

## **EDVA CJA MENTORING PROGRAM (RICHMOND DIVISION)**

To ensure quality representation for all defendants, particularly the indigent eligible for services under the Criminal Justice Act, the CJA Panel Committee (the “Committee”) has developed a mentoring program (the “Program”). The Program is a component of the Criminal Justice Act Plan for the Eastern District of Virginia and is open to all qualified attorneys who are currently serving on the Criminal Justice Act Panel for the Richmond Division (the “CJA Panel”), particularly the Misdemeanor Panel. The purpose of the Program is to increase the number of attorneys available to serve on the Felony CJA Panel; expand the areas of experience of the CJA Panel through promotion, training, and mentorship; and increase diversity of the CJA Panel.

The Federal Public Defender’s Office for the Eastern District of Virginia (FPD), in conjunction with the Committee, will administer the Program. The Program provides a mentoring opportunity for a limited number of individuals currently serving on the CJA Panel, and is particularly geared to those serving on the Misdemeanor Panel. The Program is designed to help Mentees obtain the skills necessary for future Felony Panel membership, or to accept representation in a broader range of cases. Participation in the Program is for training purposes; accordingly, Mentees will not be compensated for the time spent participating in the Program that does not involve representation of appointed clients. As described below, however, Mentees may receive compensation at a rate determined by the Court for legal services provided in the course of participation in the Program.

### **A. CJA Mentoring Program Objectives**

The FPD will be responsible for overseeing and managing the Program and for providing continuing guidance concerning the overall objectives and administration of the Program. The FPD’s responsibilities include the selection and approval of Mentors for the Program, providing training as outlined below, and identification of appropriate cases for the Program.

The FPD’s administration will include: 1) pairing of Mentees with Mentors; 2) providing Mentors with guidance regarding the overall objectives, protocol and methods of the Program; and 3) evaluation of the success of the Mentor – Mentee relationships under the Program, with periodic reports to the Committee. The FPD will designate a Program Coordinator (the “Program Coordinator”) who will serve as a point of contact for the Committee, Mentors, and Mentees.

### **B. Mentors and Mentees**

1. **Mentors:** The FPD & Committee will propose a pool of approximately five (5) Mentors to serve in the Program, subject to the approval of the Committee. Additional Mentors will be recruited if required.
  - a) Qualifications: Mentors are expected to be experienced and respected members of the criminal bar who have practiced extensively in the federal courts, and who have worked closely with junior attorneys and law students or interns, or are willing to do so. Qualified Mentor volunteers will be drawn from both the CJA Panel and from the FPD. Experienced practitioners who have retired from practice may also serve as Mentors if they have an active bar license and otherwise meet the requirements to serve.
  - b) Requirements: Mentors will be required to submit a resume.

- c) Assignments: No Mentor will be assigned more than one (1) Mentee, as long as there are willing Mentors who have not yet been assigned a Mentee. Mentees may have more than one (1) Mentor.
  - d) Training: Mentors will be instructed on:
    - i. the goals and objectives of the Program;
    - ii. the protocols and manner of instruction to be used in training Mentees, including the selection of appropriate cases to use as teaching vehicles, the critical need to expose Mentees to all aspects of federal criminal practice, as well as the assessment and development of a Mentee's oral and written advocacy skills, and computer/Electronic Case Filing ("ECF") and voucher submission proficiency;
    - iii. the permissible roles and tasks to be performed by Mentees;
    - iv. the review and frank assessment of the Mentee's progress and ability to practice in federal court.
  - e) No Reimbursement: No Mentor shall submit a CJA voucher for time spent exclusively training Mentees. Time spent on providing legal services to clients appointed by the Court, however, will be recompensed as in the ordinary course.
  - f) Review and Assessment: The FPD Coordinator will meet on a quarterly basis with each Mentor to discuss the matters that the Mentee and Mentor have worked on together and the progress of the Mentee in the Program.
2. **Mentees**: Qualified candidates include existing CJA Panel attorneys, with priority given to those CJA Panel attorneys on the Misdemeanor Panel. Attorneys on the Misdemeanor Panel typically include state and federal practitioners with one or more years of criminal experience, including trial experience, either as lead counsel or second chair or other comparable in-court experience, who, with additional federal criminal experience obtained through the Program, would merit consideration for membership on the Felony CJA Panel. In addition, prospective Mentee candidates must exhibit strong research and writing skills. Mentees also must attend CLE programs that focus on federal criminal practice.
- a) Admission to the Program: Any CJA Panel attorney who is interested in being a Mentee will be instructed to contact the FPD or another member of the Committee to be paired with a Mentor.
  - b) Evaluations: The FPD will meet with each Mentee and their Mentor on a quarterly basis, and perhaps more often, to review the Mentee's progress in the Program. Each Mentee will also be required to complete an evaluation form as to his/her Mentor at the conclusion of the training period. The training period will terminate when the matters the Mentor and the Mentee have worked on together have concluded or at a time that may be mutually agreed upon by the Mentor and the CJA Panel.
  - c) Duration: As described below, the program is expected to last at least 12 months to receive the requisite amount of training.
  - d) Endorsement of Mentee: Participants in the Program are not guaranteed appointment to felony cases. However, Mentees who successfully complete

the Program and have demonstrated their fitness for felony appointments will likely be appointed to felony cases. A Mentee's appointment to felony cases depends upon the views of the Mentor, the Committee, and the judge(s) before whom the Mentee has appeared as to whether the Mentee qualifies for appointment to felony cases. **It is incumbent upon both the Mentor and Mentee to keep a record of the assigned cases, as well as training participation during the course of the mentorship.**

### **C. Identifying Potential Mentees and Promotion of the Program**

1. Posted on the Court's website at [www.vaed.uscourts.gov](http://www.vaed.uscourts.gov) under the CJA tab at the top of the webpage, will be a Program description, as well as contact information for the FPD or Committee members to be paired with a Mentor.
2. The Committee will periodically send a letter to the CJA Panel to remind Members of the Panel regarding the Mentorship Program, and to encourage Members to indicate their interest in becoming either a Mentor or Mentee.
3. The FPD and Committee Panel will also identify attorneys who are currently on the Panel but have limited Federal Court experience, as potential participants, and contact them directly.

### **D. Benefits to the Mentees:**

In addition to the valuable training provided, Mentees will also have the opportunity to build important networks that strengthen their practice. Mentees will be encouraged to build relationships with each other, other members of the federal criminal defense bar, and the federal bench, as well as broaden their base of resources, contacts and knowledge. Federal courtroom experience and strengthening client skills are also benefits from participation. Additionally, due to the significant amount of writing involved in federal practice, the Program provides opportunities to work with a mentor to improve legal writing skills.

### **E. Expectations of Mentees:**

Mentees will be considered to be second chair of any case they are appointed to, and will be actively supervised by the Mentor. Accordingly, the Mentee is expected to fully participate in the representation of his or her client. A commitment to devote the time and effort necessary to succeed is a basic expectation. The attorneys chosen to participate in the Program must participate in training as described below, meet quarterly with the Program Coordinator, and ideally work with a mentor on four assigned cases for a minimum one-year period.

1. Mentee Compensation
  - a) Since the Mentee will provide actual legal services and will work as associate counsel with the Mentor, the Mentor will be permitted to apply to the District Court by motion to have the Mentee authorized as associate counsel at the reduced rate of eighty dollars (\$80.00) per hour (subject to modification as CJA Panel rates are adjusted and by the Committee).
  - b) Authorization of the Mentee as co-counsel and compensation, if any, for the Mentee will be determined by the District Court on a case by case basis (*see*

*infra*). The Mentor should identify the Mentee at any initial presentment or other appearance before the Magistrate Judge or District Judge.

## **F. Program Outline**

The Mentors selected by the FPD and Committee will be responsible for mentoring approximately 2-3 attorneys per year.

While the mentoring program will be individualized to some extent based on the Mentee's particular experience, it is anticipated that all Mentees will be required to do the following:

1. Second-chair two district court felony cases with an approved Mentor. The Mentor will serve as first chair, and the Mentee will serve as second chair. All case assignments will be made as close to the initial appearance as reasonably practicable. During the pendency of these cases, the Mentee will be expected to be present for all substantive court appearances and play an active role in the representation of the client, as supervised by the Mentor.
2. Attend and observe one complete felony trial if no such trial opportunity is available as part of the mentorship program.
3. Second chair at least two sentencing hearings.
4. Commit to the program for at least the required 1-year period.
5. Attend the Misdemeanor Panel Training, the regional CJA Panel Training, and the Frank W. Dunham Conference, all hosted by the FPD.
6. Complete self-study using the FD.org and USSC.gov training videos on:
  - o Initial interview and bail;
  - o Discovery issues;
  - o Drug offenses;
  - o Sentencing guidelines;
  - o Weapons Offenses/ACCA;
  - o Ethics; and
7. Complete self-study of an additional two training videos of their choice, in consultation with their Mentor, from the following options:
  - o Fraud;
  - o Offenses-child pornography;
  - o Supervised release and other violations;
  - o Use of Experts; and
  - o Representing clients on appeal.

## **CJA TRAINING PROGRAM/RESOURCES**

### **LIVE SEMINARS**

FPD EDVA/WDVA- Frank Dunham Criminal Defense Seminar- April

FPD EDVA- November Seminar- Richmond

FD.ORG- <https://www.fd.org/training-events>

TRIAL SKILLS WORKSHOP I: ADVOCACY STRATEGIES & SKILLS TO  
MAXIMIZE USE OF EXPERTS

FUNDAMENTALS OF FEDERAL CRIMINAL DEFENSE SEMINAR I

WINNING STRATEGIES SEMINAR II

RACE IN THE FEDERAL CRIMINAL COURT: STRATEGIES IN PURSUIT  
OF JUSTICE

NON-CAPITAL SENTENCING MITIGATION SKILLS WORKSHOP

THE ANDREA TAYLOR SENTENCING ADVOCACY WORKSHOP II

United States Sentencing Commission – National Seminar –

<https://www.ussc.gov/education/annual-national-training-seminar/2020-national-seminar>

National Association of Criminal Defense Lawyers- [www.nacdl.org](http://www.nacdl.org)

Capital Defense Network- <http://www.capdefnet.org/>

Virginia Association of Criminal Defense Lawyers- <https://www.vacdl.org/>

National College For DUI Defense- <https://www.ncdd.com/>

National Criminal Defense College- <http://www.ncdc.net/>

### **ONLINE TRAINING**

FD.ORG- <https://www.fd.org/program-materials-and-videos>

New Attorney Training – <https://www.fd.org/cja-resources/new-attorney-training>

USSC.GOV- <https://www.ussc.gov/education>

<https://www.ussc.gov/product-type/elearning> - Federal Sentencing, The Basics

### **ONLINE RESOURCES**

FD.ORG- <https://www.fd.org/cja-resources>

[New Attorney Training](#)

USSC.GOV

NACDL.ORG