

Federal Public Defender
Southern District of Florida

CJA PLAN

**AMENDED PLAN FOR THE COMPOSITION,
ADMINISTRATION AND MANAGEMENT OF THE PANEL
PRIVATE ATTORNEYS UNDER THE CRIMINAL JUSTICE ACT**

Pursuant to the provisions of the Criminal Justice Act of 1964 (18 U.S.C. 3006 A), as amended by the Criminal Justice Act Revision of 1986, the judges of the United States District Court for the Southern District of Florida, have adopted the following amended plan¹ for the adequate representation of any person otherwise financially unable to obtain adequate representation.

- (1) Representation shall be provided for any financially eligible person who:
 - (i) is charged with a felony or with a Class A misdemeanor;
 - (ii) is a juvenile alleged to have committed an act of juvenile delinquency as defined in 18 U.S.C. 5031 (See 18 U.S.C. 5034 with regard to appointment of counsel);
 - (iii) is charged with a violation of probation;
 - (iv) is under arrest, when such representation is required by law;
 - (v) is entitled to appointment of counsel in parole proceedings;
 - (vi) is charged with violation of supervised release or faces modification, reduction, or enlargement of a condition, or extension of revocation in a term of supervised release;

¹ The provisions, hereof, shall amend the "Plan of the United States District Court For the Southern District of Florida Pursuant To The Criminal Justice Act of 1964 as Amended", dated August 25, 1981, which plan shall remain in effect, together with the addendums, thereto, except to the extent that the provisions, thereof, are inconsistent with this amended plan.

- (vii) is subject to a mental condition hearing under chapter 313 of 18 U.S.C.;
 - (viii) is in custody as a material witness; and
 - (ix) is entitled to appointment of counsel under the sixth amendment to the Constitution, or faces loss of liberty in a case and federal law requires the appointment of counsel.
- (2) Whenever the magistrate or the court determines that the interests of justice so require, representation may be provided for any financially eligible person who:
- (i) is charged with a petty offense (Class B or C misdemeanor, or an infraction) for which a sentence to confinement is authorized; or
 - (ii) is seeking relief under section 2241, 2254, or 2255 of title 28 U.S.C.

PROVISION FOR FURNISHING COUNSEL

A. This plan provides for the furnishings of legal services by a Federal Public Defender Organization, supervised by a Federal Public Defender, and serving the United States District Court for the Southern District of Florida. (See "Plan" of August 21, 1981) In addition, this plan provides for the appointment and compensation of private counsel in a substantial proportion of cases.

B. Insofar as practical, private attorney appointments will be made in at least 25 percent of the cases.

C. More than one attorney may be appointed in any case determined by the court to be extremely difficult. In a capital case, at least two attorneys should be appointed.

ADMINISTRATIVE ORGANIZATION

A. CJA Panel

The Court shall establish a panel of private attorneys (the Criminal Justice Act “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 CJA 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.

Each panel member shall serve for a term of three years, except that the panel in existence at the time when this section is first implemented shall serve staggered terms as follows: one-third of the members of the panel shall serve for one year, another one-third shall serve for two years, and the remaining one-third shall serve for three years. The existing panel shall be randomly divided into three groups by separate administrative order.

A panel member whose conduct or representation does not meet the high standards expected of members may be removed by the Conduct Review Panel prior to the expiration of his or her term as provided in paragraph F of this Plan.

Whenever the term of a CJA Panel member expires, that attorney may apply for a new term. In filling the vacancies of members whose terms have expired, the Panel Selection Committee shall first consider any Renewal Applications from members whose terms are expiring. If, after considering all Renewal Applications, there are still open positions to be filled, only then shall the Panel Selection Committee solicit and review applications from new applicants.

B. Panel Selection Committee

A Panel Selection Committee is hereby created. The Committee shall consist of one district judge, one magistrate judge, the Federal Public Defender, and attorneys, who are members of the Southern District of Florida Bar. The Clerk of Court shall be a member of the Panel Selection Committee, *ex officio*. The Federal Public Defender shall be the chairperson of the committee. The district judge, magistrate judge, and the attorneys shall be appointed by the Chief Judge and shall serve at his pleasure. Such appointments shall be made within fifteen (15) days from the date of approval of this plan.

The Committee shall meet at least once quarterly, shall review the qualifications of applicants, and shall recommend the best qualified to the Court.

Annually, within thirty (30) days following the end of the fiscal year, the Committee shall review the operation and administration of the CJA Panel over the preceding year and recommend to the Court any changes deemed necessary or appropriate by the Committee regarding the appointment process and CJA Panel management.

C. Application for Panel Membership

Application forms for CJA Panel membership shall be made available, upon request, by the Clerk of Court.² Applicants must be members in good standing of the trial bar of this Court, and have demonstrated experience in, and knowledge of, the Federal Rules of Criminal Procedure and the Federal Rules of Evidence. Applicants must have had criminal trial experience or have received training either administered or approved by the Committee.

Completed applications shall be submitted to the Clerk of Court who shall transmit them to the chairperson of the Panel Selection Committee.

D. Size of CJA Panel

The CJA Panel shall consist of a list of names large enough to provide a sufficient number of experienced attorneys to handle the Criminal Justice Act caseload; yet, small enough that panel members receive an adequate number of appointments to maintain their proficiency in criminal defense work and, thereby, provide a high quality of representation. The initial CJA Plan shall consist of those attorneys currently approved pursuant to the 1981 Plan, and who may continue to serve for one year from the date of the approval of the Amended Plan. Such attorneys may reapply for continued eligibility in such manner as the Committee shall prescribe.

E. Management of CJA Panel

² Attached hereto as Exhibit 1 is the approved application form. This form may be modified at the discretion of the PSC.

The Federal Public Defender shall maintain a current list of all attorneys included on the CJA Panel, with current office addresses and telephone numbers. The Federal Public Defender shall also maintain a record of qualifications and experience of each CJA Panel member. The Federal Public Defender shall furnish a copy of this list to each judge and magistrate. Such lists shall be revised and updated semi-annually. The Federal Public Defender shall maintain a public record of assignments to private counsel, as well as statistical data reflecting the proration of appointments between the Federal Public Defender Organization and private attorneys. Every effort shall be made to ensure that counsel is appointed as expeditiously as possible, that appointments are equitably distributed and that information on availability of counsel is maintained.

Appointments from the list shall be made on a rotational basis, subject to the individual magistrate's and judge's discretion to make exceptions due to the nature and complexity of the case, attorney availability and any other relevant factor. This procedure shall result in a balanced distribution of appointments and compensation among members of the CJA Panel and quality representation for each person for whom counsel is appointed. In the event of an emergency, i.e., weekends, holidays, or other nonworking hours, the magistrate or judge may appoint any attorney from the CJA Panel. In all cases where members of the CJA Panel are appointed out of sequence, the appointing judge or magistrate shall notify the Federal Public Defender of the name of the attorney appointed and the date of the appointment.

F. Removal And Conduct Review Of Panel Members

Membership on the CJA Panel is an honor and a privilege and members are expected to provide representation at a level that exceeds mere competent representation. A member of the CJA Panel may be removed from the Panel prior to the expiration of that attorney's term whenever the Court determines that the member has failed to fulfill the obligations of Panel membership or has engaged in other conduct which renders it inappropriate that he be continued as a Panel member.

All complaints concerning the conduct of a CJA Panel member shall be forwarded to the United States District Court Judge, who is designated as the Liaison to the Court's CJA Panel Committee. If the Liaison determines that a complaint alleges facts that, if true, would warrant consideration of removal of the CJA Panel member, the Liaison may direct the Chair of the Committee to review the complaint, and make any necessary inquiry.

The Chief Judge of the District shall appoint a second United States District Court Judge who, with the Liaison, will constitute a Conduct Review Panel to consider all complaints, and to determine what action, if any, should be taken. If the two Conduct Review Panel members, after consultation with the Chair of the Committee, unanimously agree on a course of action, then their decision is final. If the two members of the Conduct Review Panel do not agree, then the Chief Judge will determine the course of action. The Court, either through the Conduct Review Panel, or by decision of the Chief Judge, has the authority to remove an attorney from the CJA Panel at any time, or to take such other action as it deems appropriate.

It is solely within the discretion of the Conduct Review Panel as to how a complaint should be investigated, heard and determined.

G. Pro Hac Vice Admission

When the district judge presiding over a case, or the chief judge if a district judge has not yet been assigned to the case, determines that the appointment of an attorney, who is not a member of the CJA Panel, is in the interest of justice, judicial economy or continuity of representation, or there is some other compelling circumstance warranting his or her appointment, the attorney may be admitted to the CJA Panel, pro hac vice, and appointed to represent the CJA defendant. Consideration for preserving the integrity of the panel selection process suggests that such appointments should be made only in exceptional circumstances. Further, the attorney who may or may not maintain an office in this district, should possess such qualities as would qualify him or her for admission to this district's CJA Panel in the ordinary course of panel selection.

DETERMINATION OF NEED FOR COUNSEL

A. Advice of Right, Financial Inquiry, Appointment Procedure

Counsel should be provided to persons financially eligible for representation as soon as feasible after they are taken into custody, when they appear before a federal judge or magistrate, when formally charged, or when otherwise entitled to counsel under the Act, whichever occurs earliest. The determination of eligibility for representation under the Criminal Justice Act is a judicial function to be performed by a

federal judge or magistrate after making appropriate inquiry concerning the person's financial condition.

To effectuate this objective, federal law enforcement and prosecutorial agencies in this district, and those acting on their behalf, shall promptly ask any person who is in custody, or who might otherwise be entitled to counsel under the Act, whether the person desires court-appointed counsel, and shall, in cases in which the person indicates that he or she does seek representation, promptly arrange to have the person presented before a magistrate or judge of this court for determination of financial eligibility and assignment of counsel.

Unless it will result in undue delay, fact-finding concerning the person's eligibility for appointment of counsel should be completed prior to the person's first appearance in court. Relevant information bearing on the person's financial eligibility should be reflected on a financial eligibility affidavit (CJA Form 23) and the form shall be completed and executed before a judicial officer or appropriate court employee. Employees of law enforcement agencies or United States attorney offices should not participate in the completion of the CJA Form 23 or seek to obtain information from a person requesting the appointment of counsel concerning his or her eligibility.

Upon the appearance of a person before a magistrate or judge, as provided above, or at any proceeding in which a person who is entitled to representation under this plan appears without counsel, the court shall advise the person of the right to be represented by counsel and that counsel will be appointed if the person is financially unable to afford adequate representation. Unless the person waives representation by

counsel, the court, if satisfied after appropriate inquiry that the person is financially unable to obtain counsel, shall appoint counsel pursuant to procedure set forth, herein. If the need for the assistance of counsel is immediate and apparent, and the person states under oath that he or she is financially unable to obtain counsel, the inquiry may follow the appointment of counsel as soon thereafter as is practical. All statements made by a person in requesting counsel or during the inquiry into eligibility shall be either (a) by affidavit sworn to before the court, a court clerk or deputy, or a notary public, or (b) under oath in open court.

Appointment of counsel may be made retroactive to include representation furnished, pursuant to this plan, prior to appointment.

The court shall appoint separate counsel for person having interests that cannot be represented by the same counsel or when other good cause is shown.

B. Continuity and Duration of Appointment

A person for whom counsel is appointed shall be represented at every stage of the proceedings from initial appearance before the United States magistrate or the district court judge through appeal, including ancillary matters appropriate to the proceedings. In determining whether a matter is ancillary to the proceedings the court should consider whether the matter, or the issues of law or fact in the matter, arose from, or are the same as closely related to, the facts and circumstances surrounding the principal charge. If a United States magistrate appoints counsel to represent a person and the person is later before a district court judge in connection with the same charge, the same counsel shall appear before the judge to represent the person until the judge

has had the opportunity to make an independent determination as to whether appointment of counsel in the proceeding is appropriate and, if so, who should be appointed.

C. Appeal

In the event that a defendant enters a plea of guilty or is convicted following trial, counsel appointed hereunder shall advise the defendant of the right of appeal and of the right to counsel on appeal. If requested to do so by the defendant in a criminal case, counsel shall file a timely Notice of Appeal. The attorney shall continue to represent the defendant on appeal unless or until relieved by the district court or the court of appeals.

D. Partial Payment or Reimbursement

If at any time after appointment of counsel the court finds that the person is financially able to obtain counsel or to make partial payment for the representation, or that funds are available for payment from or on behalf of a person furnished representation, the court may terminate the appointment of counsel or authorize payment as provided in subsection (f) of the Act, as the interest of justice may dictate.

If at any time after appointment, counsel obtains information that a client is financially able to make payment, in whole or in part, for legal or other services in connection with the representation and the source of the attorney's information is not protected as a privileged communication, counsel shall advise the court. The court will then take appropriate action, which may include permitting assigned counsel to continue to represent the party with part or all of the cost of representation defrayed by

such party. In such event, the amount so paid or payable by the party shall be considered by the court in determining the total compensation to be allowed to such attorney. No appointed counsel may require, request, or accept any payment or promise of payment for representing a party, unless such payment is approved by order of the court.

If at any stage of the proceedings, including an appeal, the court finds that the party is financially unable to pay counsel whom he or she had retained, the court may appoint counsel as provided in the Act, as the interests of justice may dictate.

The court, in the interests of justice, may substitute one appointed counsel for another at any stage of the proceedings.

INVESTIGATIVE, EXPERT AND OTHER SERVICES

A. Upon Request

Counsel (whether or not appointed under the Criminal Justice Act) for a person who is financially unable to obtain investigative, expert or other services necessary for adequate representation in his case may request such services in an ex parte application before a judge, or before a magistrate if the services are required in connection with a matter over which the magistrate has jurisdiction (or if the judge otherwise refers such application to a magistrate for findings and report). Upon finding, after appropriate inquiry in an ex parte proceeding, held in camera, that the services are necessary, and that the person is financially unable to obtain them, the court, or the magistrate, as the case may be, shall authorize counsel to obtain the services. The judge or magistrate

may establish a limit on the amount which may be expended or promised for such services within the maximum prescribed by 18 U.S. 3006A(e)(3). Claims for investigative, expert and other services rendered in cases handled by the Federal Public Defender Organization do not require court approval if they are paid from the Federal Public Defender Office budget.

The court, in all cases, will hold counsel accountable to obtain only qualified investigators or experts.

COMPENSATION

A. Individual Payments to Counsel Appointed Under This Plan

Payment of fees and expenses to counsel appointed under this plan, and payment for investigative, expert and other services incurred pursuant to the provisions, hereof, shall be made in accordance with the provisions of the United States Judicial Conference's guidelines for the administration of the Criminal Justice Act; the fiscal policies of the Administrative Office of the United States Courts; Supplemental Instructions for Completing CJA Form 20 Vouchers promulgated by the Eleventh Circuit (Exhibit 2); and, Supplemental Instructions promulgated by this Court (Exhibit 3). Completed applications for payment (vouchers) shall be accompanied by the three worksheets attached hereto as exhibits 4, 5, and 6.³

In addition, panel members will be governed by the following guidelines:

³ These worksheets may be amended from time to time in order to facilitate the review/audit process.

- (i) In or out-of-court time charges for lunch recesses will not be allowed.
- (ii) Fees in excess of \$40.00 per hour for investigative, interpreter or related services shall require prior approval of the judge or magistrate.
- (iii) "Time" records for all services rendered shall be maintained and made available for random audit in such manner as may be required by the PSC.
- (iv) Decimal system shall be used to designate "time" charges.
- (v) Telephone conferences in excess of one tenth (0.1) hour will require notation of reason for duration. Parties to conversation must be identified.
- (vi) "Time" charges for receipt, review and dairying of "Pleadings" (notices of hearings, depositions, filings, etc.) shall not exceed one tenth (0.1) hour.

B. Schedule of Maximum Fees for Counsel Appointed Under This Plan

The following fees are hereby prescribed for this District:

1. Maximum Amounts for Counsel For representation of a defendant before a magistrate or judge of this court, or both, the maximum compensation to be paid for an attorney shall not exceed \$3,500 for each attorney in a case in which one or more felonies are charged, and \$1,000 for each attorney in a case in which only misdemeanors (including petty offenses as set forth in subsection (a) (2) (A) of the Act), are charged. Representation of a defendant on a new trial shall be considered a separate case, and fees shall be paid on the same basis as on the original trial.

2. Maximum Hourly Rate for Counsel The maximum hourly rate for attorneys shall not exceed the amount set by the United States Judicial Conference. In

addition, such attorney shall be reimbursed for expenses reasonably incurred, including the cost of any necessary transcripts authorized by the court or the magistrate.

For any other representation required or authorized by the Criminal Justice Act, the compensation shall not exceed \$750.00 for each attorney in each proceeding. This includes, but is not limited to representation of persons charged with a violation of probation, persons entitled to appointment of counsel in parole proceedings under Chapter 311 of Title 18K, U.S.C., material witnesses in custody, and persons seeking relief under section 2241, 2254, or 2255 of Title 28 U.S.C.

3. Time Limitation on Claims No claim for compensation or reimbursement will be honored unless filed within forty-five (45) days of the termination of the representation, unless good cause is shown.

4. Waiving Maximum Counsel fees Payment in excess of any maximum amount provided in Subpart 2 above, may be made for extended or complex representation whenever the court in which representation was rendered, or the magistrate if the representation was furnished exclusively before the magistrate, certifies that the amount of the excess payment is necessary to provide fair compensation and the payment is approved by the Chief Judge of the Eleventh Circuit.

C. Claims

Claims for compensation of private attorneys and others furnishing services under the Act shall be submitted on the appropriate CJA form, to the office of the Clerk of Court. That office shall review the claim form for mathematical and technical accuracy and for conformity with this plan and the supplemental instructions for

completing CJA Form 20, promulgated by this district and the Eleventh Circuit. The claim form shall then be forwarded for consideration and action to the appropriate judge or magistrate.

FORMS

Where standard forms have been approved by the Judicial Conference of the United States or an appropriate committee thereof, and have been distributed by the Administrative Office, such forms shall be used by the court, the clerk, the magistrates, and Federal Public Defender Organization and other appointed counsel.

GUIDELINES FOR THE ADMINISTRATION OF THE CRIMINAL JUSTICE ACT

The court, clerk of court, Federal Public Defender Organization, and private attorneys appointed under the Act and this plan, shall comply with the provisions of the Judicial Conference's Guidelines for the Administration of the Criminal Justice Act, Vol. VII, Guide to Judiciary Policies and Procedures.

EFFECTIVE DATE

This plan, as amended this 14th day of February, 2013, shall take effect when approved by the Judicial Council of the Eleventh Circuit.

Federico A. Moreno
Chief United States District Judge

**QUESTIONNAIRE AND APPLICATION FOR MEMBERSHIP
IN THE CRIMINAL JUSTICE ACT PANEL
FOR THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF FLORIDA**

The following Questionnaire and Application is to be completed by attorneys requesting to represent defendants under the provisions of the Criminal Justice Act in the United States District Court for the Southern District of Florida:

**THE APPLICANT IS HEREWITH APPLYING FOR APPOINTMENT AS A CJA
PANEL ATTORNEY.**

1. Name: _____

Office Address: _____

Office Phone: _____

Home Address: _____

Home Phone: _____

2. Education and Bar Admissions:

Graduated from _____ School of Law.

Year: _____

Admitted to practice in the
State of Florida on: _____

Admitted to practice in the United States
District Court for the Southern District
of Florida on: _____

Admitted to practice in the United States
Court of Appeals for the
Eleventh Circuit on: _____

Admitted to practice in the United States
Supreme Court on: _____

Others:

Jurisdiction or Court

Location:

Date:

_____	_____	_____
_____	_____	_____
_____	_____	_____

Are you Board Certified in any area of law?

Yes _____ No _____

If so, in what state(s) are you Board certified?

If so, are you Board Certified in (check appropriate box):

Criminal Trial _____ Appellate _____

Civil Trial _____ Other _____

3. Disciplinary Actions:

Have you ever been disciplined or have any complaints been filed against you or are you the subject of any pending disciplinary action by the Bar of any jurisdiction or by any Court?

If so, please explain in detail on a separate sheet of paper bearing your name and address, what the discipline was, and the nature of the conduct that led to the disciplinary action.

4. Practice Background (give dates by years):

Served as federal defender _____

Served as state defender _____

Served as federal prosecutor _____

Served as state prosecutor _____

Served in private practice _____

Served as Law Clerk _____

Other: (please describe) _____

5. Have you at any time been a member of the CJA Panel for this Court? _____

For any other Court? (Please give court title.) _____

If so, please give dates:

6. Trial Experience:

Approximately how many criminal cases have you tried to verdict?

United States District Court: _____

Florida States Court: _____

Other State Court: _____

Approximately how many pleas and sentencings have you handled?

United States District Court:

(pre-guidelines) _____

(post-guidelines) _____

States Court: _____

Approximately how many civil cases have you tried to verdict?

All Courts: _____

6(a). Appellate Experience:

Approximately how many appellate briefs have you filed in the last five years.

United States Circuit Court: _____

United States Supreme Court: _____

Florida Court of Appeals: _____

Florida Supreme Court: _____

Other State Courts: _____

How many oral arguments have you participated in over the last five years?

United States Circuit Court: _____

United States Supreme Court: _____

Florida Court of Appeals: _____

Other State Courts: _____

Please list the most significant appellate matter you have handled including the case name and number, whether oral argument was granted and the disposition of the case. If you are applying for appointment to **APPEALS** only, you **MUST SUBMIT A WRITING SAMPLE WITH THE APPLICATION.**

Please list all trials that you have had in the last three years (attach additional sheet, if necessary):

<u>Judge</u>	<u>Court*</u>	<u>Case Name and Number</u>	<u>Date of Trial</u>

** If a state court trial, please identify the county. If a federal trial outside the Southern District of Florida, please identify the district.*

7. List your Continuing Legal Education (CLE) experience as a participant or lecturer in a criminal or trial advocacy program within the last three years.

8. Please briefly describe any other activity or experience which you have had which bears on your qualification to serve as CJA counsel (i.e., other teaching, bar activities, writing).

9. Describe briefly the nature of your present practice:

10. Are you fluent in any of the following foreign languages?

Spanish _____ Creole _____

Other: _____

If other, please indicate which language(s)

11. Most appointments will be made to CJA lawyers who will rotate "duty" weeks in magistrates' court. Would you be available to serve as Duty Attorney on an assigned Duty Week?

Yes _____ No _____

12. In which federal courts are you available to receive appointment in (check boxes):

Dade [] Monroe []

Broward [] Ft. Pierce []

Palm Beach []

13. In which of the following categories of cases will you accept appointment (check boxes):

I. 0 to 5 days []

II. 6 to 10 days []

III. 11 to 20 days []

IV. 21 to 60 days []

V. 61 days and over []

14. Are you willing to handle "cold record" appeals (appeals from trials in which you were not trial counsel):

Yes _____ No _____

15. Are you willing to handle habeas corpus cases?

Yes ___ No _____

It is your responsibility to notify the Federal Public Defender, in writing, if any of the above information changes.

I HEREBY CERTIFY that the aforesaid information is true and correct and that I have carefully read the provisions of 18 U.S.C. §3006A(d) and (e). I request that I be considered for appointment to the panel for representation of defendants under the Plan approved in accordance with the Criminal Justice Act of 1964, as amended by the CJA Revision of 1986.

Date: _____ Signature: _____

MAIL TO:

**Michael Caruso, Federal Public Defender
Southern District of Florida
150 West Flagler Street, Suite 1500
Miami, Florida 33130-1555
(Attn: CJA Desk)**

ADDENDUM

1. Please state whether you are qualified to and desire to defend capital cases. If your answer to this question is in the affirmative, a separate application (which is available with the Clerk of the Court) must be obtained and filled out for consideration of appointment in death penalty litigation.

2. Please state what, if any, experience you have had with CIPA (Classified Information Procedures Act) litigation.

3. Please state any information concerning your background, training or experience which you believe qualifies you to be a CJA panel attorney.

4. The following information regarding race/ethnic background and gender is optional, and is sought in furtherance of the "Report of the Committee to Review the Criminal Justice Act" of the Judicial Conference of the United States dated January 29, 1993:

- 1. Female _____
- 2. Male _____
- 3. White, Non-Hispanic _____
- 4. Hispanic _____
- 5. African _____
- 6. American Indian/Alaskan Native _____
- 7. Asian/Pacific Islander _____

**SUPPLEMENT
APPLICATION FOR APPOINTMENT TO CAPITAL CASES**

Name		
Address		
	City	State
	Zip	
Florida Bar No.		
Phone Number		
2	How many felony jury trials have you had?	
	What percentage of these were as defense counsel?	
3	How many appeals have you handled?	
	What percentage of these were as defense counsel?	
4	How many first degree murder cases have you tried?	
4.a	<p>Please list these cases including style of case, case number, name of co-counsel, if any, opposing counsel and presiding judge. Also specify whether State was seeking the death penalty and whether a penalty phase was conducted.</p> <p>Provide a description of the case (issues involved, complexity, etc.) and outcome on a separate, attached sheet.</p>	
Case Style and Number:		
Co-Counsel:		
Opposing Counsel:		
Presiding Judge:		
Death Penalty Sought:		
Penalty Phase Conducted:		
Description:		
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**SUPPLEMENT
APPLICATION FOR APPOINTMENT TO CAPITAL CASES**

Case Style and Number:	
Co-Counsel:	
Opposing Counsel:	
Presiding Judge:	
Death Penalty Sought:	
Penalty Phase Conducted:	

Description:

Case Style and Number:	
Co-Counsel:	
Opposing Counsel:	
Presiding Judge:	
Death Penalty Sought:	
Penalty Phase Conducted:	

Description:

5	How many other first degree murder cases have you handled which resulted in a negotiated settlement?	
6	How many cases have you handled as appellate counsel, in which the death penalty had been imposed at the trial level?	
6a	Please list:	
7	Do you have any post-conviction experience? Please list and describe any capital cases including case style and number, opposing counsel, and presiding judge.	
	Please list:	

**SUPPLEMENT
APPLICATION FOR APPOINTMENT TO CAPITAL CASES**

	What percentage were as defense counsel?	
8	How many second degree murder, capital sexual battery or attempted first degree murder cases have you tried?	
	What percentage were as defense counsel?	
9	How many first or second degree murder, capital sexual battery, or attempted first degree murder cases have you handed as appellate counsel?	
10	Please list the most serious or complex cases you have tried to completion. If different than your answer to #, also include case style and number, co-counsel, if any, opposing counsel, presiding judge and length of trial. Include a description of the case (issues involved, defenses raised, etc.) and outcome.	

Case Style and Number:	
Co-Counsel:	
Opposing Counsel:	
Presiding Judge:	
Approximate Length of Trial:	
Description:	

Case Style and number:	
Co-Counsel:	
Opposing Counsel:	
Presiding Judge:	
Approximate Length of Trial:	
Description:	

Case Style and number:	
Co-Counsel:	

**SUPPLEMENT
APPLICATION FOR APPOINTMENT TO CAPITAL CASES**

Opposing Counsel:	
Presiding Judge:	
Approximate Length of Trial:	
Description:	
11	List all exclusively capital seminars which you have attended.
	1.
	2.
	3.

I hereby certify that the information provided in this application is true and correct.

Applicant's Signature

SUPPLEMENTAL INSTRUCTIONS FOR COMPLETING CJA FORM 20 (CJA VOUCHER)

This supplemental instruction sheet should be read in conjunction with the printed instructions attached to the CJA Form 20. Please read both sets of instructions before completing the voucher.

NOTE: All correspondence relating to CJA Vouchers should be directed to the Clerk’s Office. Attorneys should not correspond directly with a circuit judge or the circuit executive unless those individuals initiate such correspondence. Communication with this office or with any other court office by means of facsimile or other electronic means is not permitted unless specifically requested or authorized in advance by the receiving party.

WHAT TO SUBMIT	1. ORIGINAL CJA VOUCHER ISSUED BY ELEVENTH CIRCUIT COURT OF APPEALS. You may not submit a claim for appellate work on a CJA voucher issued by a district court. If you have misplaced the original voucher issued by this court, contact the appropriate case processing team in this office for a replacement.
	2. MEMORANDUM OF OUT-OF-COURT TIME. List the date of each service performed and the time spent performing it.
	3. RECEIPTS, CANCELED CHECKS OR INVOICES. Must accompany claims for commercial copying, airfare, hotel, computer assisted legal research and any miscellaneous expense exceeding \$50 (such as parking fees and long distance telephone charges).
	4. ONE COPY OF EACH BRIEF FILED ON BEHALF OF YOUR CLIENT.
	5. COPY OF PETITION FOR A WRIT OF CERTIORARI TO SUPREME COURT. If you are claiming the time and expense of preparation, submit one copy.
WHEN TO SUBMIT	6. WITHIN 60 DAYS AFTER MANDATE ISSUES. All parties will be notified when the mandate issues. Under FRAP 41, mandates issues 21 days after decision or 7 days after the denial of a timely petition for rehearing/suggestion of rehearing en banc.
WHICH TIME TO CLAIM	7. CLAIM ALL TIME SPENT REPRESENTING YOUR CLIENT FROM THE DATE OF THE ORDER APPOINTING YOU THROUGH AND INCLUDING THE PREPARATION OF A PETITION FOR A WRIT OF CERTIORARI. The date of the appointment is shown at voucher item #13, below the signature of the judge or deputy clerk. You may not claim <u>any</u> district court time on this voucher.
HOURLY RATES	8. IN-COURT TIME * Services rendered on or after Oct. 12, 1984 - \$50.
	9. OUT-OF-COURT TIME* Services rendered on or after Oct. 12, 1984 - \$40. *ALL TIME CLAIMED MUST BE REPORTED IN <u>TENTHS</u> OF HOURS.
AGGREGATE LIMITS	10. DIRECT CRIMINAL APPEALS - \$2,500. POST CONVICTION - \$750 Claims which exceed these limits may be approved at the discretion of the Chief Judge in a complex or extended case where the excess payment is necessary to provide fair compensation (See Instructions for CJA Form 20, at Item 22-29).

SUPPLEMENTAL INSTRUCTIONS FOR COMPLETING CJA FORM 20 VOUCHERS

This supplemental instruction sheet should be read in conjunction with the printed instructions attached to the CJA Form 20, the *Guidelines for the Administration of the Criminal Justice Act*, and Addendum Four of the *Guidelines for Counsel Supplementing the Eleventh Circuit Plan under the Criminal Justice Act*.

Vouchers which require correction, lack required memoranda or supporting documentation, or are incomplete will be returned to counsel with instructions for compliance.

PAYEE DATA Blocks 16A-D	<p>1. If appointed counsel has <u>preexisting agreement with a corporation</u>, including a professional corporation, that CJA earnings belong to the corporation, an information return (IRS Form 1099) will not be filed with the IRS. Neither the attorney's social security number nor the law firm's employer i.d. number should be entered. (Check <u>yes</u> in block 16A and proceed to block 17)</p> <p>2. If appointed counsel has a <u>preexisting agreement with his/her law firm</u> (but not a corporation, including a professional corporation) that CJA earnings belong to the law firm, an information return will be filed with the IRS in the law firm's name. (Check <u>no</u> in block 16A, enter the law firm's employer identification number in block 16C, and name and mailing address of the law firm in 16D; then proceed to block 17)</p> <p>3. If appointed counsel <u>does not have a preexisting agreement</u> as described above, an information return will be filed with the IRS in the attorney's name. (Check <u>no</u> in block 16A, enter social security number in block 16B and proceed to block 17)</p>
WHAT TO SUBMIT	<p>4. ORIGINAL CJA VOUCHER PLUS YELLOW AND PINK COPIES. If you have misplaced the original voucher issued by this court, contact the appropriate courtroom deputy or magistrate clerk for a replacement.</p> <p>5. MEMORANDUM IF CLAIM FOR OUT-OF-COURT TIME EXCEEDS \$400. List each service performed and the date and time spent performing it.</p> <p>6. RECEIPTS, CANCELED CHECKS OR INVOICES must accompany claims for commercial copying, airfare (copy of ticket), hotel, computer assisted legal research and any miscellaneous expense exceeding \$50.</p>
WHEN TO SUBMIT	7. NO LATER THAN 45 DAYS AFTER FINAL DISPOSITION OF THE CASE.
WHICH TIME TO CLAIM	<p>8. CLAIM ALL TIME SPENT REPRESENTING YOUR CLIENT FROM THE DATE OF THE ORDER APPOINTING YOU THROUGH AND INCLUDING DISPOSITION OF CASE. The date of appointment appears in block 13, below the signature of the presiding judge or magistrate. Do <u>not</u> claim any time prior to date of order or nunc pro tunc date. Time spent on appeals must be reported on separate a CJA 20 voucher issued by the 11th Circuit.</p> <p>9. TRAVEL TIME (block 18d) may <u>not</u> be claimed if the round trip is less than one hour.</p>
HOURLY RATES	<p>10. IN-COURT TIME for services rendered on or after October 12, 1984 = \$50.</p> <p>11. OUT-OF-COURT TIME for services rendered on or after October 12, 1984 = \$40.</p> <p><u>NOTE: ALL TIME CLAIMED MUST BE REPORTED IN TENTHS OF HOURS.</u></p>
AGGREGATE LIMITS	<p>12. FELONY \$3,500 Claims which exceed these limits may be approved at MISDEMEANOR 1,000 the discretion of the Chief Judge of the 11th Circuit. OTHER 750</p>