

Implementation Revised C.J.A. Plan for the Western District of North Carolina

On February 17, 2009, Chief Judge Karen J. Williams of the United States Court of Appeals for the Fourth Circuit approved the revised Criminal Justice Act (“C.J.A.”) Plan for the Western District of North Carolina (entire plan can be found on www.ncwd.uscourts.gov). The plan revised the criteria for selection, retention and management of the C.J.A. panel in the district.

The plan calls for the creation of a Panel Management and Selection Committee composed of no more than nine members. The committee members are:

Federal Public Defender- Claire J. Rauscher
Executive Director
Federal Defenders of Western North Carolina, Inc.
(704)374-0720

C.J.A. Panel Representative: Peter Crane Anderson
Anderson Terpening
(704)372-7370

Charlotte/Statesville Division: Denzil H. Forrester
Law Office of Denzil H. Forrester
(704)632-9969

Mark P. Foster, Jr.
Law Office of Mark P. Foster
(704)347-1809

M. Victoria Jayne
Attorney at Law
(828)327-3838

Julia G. Mimms
Law Office of Julia G. Mimms
(704)333-1301

Anthony G. Scheer
Rawls, Dickinson & Scheer
(704)376-3200

Asheville/Bryson City: Andrew B. Banzhoff
Devereux & Banzhoff
(828)285-5455

Albert M. Messer
Attorney at Law
(828)251-1502

The committee members duties are outlined in the C.J.A. Plan. Their initial responsibilities will involve: reviewing all completed applications; obtaining comments from the district's judges and other appropriate sources; and selecting the C.J.A. Panel members for the districts divisions.

The projected timetable is as follows:

Deadline for submission of C.J.A. applications: June 30, 2009

Application review process by the committee: Summer of 2009

Selection completed and panel members notified: On or before September 8, 2009

Everyone who is presently on the C.J.A. Panel for the Western District of North Carolina **MUST** re-apply. Under the revised plan, there are 80 panel attorney slots available in the Charlotte/Statesville Division and 40 panel attorney slots available in the Bryson City/Asheville Division. In addition, a Training Panel will be established for attorneys who do not have the requisite experience or wish to eventually become members of the C.J.A. panel.

Please note: Federal judges cannot write a recommendation on your behalf but are allowed to respond to an inquiry. Therefore, if you seek a recommendation from a federal judge(s), please note on your application that you want the CJA Management and Selection Committee to contact the specific judge(s). The committee will contact the court and ask questions about your qualifications. The inquiry will serve as a recommendation for purposes of the application requirements.

Any questions can be directed to the members of the C.J.A. Management and Selection Committee. All applications must be received by June 30, 2009 at the following address:

Federal Defenders of Western North Carolina, Inc
One Page Avenue
Suite 210
Asheville, NC 28801

Att: Kathryn Phillips

They also can be scanned and emailed to Kathryn_Phillips@fd.org
or Faxed to 828-232-5575

3. Graduated from _____ School of Law

Year: _____

Dates of Admission	A)	Western District of North Carolina	_____
	B)	State of North Carolina	_____
	C)	U.S. Court of Appeals, Fourth Circuit	_____
	D)	U.S. Supreme Court	_____
	E)	Other	_____

Other U.S. District Court admissions and dates of admission: _____

Please provide a copy of a Certificate of Good Standing from the North Carolina State Bar.

4. I would prefer to receive the following number of cases each year:

_____ 1-3 cases/year _____ 4-10 cases/year _____ 10+ cases/year

5. I would accept case assignments from the following Divisions of the Western District of North Carolina:

___ Asheville ___ Bryson City ___ Charlotte ___ Statesville ___ CVB Court ___ Any Division

6. Have you ever been disbarred, suspended, reprimanded, censured, or otherwise formally disciplined, publicly or privately, as an attorney, or as a member of any other profession, or as a holder of any public office?

_____ Yes _____ No

If "Yes" – please give additional details below or add an additional sheet.

7. Are any charges of complaints now pending before any court or agency concerning your conduct as an attorney, or as a member of any profession, or as a holder of any public office?

_____ Yes _____ No

8. Have you previously served on this CJA Panel? If "Yes," please list the dates of your service:

_____ Yes _____ No

9. Have you ever been REMOVED from any CJA panel or list?

_____ Yes _____ No

If "Yes" – please provide additional details below or add an additional sheet.

10. Have you ever been relieved from an assigned defendant in any court for any reason, other than his/her retaining a private attorney? If so, give particulars on separate sheet:

_____ Yes _____ No

11. Do you speak any foreign languages? If so, give particulars and describe your level of fluency:

_____ Yes _____ No

12. Experience (*Identify the number of trials you have handled to verdict during the last ten years.*)

CRIMINAL TRIAL EXPERIENCE

1. Number of Federal Felony Trials _____ Number of State Felony Trials: _____

2. Number of Capital Trials:

Federal: First-Chair _____ Second-Chair _____

State: First-Chair _____ Second-Chair _____

3. Number of Federal Misdemeanor Trials _____ Number of State Misdemeanor Trials: _____

A) CIVIL TRIAL EXPERIENCE

1. Number of Federal Jury Trials: _____ Number of State Jury Trials: _____

B) APPELLATE EXPERIENCE

1. Number of Federal Criminal Appeals: _____ Number of State Criminal Appeals: _____

C) OTHER RELEVANT TRIAL/LITIGATION EXPERIENCE (add additional sheet, if necessary)

D) AREAS OF SPECIALIZED EXPERIENCE (PLEASE CIRCLE)

TAX LAW

ACCOUNTING

ENVIRONMENTAL LAW

IMMIGRATION

COMPUTER FORENSICS

PSYCHIATRIC DEFENSES

MEDICAL BACKGROUND

MITIGATION DEVELOPMENT

HEALTH CARE

OTHER _____

13. Have you attended a continuing legal education (CLE) seminar on any of the following topics within three years prior to this application?

- a. United States Sentencing Guidelines _____ Yes _____ No
- b. Federal Criminal Law _____ Yes _____ No
- c. Federal Rules of Evidence _____ Yes _____ No
- d. Federal Rules of Criminal Procedure _____ Yes _____ No
- e. Trial Advocacy _____ Yes _____ No

Please list OR provide a copy of a CLE Attendance History Report from the North Carolina Bar which summarizes your CLE attendance over the past three (3) years.

14. Do you satisfy either of the following criteria? (Check **all** that apply)

a) Two (2) years experience handling federal criminal matters:

_____ Yes _____ No

b) Five (5) years experience handling state criminal matters:

Yes No

15. Have you participated as “first chair” counsel of record (either as prosecutor or defense attorney) in at least two (2) criminal jury trials in any federal court in the last ten (10) years?

Yes No

16. Do you certify that, over the past year, you have thoroughly read, or are generally familiar with, the Federal Rules of Criminal Procedure, Federal Rules of Evidence, Bail Reform Act, and the Federal Sentencing Guidelines?

Yes No

17. By checking the following, you certify that you have access to the following:

Physical Office for meeting clients and family

If address different from page 1, please list below:

Unlimited Internet Access

Active Log-In Account with ECF in Western District

Access to an on-line legal research account through Westlaw or Lexis

Telephone answering machine or equivalent answering service

18. Please describe why you would like to participate in the CJA Panel Program. (Attach up to 2 additional pages, if necessary).

19. If it is necessary to do so, have you sought approval from your law firm, or other partners, to participate in the CJA Program?

Yes No Not Applicable

20. I have included with this application at least one writing sample, preferably a substantive motion that was filed in a federal criminal proceeding (not to exceed 10 pages).

Yes No

21. I have also submitted at least three (3) letters of recommendation from either: a) state or federal judges or; b) attorneys with significant federal criminal defense experience who have expressed an informed opinion as to why you are competent to represent indigent defendants who are charged with federal crimes.

Yes No

22. Are you a current member and/or officer of an organization that involves criminal law?

_____ Yes _____ No

Please circle, if applicable.

MCCDL

Advocates for Justice

NACDL

NC State Bar Criminal Justice Section Other Section _____

ABA Criminal Law Section Other Section(s) _____

NLADA

Other _____

23. Are you certified as a specialist in North Carolina? Please circle, if applicable.

Criminal Law: State Federal Appellate

I hereby certify that the above information is true and correct.

Date

Applicant's Signature

Please send the application and all attachments requested to:

Federal Defenders of Western Carolina, Inc.

One Page Avenue

Suite 210

Asheville, NC 28801

Attn: Kathryn Phillips

You can also send materials via email to Kathryn_Phillips@fd.org or Fax to 828-232-5575

Any questions, call Kathy Phillips at 828-232-9992

Deadline for submission: June 30, 2009