request. The Clerk shall also maintain a public record of appointments of private counsel, and, when appropriate, statistical data reflecting the proration of appointments between the Federal Public Defender and private attorneys, according to the formula heretofore described.

#### B. METHOD OF APPOINTMENT

Appointments from the list of private attorneys should be made on an impartial basis, subject to the Court's discretion to consider the nature and complexity of the case, and an attorney's experience. This procedure will assist in producing a balanced distribution of appointments among the members of the CJA Panel and providing quality representation for each CJA defendant.

### **III. COMPENSATION - FILING OF VOUCHERS**

Claims for compensation should be submitted, through the Court's eVoucher system, to the office of the Clerk of the Court. The Clerk of the Court shall review the claim for conformity with the Guidelines for the Administration of the Criminal Justice Act (volume VII, Guide to Judiciary Policies and Procedures) and, if correct, shall forward the claim form for the consideration and action of the presiding judge or magistrate.