

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

ORDER

**PLAN FOR IMPLEMENTING THE CRIMINAL JUSTICE ACT OF 1964,
AS AMENDED 18 U.S.C. §3006a**

Effective October 1, 1995, as amended
on January 21, 2004.

I. INTRODUCTION

A. JURISDICTION

Pursuant to the provisions of the Criminal Justice Act of 1964, 18 U.S.C. §3006A as amended ("CJA"), the Judges of the United States District Court for the District of Puerto Rico (the "District Court") have adopted the following plan (the "Plan") for the adequate representation of any person otherwise financially unable to obtain adequate representation, and who:

1. is charged with a felony or a Class A misdemeanor;
2. is a juvenile alleged to have committed an act of juvenile delinquency as defined in 18 U.S.C. §5031 et seq;
3. is charged with a violation of probation;
4. is under arrest, when such representation is required by law;
5. is charged with a violation of supervised release or faces modification, reduction, or enlargement of a condition, or extension or revocation of a term of supervised release;
6. is subject to a mental condition hearing under 18 U.S.C. §4241 et seq;
7. is in custody as a material witness;
8. is entitled to appointment of counsel under the sixth amendment to the Constitution;
9. faces loss of liberty in a case, and Federal law requires the appointment of counsel; or

10. is entitled to the appointment of counsel under 18 U.S.C. §4109 et seq.

Representation shall include counsel and investigative, expert and other services necessary for an adequate defense [See 18 U.S.C. §3006A(e)].

B. FEDERAL PUBLIC DEFENDER AND PRIVATE COUNSEL

This Plan provides for the furnishing of legal services by both a Federal Public Defender Organization, supervised by a Federal Public Defender ("FPD"), and for the continued appointment and compensation of private counsel in a substantial proportion of cases. The appointment of counsel, being a non-delegable function of the District Court, shall remain the exclusive province of the District Judge or Magistrate Judge ("judicial officer"). The judicial officer, in his or her discretion, shall determine whether any party entitled to representation will be represented by the Federal Public Defender Organization or by private counsel.

II. THE CRIMINAL JUSTICE ACT COMMITTEE

The District Court shall establish a Criminal Justice Act Committee ("CJA Committee") consisting of five attorneys who agree to serve without compensation, the FPD, the Chief District Judge or designee, a Magistrate Judge, and the Clerk of Court or designee.

A. DUTIES

The CJA Committee shall be responsible for:

1. Implementing the Mentoring Program described below;
2. Annually evaluating applications and recommending to the District Court re-appointments and new appointments to the CJA Panel of private practice attorneys, provided that the CJA Committee members shall be served copies of the applications for CJA panel membership and any other pertinent information, in advance of the Committee's meetings;
3. Working with the FPD to provide training programs for CJA Panel attorneys and other members of the criminal defense bar;
4. Receiving, reviewing and making recommendations to the District Court concerning: (a) the performance of CJA Panel attorneys, including complaints and Report and Recommendations regarding the CJA Panel pursuant to Section VI of this Plan, (b) the processing of CJA Panel payment vouchers, (c) the establishment of basic due process criteria for

the review of CJA Vouchers, or, (d) any other issues of interest to CJA Panel members.

B. MEMBERS

The five attorneys on the CJA Committee shall be appointed by the District Court to serve staggered terms of up to three years. At least, three of the attorney members shall also be members of the CJA Panel. The Chief Judge of the District Court, or his designee shall serve as the Chair of the CJA Committee. The Chair may create one or more subcommittees with the CJA Committee to handle specific areas of responsibility. The District Court shall also designate a Magistrate Judge to serve on the CJA Committee for a three year term. The Clerk of the District Court, or her/his designee, shall both serve as a member of the CJA Committee, and shall provide administrative support to the CJA Committee. Vacancies shall be filled by the District Court. The FPD and the Clerk of Court are permanent members of the CJA Committee.

C. JUDICIAL OFFICERS

District Court Judges and Magistrate Judges may furnish feedback to the CJA Committee concerning the effectiveness and proficiency of CJA panel members, as they see necessary, for appropriate action by the CJA Committee.

III. FEDERAL PUBLIC DEFENDER ORGANIZATION

A. ESTABLISHMENT

The District Court has determined that the use of a Federal Public Defender Organization, as defined in statute, serving the District of Puerto Rico, will facilitate the representation of persons entitled to the appointment of counsel under the Criminal Justice Act of 1964, as amended, and that the District of Puerto Rico is a district in which at least two hundred (200) persons annually require the appointment of counsel, pursuant to 18 U.S.C. §3006A(h)(1) pertaining to the qualifications necessary to establish such an organization. A Federal Public Defender Organization has been established which is capable of rendering defense services on appointment throughout the District of Puerto Rico.

B. GOVERNANCE AND BUDGET

The Federal Public Defender Organization shall operate pursuant to the provisions of relevant statute(s), as well as the Guidelines for the Administration of the Criminal Justice Act, promulgated by the United States Judicial Conference. Neither the Federal Public Defender nor any appointed staff attorney may engage in the private

practice of law. The Federal Public Defender shall submit to the Director of the Administrative Office of the United States Courts, at the time and in the form prescribed by the Director, reports of his or her activities and the financial position and proposed budget of his or her office. Copies of such reports shall be furnished to the CJA Committee, the Chief Judge for the District Court and to the Judicial Council of the First Circuit.

C. STAFF

The Federal Public Defender shall furnish to the District Court the roster of the personnel of his or her staff and shall thereafter report any changes thereto to the District Court. Efforts should be made to assure that the FPD and the staff of the FPD's office are both highly qualified and sensitive to the diverse population they represent.

D. TRAINING AND RESOURCES

The FPD's office shall take the lead in providing educational programs for the CJA Panel and other members of the bar. This training shall include the Continuing Legal Education which is required in order to maintain membership in the CJA Panel. Such training is important to enhance the quality of representation of indigents and to making the CJA Panel accessible to able attorneys of differing levels of criminal experience. Similarly, the FPD's office shall serve as a central repository for materials which may be valuable to members of the CJA Panel, such as legal memoranda on recurring issues and jury instructions.

IV. CJA PANEL OF ATTORNEYS

The District Court shall approve, and regularly review and revise a list of private practice attorneys to be appointed to the CJA Panel for the District of Puerto Rico (the "Panel"), and shall, from time to time, approve a list of attorneys to fill the vacancies of those CJA Panel members whose terms have expired.

A. SIZE OF PANEL

The Court shall periodically set the size of the CJA Panel. The panel shall be large enough to provide a sufficient number of experienced attorneys to handle the CJA caseload, yet small enough so that panel members will receive an adequate number of appointments, to maintain their proficiency in federal criminal defense work, and thereby provide high quality representation.

B. TERMS AND PROCESS OF APPOINTMENT

1. **Process:** The CJA Committee shall, in 1995 and not less than once per year commencing in 1997, publicize the availability of appointments to the

CJA Panel, distribute applications to all attorneys who request them, and review all completed applications. No one shall be appointed, or re-appointed, to the CJA Panel without completing the official application form. The Committee shall then prepare a list of attorneys to recommend to the District Court for appointment to the CJA Panel. It is assumed that there will be more qualified applicants than the number of positions available. Consequently, it shall be the duty of the CJA Committee to recommend those attorneys who together will create an experienced, competent, and diverse CJA Panel. Applications for the CJA panel shall be entertained by the CJA Committee throughout the year.

2. **Terms and Reappointment:** CJA Panel members shall serve for staggered, three year terms and be eligible for, although not assured, reappointment to the panel. However, for those panel attorneys appointed to the panel as of October 1, 1995, the appointments shall be for staggered terms of two, three and four years. The CJA Committee shall, beginning in June of 1997, and annually thereafter, solicit new applications for the panel, as possible replacements for the one third of the panel whose term shall expire each year, and shall then make appropriate recommendations to the District Court. Panel attorneys may be re-appointed to further three-year terms, but must complete a new application, and incumbents shall be eligible for, but not assured, reappointment. Panel members who voluntarily withdraw from the panel, even if temporarily, shall request re-admission by completing a new application and filing it with the Clerk of Court.

C. PUBLICATION OF PROCESS

The application process shall be publicized in legal newsletters and other relevant publications in Puerto Rico. The Puerto Rico Bar Association, the Federal Bar Association and the law schools in Puerto Rico may be enlisted in the efforts to solicit applications. With each revision of the panel list, the CJA Committee should make efforts designed to make the CJA Panel accessible to newcomers and reflective of the gender, racial and geographical diversity of the bar.

D. ELIGIBILITY FOR PANEL APPOINTMENT

The minimum criteria for membership in the CJA Panel are that each attorney:

1. be a member in good standing of the bar of the United States District Court for the District of Puerto Rico;

2. have at least five 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; and
6. meet the Continuing Legal Education requirements set forth below.
7. have completed the mentoring program as required by this Plan or by a similar program with the First Circuit Court of Appeals

E. CONTINUING LEGAL EDUCATION REQUIREMENTS

In order to maintain membership on the CJA Panel, each panel attorney shall attend at least two seminars and/or periods of instructions per natural year of continuing legal education ("CLE") pertaining to the practice of criminal law.

At least one of such seminars shall be provided by the FPD, who shall submit to the Clerk of Court the name(s) of any panel member(s) who fail to attend without reasonable excuse. For any CLE seminar not provided by the FPD, each CJA Panel member shall be responsible for obtaining prior approval from the Clerk of Court and for submitting documentation of attendance within 30 days following such seminar. Procedures for the prior approval and the submission of documentation shall be set by the Clerk of Court. The Clerk of Court shall also develop a monitoring process to ensure compliance with this requirement, and will inform the CJA Committee, as necessary, those CJA panel members who are not in compliance with the CLE requirements above.

V. RECORD KEEPING

It shall be the duty of all panel members to inform the Clerk of Court of any change in address, phone and FAX number(s) and email address. The Clerk of Court

shall maintain a current computerized roster of all attorneys included on the CJA Panel list for the District, as approved by the District Court, with current office addresses, telephone and FAX numbers and email addresses. Records shall also be maintained by the Clerk of Court and his or her deputies in a manner which will permit judicial officers and the CJA Committee to monitor the rate of appointments to the FPD's office and to the CJA Panel and the use of exceptions by Magistrate Judges to the random selection process. A quarterly report on these assignments shall be submitted by the Clerk of Court to the Chief Judge of the District Court. The CJA Committee members shall receive copies of these quarterly reports.

VI. SUSPENSION OR REMOVAL FROM CJA PANEL

Panel attorneys recommended by the CJA Committee and designated by the District Court serve at the pleasure of the Court, as membership in the panel is a privilege and not a proprietary right. As such, a member of the CJA Panel may be subject to suspension or removal from the panel or any other appropriate action. Suspension or removal shall not be in the nature of a disciplinary action. The process shall be confidential until final determination of the District Court.

A. Grounds for Suspension or Removal

1. Summary Removal from the CJA Panel

In the event that a panel attorney is disbarred or suspended from the practice of law by any state or federal court, or is convicted of a felony, or any misdemeanor involving moral turpitude, the member shall be removed summarily from the CJA Panel by the District Court. The District Court shall immediately notify the panel member of the action taken and the reasons therefor.

2. Other Grounds for Suspension or Removal

Suspension or removal may occur whenever the District Court determines that a member has failed to fulfill the obligations of panel membership or has engaged in other conduct afoul of same. Grounds for suspension or removal include, but are not limited to, criminal charges, inclusion of false or misleading information in CJA vouchers, unjustified and/or frequent failure to comply with the obligation to accept appointments or lack of desire to accept or handle case assignments, failure to comply with the credentials for membership, failure to comply with the CLE requirements for panel membership, violation of the Model Rules of Professional Conduct or lack of adherence to ethical standards, substandard representation of clients and/or ineffective assistance of counsel under the Sixth Amendment of the United States Constitution, lack of professional competence, or mental/emotional instability affecting professional responsibilities.

A District Judge or Magistrate Judge before whom a case is pending may, in the interest of Justice, substitute one appointed attorney for another at any stage of the proceedings.

B. Procedure for Suspension or Removal from CJA Panel

Except where a panel attorney is summarily removed pursuant to Section A.1, the following procedures will apply:

1. Any person may submit a written complaint to the CJA Committee against a panel member under the grounds stated in Section VI A.2 above. Statements should be filed promptly so that fair consideration of the facts be accomplished. Any documentation in support of the ground(s) stated on the written complaint shall accompany the statement.
2. The CJA Committee will deliver to the respondent panel member a copy of the complaint and will allow a reasonable time for a written response.
3. After receipt of the panel member's response or the expiration of the term granted for submitting same, the CJA Committee shall give the attorney written notice of its intended action. The CJA Committee may afford the attorney an opportunity to be heard before a sub-committee designated by it. The sub-committee shall then submit a report to the CJA Committee, and upon receipt of the report, the CJA Committee may recommend to the District Court any appropriate corrective action to be taken, short of suspension or removal.
4. Upon receipt of the CJA Committee's recommendation, the District Court will issue a decision on the matter, which shall be final. The District Court shall immediately notify the panel member of the action taken and the reasons therefor.

C. Any attorney suspended or removed under this Section who desires to be reinstated to the CJA Panel shall file an original application with the CJA Committee.

VII. MENTORING PROGRAM

A mentoring program shall be established by the CJA Committee to provide an opportunity for attorneys, who at present lack the required experience, to serve on the CJA Panel. The CJA Committee shall establish a mentoring program of trial events that the mentored attorney must complete within a time frame established by the Clerk of Court. Personnel designated by the Clerk of Court shall certify each event participation.

The Clerk of Court will manage the mentored attorney's progress by issuing appropriate procedures, forms and enabling programs, and will notify the CJA Committee once the mentored attorney completes the required program events for consideration by the Committee. Participation in this program should contribute to the development of the qualifications necessary to serve on the CJA Panel, but shall not assure automatic future admission to the CJA Panel. In selecting participants for this program, however, consideration should be given as to whether an individual is interested in becoming a member of the CJA Panel.

VIII. ASSIGNMENT OF COUNSEL

A. RANDOMIZED COMPUTER SELECTION OF COUNSEL FROM PANEL LIST

The judicial officers sitting in the District shall appoint counsel for indigent individuals in criminal matters. As set forth above, a centralized, computerized list of CJA Panel members shall be maintained by the Clerk's Office and utilized by all judicial officers. If the FPD is not appointed in a particular case, the name(s) of counsel to be appointed in that case shall be randomly generated from the centralized list of CJA Panel members by a computer program designed to distribute appointments equally among CJA panel members. The FPD may be accorded direct initial assignment in cases, as determined by the Judicial Officer, and shall always be directly assigned in those cases featuring a single defendant.

B. DEVIATION FROM RANDOM SELECTION

1. **Duty:** It shall be the duty of the judicial officer to utilize the random selection system, as applicable. However, in exceptional circumstances, a judicial officer shall have the discretion to appoint an attorney not on the CJA Panel, or a CJA Panel member whose name was not generated by the computerized process if there is some compelling circumstance(s) warranting deviation from the random selection system.
2. **Death Penalty Cases:** In any case where the death penalty is actually sought, the random selection method shall not be used. The presiding U.S. District Judge shall appoint the most qualified attorney, regardless of number of prior appointments. If no qualified Panel member is available, the presiding U.S. District Judge may select an attorney who is not a Panel member. The presiding U.S. District Judge shall also follow the procedures for death penalty cases which are set forth in the Judicial Conference of the United States Guide to Judiciary Policies and Procedures and such other procedures as may be established by the Judicial Council of the First Circuit.

3. **Record Keeping:** A record concerning any such exceptional appointment shall be prepared by the appointing judicial officer, and the Clerk of Court shall maintain such record and other documentation, separate from the case file, concerning each appointment and containing sufficient information to monitor compliance with the performance of the appointment process.

C. PROCESS OF APPOINTMENT OF COUNSEL

In every criminal case in which the defendant is charged with a felony or a misdemeanor (other than a petty offense as defined in 18 U.S.C. §1, unless the defendant faces the likelihood of loss of liberty), or with juvenile delinquency by the commission of an act which, if committed by an adult would be such a felony or misdemeanor, or with a violation of probation, parole, or conditions of supervised release, or for whom the Sixth Amendment to the Constitution requires the appointment of counsel or for whom, in a case in which the defendant faces the loss of liberty, or under any federal law that requires the appointment of counsel, and the defendant appears without counsel, the judicial officer shall advise the defendant that he or she has the right to be represented by counsel and that counsel will be appointed if the defendant is financially unable to afford adequate representation. Unless the defendant waives representation by counsel in writing, the judicial officer, if satisfied after appropriate inquiry that he or she is financially unable to obtain counsel, shall appoint counsel to represent the defendant. All statements made by a defendant in requesting counsel or during the inquiry into eligibility shall be under penalty of perjury.

Appointment of counsel may be made retroactive to include representation furnished pursuant to the Plan prior to appointment. The judicial officer shall appoint separate counsel for defendants having conflicting interests or when other good cause is shown.

D. SCOPE OF REPRESENTATION

A person for whom counsel is appointed shall be represented at every stage of the proceedings from his or her initial appearance before the judicial officer through appeal, including ancillary matters appropriate to the proceedings.

If at any time after appointment of counsel, the judicial officer finds that the person is financially able to obtain counsel or to make partial payment for the representation, the judicial officer may terminate the appointment of counsel or authorize payment as provided in the Criminal Justice Act of 1964, as amended, as the interests of justice may dictate. If at any stage of the proceedings, including an appeal, the judicial officer finds that a person is financially unable to pay for counsel whom he or she retained, the judicial officer may appoint counsel as provided in the Criminal

Justice Act of 1964, as amended, and authorize payment as therein provided, as the interests of justice may dictate. The judicial officer, in the interests of justice, may substitute one appointed counsel for another at any stage of the proceedings in accordance with the procedures set forth in section VIII, subsections A and B.

E. REPRESENTATION FOR INDIVIDUALS OTHER THAN DEFENDANTS

Any person in custody as a material witness; seeking relief under §§ 2241, 2254, or 2255 of title 28, or §4245 of title 18, United States Code, or facing a parole, probation or term of supervised release termination hearing, may be furnished representation pursuant to this Plan whenever the judicial officer determines that the interests of justice so require and such person is financially unable to afford adequate representation. Such appointments are discretionary pursuant to the Criminal Justice Act of 1964, as amended, and payment for such representation shall be in accordance with the provisions of applicable statutes and this Plan.

IX. PAYMENT FOR REPRESENTATION BY PRIVATE COUNSEL

A. HOURLY RATES

Any private practice attorney appointed under this Plan shall, at the conclusion of the representation or any segment thereof, be compensated at a rate not exceeding that set for the District by the Judicial Conference of the United States, and funded by the Congress of the United States. Such attorney shall be reimbursed for expenses reasonably incurred, including the costs of transcripts authorized by the judicial officer, as applicable by statute or policies and procedures established by the Judicial Conference, the Judicial Council for the First Circuit and this Plan.

B. MAXIMUM AMOUNTS

The maximum compensation per case to be paid to a private practice attorney appointed under this Plan shall not exceed the sums set by the Criminal Justice Act of 1964, as amended. For purposes of payment under this Plan, an order granting a new trial shall be deemed to initiate a new case.

C. WAIVING MAXIMUM AMOUNTS

Payment in excess of any maximum amount provided in the previous paragraph may be made for extended or complex representation whenever the District Judge before whom the representation was rendered, or the Magistrate Judge, if the representation was furnished exclusively before him or her, 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 Court of Appeals for the First Circuit.

D. FILING OF REQUEST FOR PAYMENT VOUCHERS

A separate voucher for compensation and reimbursement shall be made to the District Court for representation before the judicial officer. The claimant shall promptly file the voucher with the Clerk of Court of Puerto Rico who is authorized to select a deputy to coordinate duties assigned under this Plan. Each voucher shall be supported by a sworn written statement specifying the time expended, services rendered, and expenses incurred while the case was pending before the judicial officer, and the compensation and reimbursement applied for or received in the same case from any other source.

Where the approval of the Chief Judge of the Court of Appeals is required for excess compensation, the claimant shall include a written statement explaining the complex and/or extended nature of the representation which justifies the excess compensation. The judicial officer shall fix the compensation and reimbursement to be paid to the attorney. In cases where representation is furnished exclusively before a Magistrate Judge, the voucher shall be submitted to the Magistrate Judge who shall fix the compensation and reimbursement to be paid to the attorney.

E. APPEALS

If a defendant is convicted following trial, counsel appointed hereunder shall advise the defendant of the right to appeal and the right to counsel on appeal. This obligation shall not be affected or diminished by similar advice given to the defendant by the judicial officer. If a defendant does wish to appeal or is undecided, counsel shall file a timely notice of appeal and shall continue to represent the defendant unless or until counsel is relieved by the Court of Appeals. However, counsel should note that a separate CJA appointment by the Court of Appeals is also required.

F. RECEIPT OF OTHER PAYMENTS

Whenever the judicial officer finds that funds are available for payment from or on behalf of a person furnished representation under the Criminal Justice Act, as amended, and this Plan, the judicial officer may authorize or direct that such funds be paid to the appointed attorney, to any person authorized to render investigative, expert, or other services, or to the District Court for deposit in the Treasury. Except as so authorized or directed, no such person may request or accept any payment or promise of payment for providing services or representation to a defendant.

X. SERVICES BY OTHER THAN COUNSEL

A. UPON PRIOR REQUEST

Counsel for any person who is financially unable to obtain investigative, expert, or other services necessary for an adequate defense may request them in an ex-parte application. Upon finding, after appropriate inquiry in an ex-parte proceeding, that the services are necessary and that the person is financially unable to obtain them, the District Judge, or the Magistrate Judge if the services are required in connection with a matter over which the Magistrate Judge has jurisdiction, shall authorize counsel to obtain the services requested. The maximum which may be paid to a person for services so authorized shall not exceed that set forth in the Criminal Justice Act of 1964, as amended, exclusive of reimbursement for expenses reasonably incurred, unless payment in excess of that limit is certified by the presiding judicial officer as necessary to provide fair compensation for services of an unusual character or duration, and the amount of the excess payment is approved by the Chief Judge of the Court of Appeals for the First Circuit.

B. WITHOUT PRIOR REQUEST

Counsel appointed under the Criminal Justice Act, as amended, and this Plan may obtain, subject to later review, investigative, expert, or other services without prior authorization if necessary for an adequate defense. The total cost of services obtained without prior authorization may not exceed that set forth in the Criminal Justice Act of 1964, as amended, and expenses reasonably incurred, and payment in excess of that amount must be approved by the Chief Judge of the Court of Appeals for the First Circuit.

XI. MISCELLANEOUS

A. 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 of United States Courts, or have been developed by the District Court, such forms shall be used by the District Court, the Clerk of Court, the judicial officers, the Federal Public Defender Organization, and private counsel appointed under this Plan.

B. GUIDE TO JUDICIARY POLICIES AND PROCEDURES

The judicial officers, Clerk of the District Court, Federal Public Defender Office, and private practice attorneys appointed under this Plan, shall comply with the CJA provisions of the Judicial Conference of the United States Guide to Judiciary Policies and Procedures, copies of which are available from the Clerk of Court.

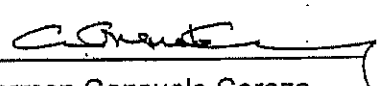
XII. EFFECTIVE DATE

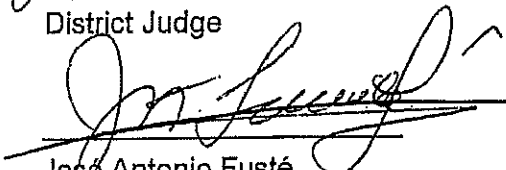
This Plan shall take effect immediately upon its approval by the Judicial Council of the First Circuit, or on October 1, 1995, whichever is later. It shall supersede the Plan for the Administration of the Criminal Justice Act Panel of Attorneys, adopted by this District on August 1, 1976, and amended from time to time thereafter by this District Court. However, counsel appointed under the previous Plan to represent particular defendants shall be authorized to complete the services for which they were appointed and shall be entitled to be paid under the previous Plan for such services and expenses.

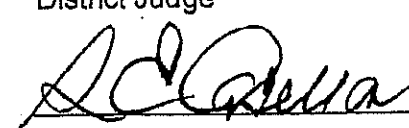
THE FOREGOING PLAN IS AMENDED AND ADOPTED BY THE JUDGES OF THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF PUERTO RICO, AS OF THE 1ST DAY OF OCTOBER, 1995. THE PLAN WAS AMENDED AND ADOPTED BY THE JUDGES OF THE DISTRICT COURT ON JANUARY 21, 2004.

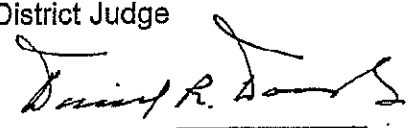

Héctor M. Laffitte
Chief Judge


Juan M. Pérez-Giménez
District Judge


Carmen Consuelo Cerezo
District Judge

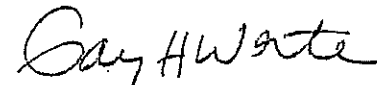

José Antonio Fusté
District Judge


Salvador E. Casellas
District Judge


Daniel R. Domínguez
District Judge


Jay A. García-Gregory
District Judge

THE FOREGOING AMENDED PLAN IS APPROVED BY THE JUDICIAL COUNCIL OF THE FIRST CIRCUIT AS OF THE DAY OF January 23 , 2004.


GARY H. WENTE, Circuit Executive
Secretary to the Judicial Council