

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF SOUTH CAROLINA

CRIMINAL JUSTICE ACT
MENTORSHIP PROGRAM

GUIDELINES



I. OBJECTIVES

To expand the pool of eligible members of the CJA Panel and ensure quality representation for all defendants, particularly the indigent, the Court and CJA Panel Selection Committee (“CJA Committee”) has designed a mentoring and training program (the “Mentorship Program”) to identify and help prepare viable candidates to qualify for consideration to the CJA Panel. The primary objective of the Mentorship Program is to encourage increased participation of attorneys unfamiliar with federal court and procedure to obtain the best qualified CJA Panel candidates. The Mentorship Program is open to all qualified candidates.

II. ADMINISTRATION OF THE MENTORSHIP PROGRAM

A. Overview

The Mentorship Program will be administered by the Federal Public Defender and CJA Committee with assistance from the Clerk’s Office Liaison to the CJA Committee. Attorneys who do not yet have the requisite experience for CJA Panel membership (“Mentees”) may seek admission to the Mentorship Program. Once admitted, the Mentee will be paired with an attorney from the Office of the Federal Public Defender or CJA Mentor Attorney (“Mentor Attorney”) to provide representation in appropriate cases. Mentor Attorneys from the CJA Panel will be contacted for participation in the Mentorship Program after July 1st of each year, following the bi-annual CJA meeting where Mentees will be selected. Each Mentee participating in the Mentorship Program will be expected to participate as a Mentee in two felony cases, or one felony case from start to finish in which a jury trial through verdict takes place. Upon successful completion of these training requirements, the Mentee may apply for admission to the CJA Panel. Mentees may also be offered the option to serve another term as a Mentee if they desire more experience and/or the CJA Committee recommends an additional term.

B. Assignment of Mentee

Upon receipt of a new case and after a Mentor Attorney has been appointed, the Mentor Attorney will review the case and determine if a Mentee should be appointed in a second-chair capacity.

The Mentor Attorney will contact the Clerk’s Office and request that an attorney from the appropriate divisional Mentee Panel List be assigned to work with the lead attorney. Appointments from the list of Mentees shall be made on a rotational basis.

Once an assignment has been accepted by the Mentee, the Clerk’s Office will provide the Mentee with the pertinent information about the case, as well as contact information for the “lead” attorney. An order will be entered by the Court pursuant to Federal Rules of Criminal Procedure 6(e), 12.1, 12.2, 12.3, 16, 26.2, 26 U.S.C. §§ 6103(h)(4)(D), 6103(i)(4)(A), and any case specific disclosure orders and pursuant to the authority of the Court to regulate proceedings before it

upon the acceptance of the case assignment by the Mentee. This order will permit the Mentor Attorney to disclose to the Mentee grand jury materials, sealed documents and other sensitive information which has been furnished to the Mentor Attorney by the United States Attorney as part of the discovery in the case.

C. Supervision and Evaluation of the Mentee's Work

The assigned Mentor Attorney will supervise as lead attorney the Mentee, who will act in the capacity of a second-chair attorney. It is desirable that the Mentee complete training in two cases with the same Mentor Attorney, but circumstances may warrant that this training be completed with separate Mentor Attorneys.

After completing work on two felony cases or one felony case that went to trial, the Mentor Attorney may submit a recommendation to the CJA Committee Chair that the Mentee be considered for admission to the CJA Panel. The Chair will confer with the Mentor Attorney, obtain other recommendations regarding the Mentee, if necessary, and will communicate this information to the CJA Committee in a timely manner.

The Federal Public Defender will invite Mentees to attend the CJA training seminars sponsored by the Federal Public Defender's Office and/or the Court. Such seminars are designed to assist CJA Panel members in keeping current with new developments in the law, and thus, will be of value to the Mentees.

III. MENTORSHIP PROGRAM MEMBERSHIP

A. Application for Appointment to the Mentee Panel

Posted on the Court's public website under the Attorneys hyperlink¹ will be a Mentorship Program description as well as an application form in a downloadable format (PDF/Word). Attorneys who meet the eligibility requirements and would like to be considered for appointment must apply between the dates of April 1st to June 30th to the attention of the Clerk of Court, U.S. District Court.

B. Eligibility for Mentee Panel Membership

To be admitted to the CJA Mentorship Program, attorneys must:

- Have three years of practice in state and/or federal courts;
- Demonstrate his or her status as a member in good standing with the South Carolina State Bar;
- Demonstrate a commitment to providing criminal defense services to indigent clients;
- Complete at least one training seminar on the United States Sentencing Guidelines;
- Demonstrate knowledge of the Federal Rules of Criminal Procedure and the Federal Rules of Evidence; and
- Have observed in-court proceedings in portions of at least two federal criminal cases.

¹ <https://www.scd.uscourts.gov/Attorney/cja.asp>

C. Selection of Mentee Panel Members

The CJA Committee will select and forward to the Court for its approval a list of the attorneys recommended to participate in the Mentorship Program. The list will be divided by divisions, and each division will have attorneys appointed to the Mentorship Program. The CJA Committee will notify, through the Clerk of Court's CJA Committee Liaison, the attorneys selected to be Mentees.

Attorneys may apply to the CJA Panel independently. However, some attorneys who apply for the CJA Panel may be offered admission to the Mentorship Program.

D. Length of Training Period

A Mentee will be expected to serve in the Mentorship Program for the time necessary to participate in two felony cases from start to finish or one felony criminal case from start to finish in which a jury trial through verdict takes place. Although it is anticipated that the training program will provide the Mentee with the opportunity to gain the experience necessary to become a successful member of the CJA Panel, participation in the Mentorship Program does not guarantee admission to the CJA Panel (nor is participation in the Mentorship Program required for admission to the CJA Panel). Mentees are not limited in the number of terms they may serve.

E. Removal or Resignation from the Program

A Mentee may be removed if unable to meet the expectations for membership. The decision as to removal from the Mentorship Program will be guided by the recommendation of the CJA Committee. Recommendations for removal will be submitted to the Court for consideration. Additionally, the Court may exercise its own discretion to cause the removal of an attorney from the Mentorship Program.

F. Compensation

Both the CJA Mentor Attorney and Mentee will submit their billings through the automated eVoucher program. The CJA Mentor Attorney shall be compensated at the current CJA hourly rate; the Mentee will receive a reduced hourly rate of \$125.00. No time can be billed by the Mentee dedicated to training, such as attending seminars or viewing training videos.

The only expenses allowed to be incurred by the Mentee are travel-related expenses, such as mileage and parking, and expenses associated with computer assisted research. Any other expenses, such as costs associated with experts (including interpreters), investigators, reproduction of transcripts/briefs, requested records, etc., shall not be reimbursable to the Mentee. Rather, it is the responsibility of the Mentor Attorney to bear these expenses and seek reimbursement or prior authorization when appropriate.

G. PACER Service

Mentees will be eligible to receive, free of charge, PACER services in CJA related matters. In order to take advantage of this service, the Mentee will need

to access the PACER website at: <http://pacer.psc.uscourts.gov> and complete the online registration form. Mentees should, under “Firm Name,” type in his or her name followed by “CJA Mentorship Program.” Once the registration has been submitted, the Mentee will receive his or her own ID number and password directly from PACER. Mentees should be aware, however, that PACER services are monitored and that the use of the free service is for CJA-related matters only. Unauthorized use of the PACER service will result in removal from the Mentorship Program. Any Mentee who wishes to use PACER for non-related CJA matters must register under his or her own name and obtain a different account number.

IV. EXPECTATIONS FOR PARTICIPANTS IN THE PROGRAM²

A. Mentors As Lead Attorneys

Cases that will serve as teaching vehicles will be newly presented cases that will expose the Mentee to myriad issues across the spectrum of representation (e.g., bail and release, discovery review, proffer sessions, plea negotiations, sentencing guideline calculations and negotiations, client interviews and conferences regarding various issues and themes, legal research and writing, federal pleading practice, and possible evidentiary hearings, trial and/or sentencing).

Mentor Attorneys participating in the program shall supervise the Mentee. Mentor Attorneys shall have discretion regarding the extent of the Mentee’s involvement, depending on the unique needs of the case and the experience of the Mentee, with the understanding that the Mentee must gain experience in all aspects of representing a client charged with criminal offenses in federal court.

The Mentor Attorney will have the ultimate responsibility for any case in which a Mentee is assisting, including the final decision-making authority about legal strategy. The Mentor Attorney will also have the primary responsibility for communication with the client and witnesses, although the Mentee is required to attend client meetings and witness interviews.

The Mentor Attorneys are expected to give feedback to their Mentees as to their performance on an ongoing basis.

The Mentor Attorneys will also report annually to the CJA Committee regarding the training needs and progress of the Mentees with whom they have been working.

B. Mentee Attorneys

Each Mentee will make his or her best effort to be available to serve through various stages of a federal criminal case and should strive to assist with and/or attend the following, if possible:

² See Appendix A, Mentee Duties and Responsibilities and Appendix B, Mentee Evaluation Form.

- Initial appearance
- Arraignment/detention hearing
- Jail visit/client meeting
- Plea negotiation
- Discovery review
- Sentencing guidelines calculations and analyses
- Sentencing hearing
- Motion drafting
- Composing sentencing memoranda
- Pre-trial hearings and conferences
- Trial

The Mentee will assist the Mentor Attorney as requested. Mentees will have the same professional responsibilities to the client and the Court as in a case in which they were the appointed attorney.

Mentees will be expected to keep current with developments in federal criminal defense law, practice, and procedure. Mentees will be invited to attend training seminars sponsored by the Federal Public Defender's Office. Attendance by the Mentees at these and other similar training sessions is strongly encouraged. Mentees are also expected to participate in self-study by availing themselves of resources and videos found at www.fd.org, www.ussc.gov and www.NACDL.org.

V. **OBLIGATIONS OF THE MENTORS**

A. **Post-Case Written Evaluation of Mentee Attorney**

Upon the conclusion of a case (*i.e.*, sentencing), the Mentor Attorney must complete a confidential written evaluation of the Mentee's performance. *See* Appendix B of the Mentorship Program. The evaluation should be sent via email or regular mail to the attention of the Clerk of Court, U.S. District Court.

The Clerk's Office Liaison to the CJA Committee will provide copies of the evaluation to the CJA Committee Chair, the Federal Public Defender, and the CJA Panel Attorney District Representative. In the discretion of the Chair, a copy of the evaluation will be provided to the other CJA Committee members and/or Chief Judge.

B. **December 1st Deadline For Evaluations and Recommendations**

Mentors must submit the evaluations no later than December 1st of the year for which the Mentee worked with the Mentor.

C. **Early-Termination Recommendations by the Mentor Attorney**

Deficient Performance.

If the Mentor Attorney recommends early termination from the program for deficient performance, the Mentor Attorney must submit that recommendation in writing to the

CJA Committee as soon as the Mentor deems prudent containing information about the urgency of the recommendation. The recommendation must be sent to the CJA Committee Liaison, Clerk of Court, U.S. District Court, via regular mail or email.

- The matter will be scheduled for discussion among the CJA Committee as practicable. Input from other attorneys with whom the Mentee worked will be sought as well as input from the district judges before whom the Mentee appeared. The purpose of the Mentorship Program is to develop proficiency in a specialty area of the law. All reasonable efforts should be expended to assist Mentees in developing this proficiency.

Superior Performance.

If the Mentor Attorney recommends that the Mentee be considered for early termination and consideration for appointment to the CJA Panel considering superior performance, knowledge and skills, the Mentor must submit that recommendation in writing to the CJA Committee as soon as he or she deems prudent. Mentors are encouraged to complete and submit these evaluations prior to June 30th so that the Mentee will have the opportunity to apply for consideration to the CJA Panel.

- The matter will be scheduled for discussion by the CJA Committee. The CJA Committee will seek input from other Mentors as well as from the district judges before whom the Mentee has appeared.

VI. CONCLUSION OF SERVICE ON THE MENTEE PANEL

A. Notification of Completion of the Program

When the Mentee has successfully completed the program, the CJA Committee will notify the Mentee that the Mentee is eligible to apply to the CJA Panel.

If the CJA Committee has determined that continued service in the Mentorship Program would benefit the Mentee, the Chair will notify the Mentee that he or she may either leave the Mentorship Program or continue as a Mentee for another term.

B. Notification of Termination from the Mentorship Program

If the CJA Committee recommends that a Mentee be removed from the Mentorship Program for deficient performance or other conduct deemed unsuitable for practice before the Court, the Chair will notify the Mentee that he or she is being removed from the Mentorship Program.

C. Consideration for Admission to CJA Panel

Successful completion of the Mentorship Program does not guarantee automatic admission to the CJA Panel, but it is an important factor and one that the CJA Committee will consider.