

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

2009 SEP 29 PM 4: 22

In the matter of:

THE APPOINTMENT OF COUNSEL AND
OTHER SERVICES PURSUANT TO THE CRIMINAL
JUSTICE ACT, 18 U.S.C. § 3006A

**STANDING ORDER REGARDING REIMBURSEMENT OF
ATTORNEYS IN THE CJA PLAN MENTORING PROGRAM**

Before the Court is the Amended Criminal Justice Act (CJA) Plan for the San Antonio Division of the Western District of Texas, entered by the Court on July 6, 2009. Part II, Section K of the CJA Plan provides for a Mentoring Program, in accordance with the model plan set out in Administrative Office of the U.S. Courts, *Guidelines for the Administration of the Criminal Justice Act and Related Statutes*, Volume 7, Section A, Appendix G. The Mentoring Program uses experienced CJA panel members to mentor attorneys who have applied for panel membership, but who do not meet the experience requirements of the CJA Plan. The Mentoring Program, in place under the Plan for nearly two years, has been extremely effective and has resulted in the successful addition of a number of attorneys to the CJA panel membership.

This Order concerns an issue not addressed specifically in the CJA Plan. The Plan authorizes an attorney receiving mentoring to claim reimbursement under the CJA only when formally appointed as co-counsel. *See* CJA Plan, Part II, Section K(3); *cf.* Part II, Section H(2). At the same time, however, the Plan and the Mentoring Program require that the attorney mentee fully participate in preparation of the case. *See id.*, Part II, Section K(2). Accordingly, under the Plan and the Mentoring Program, attorney mentees who are not appointed as co-counsel are engaged in providing services essential to the defense of the case, yet are not eligible to receive

reimbursement for those services under the CJA.

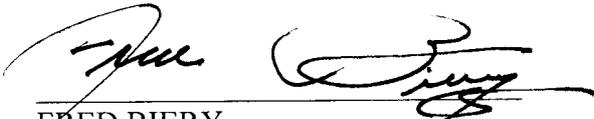
To address this problem, the Court hereby finds the services of the attorney mentee qualify as “other services necessary for adequate representation” of the defendant, and therefore that such services may be reimbursed upon *ex parte* application as provided in the CJA. *See* 18 U.S.C. § 3006A(e)(3).

Accordingly, it is hereby ORDERED that attorneys approved for the Mentoring program under Part II, Section K, of the CJA Plan, may request reimbursement from the Court for their participation in any case to which they are assigned.

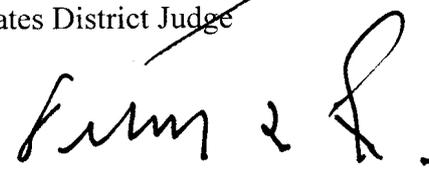
Such reimbursement shall be limited as follows:

- (1) the reimbursement rate may not exceed \$75 per hour;
- (2) the reimbursement of the attorney mentee may not exceed the maximum for reimbursement provided in 18 U.S.C. § 3006A(e)(3);
- (3) reimbursement will not be approved for services that duplicate the work of the CJA panel member appointed to the case; and
- (4) the reimbursement request may not be submitted to the Court unless first approved by the CJA panel member appointed to the case.

Adopted and approved by the judges of this Court this 29th day of September 2009.



FRED BIERY
United States District Judge



ORLANDO L. GARCIA
United States District Judge



XAVIER RODRIGUEZ
United States District Judge