UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT
CRIMINAL JUSTICE ACT MENTORING PROGRAM PLAN

I. Introduction

In order to foster the broadest and most talented pool of candidates for the Second Circuit Court of Appeals Criminal Justice Act Panel (the "CJA Panel") and ensure quality representation for all defendants, particularly the indigent, the Court's CJA and Pro Bono Committee (the "CJA Committee") has designed a mentoring program (the "Program") to identify and prepare viable candidates for appointment to the CJA Panel.

The Program is implemented in accordance with the CJA, the USA Patriot Improvement and Reauthorization Act of 2005, and the Guide to Judiciary Policy, Volume 7A ("Guide").

II. Organization and Structure

A. CJA Mentoring Program Committee

1. The Court appoints a CJA Mentoring Program Committee (the "Mentoring Committee") to administer the Program. The Mentoring Committee is composed of one judge from the Court's CJA Committee, the CJA Attorney Advisory Group[1], and the Second Circuit Case Budgeting Attorney.

2. The Mentoring Committee's responsibilities include:

   - selection and approval of Mentors for the Program;
   - review of Mentee applications and selection of Mentees for the Program;
   - administration of orientation and training programs for Mentors and Mentees;
   - pairing Mentees with Mentors;
   - assisting with identification of appropriate cases for the Program; and
   - evaluating Mentors and Mentees, with periodic reports to the CJA Committee.

B. Mentors

1. Mentors are experienced and respected members of the federal criminal defense bar

[1] The Mentoring Committee includes the chair of the CJA Attorney Advisory Group and three to five members of the Group, as well as two to four additional members of the Group on a rotating basis.

who have extensive federal court experience as a member of the CJA Panel, public defender, Assistant United States Attorney, or private criminal defense attorney, and who have worked closely with junior attorneys, law students, or interns.

2. The Mentoring Committee will select a group of five Mentors (with additional Mentors identified as needed), subject to approval by the CJA Committee. Mentors are selected from the CJA Panel and the private federal criminal defense bar.

3. Mentors will be assigned one Mentee. Mentees may have more than one Mentor.

4. Mentors receive training on:

   - the goals and objectives of the Program;

   - the protocols and manner of instruction for Mentees including: the selection of appropriate cases to use as teaching vehicles; best practices to expose Mentees to all aspects of federal criminal appellate practice; development and assessment of a Mentee's oral and written advocacy skills; and Court's electronic filing system;

   - permissible tasks for Mentees to perform;

   - procedures for voucher submission for Program cases;

   - protocols for review and assessment of a Mentee's progress and ability to practice in federal court.

5. Mentors may not bill for time spent training Mentees.

6. Each Mentor will meet with the Mentoring Committee on a periodic basis to discuss the Mentor's matters and the progress of his or her Mentee in the Program.

C. Mentees

1. Qualified Mentee candidates are criminal practitioners who would merit consideration for membership on the Court's CJA Panel after gaining additional federal appellate criminal experience through the Program. It is preferred that candidates have either (1) five or more years of state or federal appellate experience, either as lead or associate counsel or (2) five or more years of federal district court experience. Prospective Mentee candidates must also exhibit strong research and writing skills and be admitted to practice in the Second Circuit Court of Appeals.

2. All Mentee applicants are required to submit a completed application form, resume, writing sample, and a Certificate of Good Standing from the Bar of the state(s) in which he or she is admitted. Applications are posted on the Court website at https://www.ca2.uscourts.gov/clerk/attorneys/cja.html.

3. A Mentee will be assigned to work with one or more Mentors on as many as three cases before the Second Circuit Court of Appeals in which merits (i.e., non-*Anders*) briefs are filed.

4. After successfully completing as many as three Program cases and the other Program requirements detailed in Section III(B), Mentees are encouraged to apply for membership on the CJA Panel. The CJA Attorney Advisory Group will consider the views of the Mentor(s), the Mentoring Committee, and the judges before whom the Mentee appeared while participating in the Program as to whether the Mentee qualifies for appointment. Mentees are not guaranteed appointment to the Circuit's CJA Panel.

III. Program Requirements

A. Program Cases

1. Briefed appeals on substantive and procedural issues are considered appropriate cases ("Program cases") for Mentors to use as teaching vehicles with Mentees. *Anders* briefs are not appropriate Program cases.

2. A Mentor who receives a case assignment suitable for the Program through the CJA Panel should advise his or her Mentee that a new case has been assigned as soon as practicable after receiving the assignment.

B. Program Expectations for Mentees

1. Mentees are required to:

- under the supervision of his or her Mentor(s), complete as many as three Program cases, which includes filing all necessary "perfecting" forms, identifying and researching issues, drafting and filing opening and reply briefs, compiling and filing appendices and any exhibits, and drafting and filing any motions, letters, petitions, or supplemental papers;

- appear at oral argument with his or her Mentor(s) and, at the discretion of panel, argue as counsel of record;

- register for and otherwise comply with the Court's ECF requirements;

- confer on behalf of the appellant with any relevant parties;

- provide at least fifteen hours of voluntary legal work on each case assignment;

- complete a minimum of six CLE credits that focus on federal criminal practice skills; and

- attend Program orientation sessions and other seminars/workshops offered by the Court's CJA Committee and the Mentoring Committee.

C. Compensation

1. Mentees provide legal services on a voluntary basis for at least fifteen hours for each case they are assigned. Following the mandatory volunteer time, Mentees are compensated at the rate listed in Appendix E of the Second Circuit Criminal Justice Act Policy & Procedures Manual.

2. Mentors and Mentees must follow the following protocols to seek compensation:

   - once a Mentor has determined that a case assignment is appropriate for the Program, the Mentor should advise the Court of the Mentee's participation in the case and request authorization to seek compensation for the Mentee as required by statute and Judicial Conference policy. *See* Guide, Vol. 7A, §§ 230.53.10(b), 310.20.30;

   - after the Court issues an Order of Authorization, a Mentee must submit CJA Form 21 (billing under the "other services" category), including a description of the nature of the services provided during the Mentee's fifteen hours of voluntary service;

   - a Mentor must request prior authorization from the presiding judge if seeking

compensation in excess of the case compensation limit. The compensation is then considered for approval by the Chief Circuit Judge or a designee. *See* Guide, Vol. 7A, § 310.20.20;

- a Mentor may not bill for work performed by a Mentee;
- a Mentor who is a CJA Panel attorney may submit vouchers on behalf of the Mentee;
- Mentors and Mentees may not bill for time spent principally on training and teaching.

IV. Program Promotion & Evaluation

A. Advancing the Mentoring Program

1. In order to recruit a strong pool of Mentors and Mentees, the Program is promoted to the Second Circuit bench and bar using the following methods:
   - the Program Plan and Mentee application are posted on the CJA page of the Court's public website;
   - judges of all Second Circuit courts are encouraged to provide names of prospective Mentors and Mentees to the Mentoring Committee;
   - the Attorney Advisory Group is encouraged to refer Panel applicants who would benefit from participating in the Program to the Mentoring Committee for consideration;
   - the CJA Committee promotes the Program to the Second Circuit CJA Clerks; and
   - the CJA Committee promotes the Program to bar associations, including local and national criminal defense bar associations.
2. Circuit judges are encouraged to appoint Mentors and authorize the use of Mentees for cases suitable for the Program.

B. Reporting & Evaluation

1. The Mentoring Committee will collect and maintain data regarding the Program, including:

- maintaining a roster of all present and past Mentors and Mentees (including Mentees who do not submit vouchers);

- documentation of each Mentee's hours of voluntary work per case;

- the types of cases designated as Program Cases;

- a list of Mentees who are subsequently appointed to the Court's CJA Panel; and

- any other data requested by the Office of Defender Services, the CJA Committee, and the Court.