

**United States District Court
District of North Dakota
CJA Panel Mentorship Program**

I. Purpose

Training and mentorship are critical components of the provision of quality legal services to indigent defendants. The need is most critical for less experienced panel members who are in solo practice or at firms without other experienced federal criminal practitioners. This program is designed to provide all Criminal Justice Act (“CJA”) Panel members with as many opportunities as possible for assistance, expertise, mentorship, and training to ensure effective, zealous representation is provided to all indigent defendants in the District of North Dakota.

II. Informal Mentoring

Informal mentoring is intended to aid all members of the CJA Panel. Informal mentoring is simply sharing experience, knowledge, and advice to improve skills and to increase the quality of representation provided to indigent defendants.

- A. Informal mentoring occurs without appointment and without compensation. All participants in informal mentoring should maintain caution to avoid creating conflicts of interest, especially in multi-defendant and/or cases involving controlled substances where conflicts of interest are frequent. Informal mentoring is provided by the following parties:
 - 1. The Federal Public Defender’s Office provides informal mentoring to all CJA Panel attorneys collectively and on a case-by-case basis upon request by any member of the CJA Panel.
 - 2. Every member of the CJA Panel is expected to informally assist fellow panel members in their professional development by providing advice, recommendations, and referrals for further assistance.

- B. Examples of informal mentoring include:
 - 1. Participation in formal and informal training programs;
 - 2. Observation of court proceedings and providing recommendations based on those observations;
 - 3. Answering questions of CJA Panel attorneys regarding particular case issues;
 - 4. Referring CJA Panel attorneys to investigators or experts;
 - 5. Providing information to CJA Panel attorneys about resources available through the Office of Defender Services or other organizations;
 - 6. Providing timely information to CJA Panel members regarding new developments in practice, procedure, or the law that impacts their cases; and
 - 7. Referring CJA Panel attorneys to the Clerk of Court, the Federal

Public Defender, the CJA Panel Representative, or others for assistance.

III. Formal Mentoring (Case-Specific Expert Assistance)

The CJA Panel Committee (The Committee) recognizes that there are times when informal mentoring alone is insufficient to adequately ensure effective, zealous representation consistent with the purposes of the CJA. These guidelines are intended to educate CJA Panel members on the availability of direct assistance from other attorneys and to help streamline the process for obtaining this help in order to ensure its availability and efficient use.

- A. Description. Formal case-specific assistance provided to CJA Panel members occurs when the CJA Panel member has identified that their client could benefit from a neutral, experienced attorney/expert due to any number of factors including inexperience with a specific case-type, a difficult client, specific factual issues, or specific legal issues. This direct assistance is necessarily individualized based on the case-specific demands and the experiences of the CJA Panel member. This assistance may include help with developing a case plan and providing assistance as necessary with:
1. Formulation of investigatory strategy, including identification of potential witnesses, experts, or otherwise;
 2. Communicating with difficult clients;
 3. Accompanying CJA appointed counsel to meetings with clients or court hearings; and
 4. Developing a case strategy or defense strategy and identifying supporting witnesses and legal theories.
- B. Procedures
1. Formal Case-Specific Expert Assistance requires an application and court approval. A CJA Panel attorney may apply for case-specific expert assistance from other attorneys with more appropriate experience whenever such expert or other services are necessary to an effective defense. Application must be made via eVoucher as provided in 18 U.S.C. § 3006A(e)(1) and Chapter VIII of the May 1, 2023, United States District Court for the District of North Dakota Plan for the Adequate Representation of Defendants Under the Criminal Justice Act of 1964 (“CJA Plan”).
 - a. Requesting Authorization. A CJA Panel attorney must submit the request as an Authorization for Expert and Other Services (AUTH) via eVoucher. The AUTH must include a description of the services requested and an estimate of the cost of the services. The hourly rate of the expert assistance must not exceed the hourly rate for CJA counsel.
 - b. Requesting Payment. Upon the completion of expert assistance, the mentor must provide the CJA Panel attorney detailed documentation regarding the date, nature, amount of time expended, and

- circumstances of mentorship services. The CJA Panel attorney must seek payment by submitting a CJA 21 voucher via eVoucher.
- c. Reimbursement limitations and conditions. A mentor is subject to the same reimbursement limitations and conditions as any other expert authorized under the CJA. All expert services reimbursement requests are subject to a reasonableness determination by the presiding judicial officer. Absent extraordinary circumstances, reimbursement for such expert services should not exceed the waivable case compensation maximums. See Guide to Judiciary Policy, Volume 7, Chapter 3, Section 310.20.10(A).
 2. Upon approval, an attorney expert approved within these guidelines will not be designated as counsel of record and will not be obligated to directly represent the indigent client.
 3. Nothing within these guidelines prohibits the court from requiring additional conditions or limitations it deems appropriate upon its approval of any request for an attorney expert.
 4. Nothing in these guidelines prohibits CJA counsel from requesting an additional attorney or the court, on its own motion, from appointing an additional attorney on a case.

IV. Administration

Pursuant to Section V, Paragraph 3(e) of the CJA Plan, the Committee's duties include the duty to "provide training programs which may include mentorship for the CJA panel attorneys" and to "train less experienced attorneys as . . . panel members." In light of the acute need to provide CJA panel members, particularly those that are less experienced or associated with smaller law firms, with as many opportunities for training and mentorship as possible in order to ensure effective representation to all indigent defendants in this District, the Committee should regularly do the following:

- A. The Committee is responsible for developing, monitoring, reporting, and making appropriate modifications of these guidelines. This duty includes receiving regular feedback from CJA Panel members and making changes where appropriate.
- B. The Committee should take regular steps to ensure that all members of the CJA Panel are aware of these guidelines and any modifications and otherwise assist CJA Panel members in efficiently obtaining assistance or training by:
 1. The Federal Public Defender and/or the CJA Panel Representative communicating these guidelines to CJA Panel members via e-mail, at annual trainings, in person, and otherwise discussing the availability of assistance and training;
 2. The Federal Public Defender's Office and/or the District Court Clerk's Office should provide access to this plan to every new CJA Panel member; and
 3. The Committee should maintain a list of attorneys from the legal community who are willing to serve as experts as contemplated in section III of these

guidelines.¹ Any attorney indicating an interest in serving as an expert may notify the Clerk of Court. All attorneys on the list must be licensed to practice law in federal court, but do not need to be current CJA Panel members. All qualified mentors must be familiar with the provisions of the Mentorship Program. In establishing and maintaining a list of qualified mentors, the CJA Committee should broadly consider nonexclusive factors including:

- a. Qualifications, education, and background;
- b. Availability to meet personally with the mentee;
- c. Potential conflicts of interest;
- d. Prior service on the CJA Panel; and
- e. Specialized and supervisory experience.

Any attorney serving as a mentor will be required to submit the required billing information before payment will be issued.

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By maintaining the list, the Committee does not endorse any particular attorney expert nor does the Committee require or suggest to any CJA Panel member that a particular attorney expert be utilized. The decision to request an attorney expert to directly assist in any case is a decision of the assigned CJA Panel attorney and that attorney is free to request any expert, attorney or otherwise, of their choosing.