

CRIMINAL JUSTICE ACT MENTORING PROGRAM

District of Massachusetts

Pursuant to Section IV.D of the District of Massachusetts' Plan for Implementing the Criminal Justice Act of 1964, as amended 18 U.S.C. § 3006A (the "CJA Plan"), the CJA Board for the District of Massachusetts hereby establishes the following mentoring program (the "Program") to provide an opportunity for attorneys who at present lack the experience to serve of the Criminal Justice Act Panel (the "CJA Panel") for the District of Massachusetts.

I. OBJECTIVES

As described in the Section IV.D of the CJA Plan, the objectives of the Program including increasing the diversity of the CJA Panel and ensuring high quality representation for all defendants under the Criminal Justice Act. The CJA Board intends that the Program will identify and help prepare viable candidates to qualify for consideration for appointment to the CJA Panel. While an important objective of the Program is to encourage and support increased participation of women and ethnic and racial minorities on the CJA Panel, the Program's primary goal is to identify and train the best qualified candidates for the CJA Panel. As such, the Program is open to all qualified candidates.

II. ORGANIZATION AND STRUCTURE

A. Role of the CJA Board

The Program will be administered by the CJA Board for the District of Massachusetts. The CJA Board will be responsible for overseeing the Program and for providing continuing guidance concerning the overall objectives and administration of the Program.

The CJA Board's specific responsibilities relating to the Program shall include (1) a review of Mentee applications and admission into the Program, subject to the review and approval of the Court (2) selection and approval of Mentors for the Program, (3) pairing of

Mentors with Mentees, including making such adjustments to such pairings as deemed necessary and appropriate during the course of any Mentee's participation in the Program, (4) administration of orientation and training programs for Mentees, (5) identification and approval of appropriate cases for the Program, (6) facilitation of networking and communication with other Mentees and Mentors, as well as with additional CJA Panel members in order ensure Mentees receive appropriate guidance and support on issues relating to their participation in the Program, and (7) evaluating the success of the Mentor-Mentee relationships under the Program.

In its discretion, the CJA Board may delegate or assign to any CJA Board member or any subcommittee of CJA Board members any of its responsibilities in connection with the Program. In the event of such designation or assignment, such member or subcommittee will report its activities in connection with the Program to the CJA Board on a regular basis. Notwithstanding any such delegation or assignment, the CJA Board shall at all times maintain ultimate responsibility for overseeing the Program.

B. Mentors

On an annual basis, the CJA Board will approve a pool of approximately five (5) CJA Panel members to serve as Mentors in the Program. Additional Mentors may be recruited by the CJA Board to serve as Mentors if demand requires. No Mentor will be assigned more than one Mentee. Mentees may have more than one Mentor.

Mentors will be instructed regarding the objectives of the Program, the permissible roles and tasks to be performed by Mentees in cases, the rules governing compensation for work performed by Mentees, and the Mentors' obligation to provide reviews and frank assessments to the CJA Board regarding the Mentees' progress and ability to represent defendants in criminal matters in federal court.

C. Mentees

On an annual basis, the CJA Board will consider, and if appropriate, recommend to the Court for the Court's approval applicants to become Mentees in the Program. Qualified candidates will include state and federal practitioners with five or more years of criminal experience, including trial experience (either as lead trial counsel or second chair) or other comparable in-court experience, and who, in the CJA Board's view, would merit consideration for membership on the CJA Panel with additional federal criminal experience obtained through the Program. Qualified candidates must be admitted to practice in the District of Massachusetts and must be in good standing in all jurisdictions in which they are admitted. All Mentee applicants must complete and submit all components of the application form for the Program established by the CJA Board.

The CJA Board may remove a Mentee from the Program at any time if it determines, in its discretion, that the Mentee is unable to satisfy the requirements of the Program.

Mentees who successfully complete the Program will be encouraged to apply for appointment to the CJA Panel. Successful completion of the Program, however, does not guarantee appointment to the CJA Panel.

III. PROGRAM PARAMETERS AND MENTEE PROTOCOLS

Once a Mentor is paired with a Mentee, the Mentor shall inform the Mentee as to when the Mentor has an assigned Duty Day or is otherwise assigned to a matter under the Criminal Justice Act. The Mentee should be prepared to spend the Duty Day with the Mentor and to work with the Mentor on any cases to which the Mentor is assigned. Mentors should make every effort to include Mentees in their cases at the earliest possible point in the proceedings.

In general, cases that will serve as appropriate teaching vehicles for the Program will be newly presented cases that will expose the Mentee to myriad issues across the spectrum of

representation in federal criminal proceedings (e.g. initial appearances, detention and release proceedings, probable cause hearings, discovery-related procedures and proceedings, suppression hearings, plea negotiations, pretrial and trial proceedings, pre-sentence interviews and sentencing proceedings). Mentees should also be exposed to a variety of different subject matters relating to federal criminal law. Where appropriate, in an effort to provide a Mentee with a sufficiently broad range of experience, the CJA Board may assign a Mentee to work with a different Mentor, or to work with a Mentor on a matter commencing at a later stage in the proceedings (e.g. a suppression hearing, a jury trial, or a sentencing proceeding).

Mentees will be expected and encouraged to:

1. With the defendant's consent and the approval of the Court, appear and argue on behalf of the defendant. The Mentor, as lead counsel of record, must be present with the Mentee during all court proceedings. Subject to the District Court's approval, the Mentee will be expected to enter an appearance in the case, to register for and otherwise comply with the Court's ECF requirements.
2. Under the direction of and in the presence of the Mentor and with the defendant's consent, confer on behalf of the defendant with government counsel, Court personnel, U.S. Pretrial Services personnel, United States Probation Officers, potential witnesses, interpreters, the defendant's family and friends, and members of the defense team.
3. Obtain, organize and review discovery materials, perform legal research, draft and file submissions to the Court, and engage in all other trial preparation activities. Such activities shall all occur under the direction, review, and supervision of the Mentor.

4. Under the direction of and in the presence of the Mentor and with the consent of the defendant, participate in hearings, evidentiary proceedings, trials, and sentencing proceedings.
5. Complete a minimum of six (6) CLE credits that focus on federal criminal practice skills. Mentees will also be required to attend Program orientation sessions and other training sessions sponsored by the CJA Board during the period of their participation in the Program.

IV. COMPENSATION

As contemplated by the Section IV(D) of the CJA plan, and because the Mentee will provide legal services and will work as co-counsel to the Mentor on matters to which the Mentor is assigned as lead counsel, the Mentor should apply to the District Court to have the Mentee authorized as additional counsel on any such case at the reduced rate of 80% of the approved CJA rate, in accordance with Exhibit A to the District of Massachusetts Guidelines for Claims Submitted for Reimbursement Under the Criminal Justice Act (2019) (the “Guidelines”).

Authorization of the Mentee as co-counsel and compensation, if any, for the Mentee’s services will be determined by the District Court on a case-by-case basis. The Mentor should identify the Mentee to the District Court at the earliest possible point in the case and should seek prior authorization from the District Court for the Mentee’s participation and compensation in accordance with Section I.C of the Guidelines and *Guide to Judiciary Policy* § 230.53.10(b). Such a request for prior authorization should also include a specific request, consistent with Section I.C.1 and I.C.2 of the Guidelines, seeking authorization for both the Mentor and the Mentee to attend together both court proceedings or client meetings in connection with the matter.

At any initial appearance before a United States Magistrate Judge prior to an assignment to a District Court Judge, the Mentor will inform the Magistrate Judge of the Mentee's proposed role, and the Mentor will apply to the District Court to authorize the appointment of the Mentee as co-counsel as promptly as possible after the matter is assigned to a District Court Judge. In such cases, the appointment of the Mentee may be made *nunc pro tunc* by the District Court if appropriate.

The Mentor and Mentee agree that they will not bill time spent principally on training, instruction or learning, which time must be provided on a *pro bono* basis.

V. PERIODIC REVIEW OF MENTEES AND COMPLETION OF THE PROGRAM

After each six (6) months of a Mentee's participation in the program, the CJA Board or its designee(s) will meet with the Mentee's Mentor in order to assess and evaluate the progress of the Mentee in the Program. During that meeting, the CJA Board will also consider, *inter alia*, the range of experience that the Mentee has had during the prior six months of the Program and whether any changes should be made (including whether the Mentee should be assigned to another Mentor) in order to ensure that the Mentee has a sufficiently broad experience regarding federal criminal practices.

In the ordinary course, Mentees' participation in the Program will be for a period of two (2) years. At the conclusion of that two-year period, the CJA Board or its designee(s) will meet with the Mentee and the Mentee's Mentor to confer regarding the Mentee's progress in the Program. At that time, the CJA Board may (1) determine that the Mentee's participation in the Program is complete, or (2) offer to the Mentee the opportunity to participate in the Program for an additional period of time, not to exceed one additional year.