

**GUIDELINES FOR BECOMING A MEMBER OF THE REGULAR CJA PANEL  
OF THE EASTERN DISTRICT OF NORTH CAROLINA<sup>1</sup>  
May 2017**

**1. Summary of Requirements.** To become a member of the Regular CJA Panel (“Regular Panel”), an attorney: (a) must be a member in good standing of the bar of this district; (b) must have demonstrated experience in, and knowledge of, the Federal Rules of Criminal Procedure, the Federal Rules of Evidence, and the Sentencing Guidelines (“rules knowledge requirement”); (c) must have at least two years’ experience in criminal defense representation (“experience requirement”); and (d) unless specifically permitted by the Court, must have his or her principal place of business within this district. CJA Plan App. 1 § I.A.3.

**2. Rules Knowledge Requirement.**

a. An applicant must have attended at least one federal criminal practice seminar approved, and preferably sponsored, by the Federal Public Defender and one sentencing guidelines seminar sponsored by the United States Probation Office. CJA Plan App. 1 § I.C.; CJA Panel Comm.

b. Sufficient knowledge of the United States Sentencing Guidelines is very important for becoming a member of the Regular Panel, and an applicant will be expected to show this knowledge to the CJA Panel Committee in writing with the attorney’s application for membership on the Regular Panel. CJA Panel Comm.

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<sup>1</sup> These guidelines were compiled by the CJA Panel Committee for the Eastern District of North Carolina (“CJA Panel Comm.”) and are a combination of express requirements in the CJA Plan for the Eastern District of North Carolina, Standing Ord. No. 16-SO-03, App. 1 (11 Oct. 2016) (“CJA Plan App. 1”), and requirements developed by the Committee based on its interpretation of the express requirements in the Plan and approved by the Court, pursuant to CJA Plan App. 1 § I.B.2. A citation is given for the source of each requirement.

### **3. Experience Requirement.**

a. The required two years of criminal defense experience may be obtained by serving as a staff attorney in a federal defender organization, as an assistant U.S. Attorney, as a law clerk for a federal district or circuit judge, or as a private attorney whose practice involves substantial criminal defense work. CJA Plan App. 1 § I.A.3.

b. An applicant's criminal defense experience must include experience in at least six federal felony cases. CJA Panel Comm.

c. An applicant's federal felony defense experience should include: attendance at detention hearings; attendance at or participation in client interviews; attendance at or participation in review of discovery; attendance at conferences with Assistant United States Attorneys; assistance with preparation of pretrial motions; attendance at motion hearings; attendance at arraignments; participation in the sentencing phase of cases, including attendance at presentence report interviews, discussion of sentencing hearings with defendants, study of presentence reports, attendance at sentencing hearings, and attendance at post sentencing hearing conferences with defendants; and, if possible, attendance at an entire federal felony jury trial. CJA Panel Comm.

d. It is preferred that an applicant's federal felony defense experience be obtained while the applicant is serving without compensation as a member of the Training Panel, but it is understood that some attorneys interested in joining the Regular Panel already have gained sufficient federal criminal defense experience working with other federal criminal defense attorneys. CJA Panel Comm.

e. If an applicant joins the Training Panel without any federal felony defense experience, it is preferred that he or she serve on the Training Panel for at least one year. CJA

Panel Comm. However, service on the Training Panel is not required for membership on the Regular Panel, and service on the Training Panel does not guarantee membership on the Regular Panel. CJA Plan App. 1 § I.C.

#### **4. Application Process**

a. An applicant for the Regular Panel must complete the Application for Membership for the Criminal Justice Act Panel for the United States District Court for the Eastern District of North Carolina, which is found on the website of the Office of the Federal Public Defender, nce.fd.org. CJA Plan App. 1 §§ I.A.7, I.C. For an applicant who is a current or former member of the Training Panel, the application must update the information provided in the applicant's prior application that resulted in his or her appointment to the Training Panel. CJA Panel Comm.

b. An attorney who is a current or former member of the Training Panel must obtain a written recommendation from a member of the Regular Panel who acted in the "first chair" capacity on cases where the Training Panel member acted as "second chair." CJA Plan App. 1 § I.C.; CJA Panel Comm.

c. There shall be two semiannual deadlines for the submission of applications for membership on the Regular Panel, which the Federal Public Defender shall establish in consultation with the CJA Panel Committee. CJA Panel Comm.

d. An application for membership on the Regular Panel by a current member of the Training Panel must be submitted within 18 months of the date the Training Panel member is appointed to the Training Panel or within such period beyond 18 months that is approved by the Federal Public Defender.<sup>2</sup> CJA Plan App. 1 § I.C.

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<sup>2</sup> The CJA Plan provides that if after 18 months an attorney on the Training Panel has not completed the necessary training to move to the Regular CJA Panel, the attorney's name will be removed from the Training Panel without

e. Applications for membership on the Regular Panel shall be submitted to the Federal Public Defender, who will forward the applications to the CJA Panel Committee for review and recommendation. CJA Plan App. 1 §§ I.A.7, I.C. The CJA Panel Committee will send the applications to the Chief Judge with its recommendations as to whether the applicant should be placed on the Regular Panel, kept or placed on the Training Panel, or neither. CJA Plan App. 1 §§ I.A.7, I.C. The Court will make the final decision on the applications. CJA Plan App. 1 §§ I.A.1, I.C.; CJA Panel Comm.

f. An attorney may reapply for membership on the Regular Panel. CJA Plan App. 1 § I.C.

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further notice, but that prior to expiration of 18 months, the attorney may apply in writing to the Federal Public Defender for an extension. CJA Plan App. 1 § I.C.