

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO



NOTICE FROM THE CLERK NO. 10-11

REVISED CRITERIA FOR APPOINTMENT TO THE CRIMINAL JUSTICE ACT PANEL

The Criminal Justice Act of 1964, 18 U.S.C. §3006A ("CJA"), was enacted to establish a comprehensive system for appointing and compensating lawyers to represent defendants financially unable to retain counsel in federal criminal proceedings. In 1995 the United States District Court for the District of Puerto Rico ("District Court") adopted a Plan for Implementing the Criminal Justice Act of 1964, as Amended (2004). The Plan's objective is to enable the adequate representation of such defendants, by providing counsel and investigative, expert, and other necessary services.

The District Court's Plan set forth the minimum criteria for members of the bar that seek appointment to the CJA Panel of Attorneys. See Section IV, (D) of the Plan. To obtain membership in the CJA Panel for the District of Puerto Rico, each attorney must at least:

1. be a member in good standing of the bar of this District Court;
2. have at least five (5) years experience as a licensed attorney, provided however, that present special circumstances of exceptional experience of an applicant, the CJA Committee may waive strict application of this requirement;
3. have sufficient skill to furnish high quality representation to criminal defendants;
4. be familiar with the following: a) the Federal Rules of Criminal Procedure; b) the Federal Rules of Evidence; c) the Bail Reform Act of 1984; d) the Federal Sentencing Guidelines e) the Federal Rules of Appellate Procedure; f) the Local Rules for the District of Puerto Rico; g) applicable case law; and h) such other statutes and rules as may be enacted with respect to criminal cases.
5. agree to accept appointments in the full range of CJA cases, other than those cases where the death penalty is being sought;
6. meet the continuing Legal Education requirements set forth in the Plan (See Section IV, (E) of the Plan); and
7. have completed the mentoring program as required by the Plan (See Article VII of the Plan) or by a similar program with the First Circuit Court of Appeals.

In addition to meeting the aforementioned criteria, applicants are also required to file a *CJA Panel of Attorneys Questionnaire* with the Clerk of Court. See Section IV, (B) of the Plan. The Plan entrusts the members of the CJA Committee with the task of evaluating each candidate's application and making recommendations to the District Court regarding new appointments to the CJA Panel. As part of this evaluation process, CJA Committee members may request to meet with applicants to the CJA Panel to better assess the candidate's qualification and experience. The CJA Committee's recommendations are instrumental in the District Court's decision to appoint experienced attorneys who can handle the Panel's caseload, while also maintaining proficiency in their federal criminal defense work and provide high quality representation. See Section IV, (A) of the Plan.

In order to further ensure that applicants to the CJA Panel satisfactorily meet the requirements for membership and to enable the CJA Committee task, **attorneys seeking admission to the CJA Panel or Mentoring Program at the time of publication of this Notice, may be interviewed by CJA Committee members.** Upon review of the completed *Questionnaire* for appointment or re-appointment to the Panel, District Court officials will contact the applicant to schedule an interview with CJA Committee members. All CJA Panel applicants must comply with the interview requirement prior to final CJA Committee consideration. **The CJA Committee may waive the interview requirement when special circumstances of an applicant's exceptional qualifications and experience are present.**

The interview requirement will afford applicants the opportunity to elaborate on the information provided in the *Questionnaire* to the CJA Committee members, including qualifications to practice criminal law and why they wish to represent indigent defendants, among others topics. At the same time, the interviews will aid the CJA Committee members in their duty to recommend to the District Court those attorneys that will maintain highest level of experience and competency required of the members of the CJA Panel.

BY ORDER OF THE COURT

In San Juan, Puerto Rico, this 9th of July, 2010.

FRANCES RIOS DE MORAN, ESQ.
CLERK OF COURT



By: Jorge E. Soltero, Esq.
Staff Attorney