

DISTRICT COURT OF GUAM

OFFICE OF THE CLERK

6TH FLOOR, PACIFIC NEWS BUILDING
238 ARCHBISHOP FLORES STREET
AGANA, GUAM 96910
(671) 472-7411 or FTS 550-7411

MARY L. M. MORAN
CLERK

FACSIMILE
(671) 472-7345 or FTS 550-7345

April 20, 1998

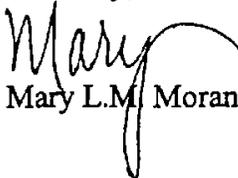
Mr. Gregory B. Walters
Circuit Executive
Office of the Circuit Executive
U.S. Courts for the Ninth Circuit
P.O. Box 193939
San Francisco, CA 94119-3939

Dear Greg:

Enclosed herewith is our amended CJA Plan. The only change to our CJA Plan is the establishment of a Federal Public Defender Organization on Guam. (See Section V, page 3.) Our District now qualifies for its own FPD Organization since our Court has exceeded the requirement of Title 18 U.S.C. § 3006A(g)(1) that at least two hundred persons annually be appointed counsel.

Please inform us when the new CJA Plan has been approved by the Ninth Circuit Council and Chief Judge Proctor Hug. If you have any questions or concerns about our new CJA Plan, please contact me.

Sincerely,


Mary L.M. Moran

Enclosure

cc: Chief Judge John S. Unpingco
Terry Nafisi, Deputy Circuit Executive

OFFICE OF THE CIRCUIT EXECUTIVE

UNITED STATES COURTS FOR THE NINTH CIRCUIT

95 SEVENTH STREET
POST OFFICE BOX 193939
SAN FRANCISCO, CA 94119-3939

GREGORY B. WALTERS, CIRCUIT EXECUTIVE
PHONE: (415) 556-6100
FAX: (415) 556-6179

June 29, 1998

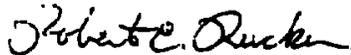
Theodore J. Lidz
Chief, Defender Services Division
Administrative Office of the United States Courts
Washington, D.C. 20544

Dear Mr. Lidz:

This letter is to inform you that the Judicial Council of the Ninth Circuit voted on June 24, 1998, to support the District of Guam's amended CJA Plan. The District of Guam now has a sufficient caseload to justify the establishment of a Federal Public Defender Organization on Guam. The only amendment to their CJA Plan provides for the establishment of an FPD organization.

If you should have any questions, please do not hesitate to contact me.

Sincerely,



Robert E. Rucker, Ph.D.
Assistant Circuit Executive for Court Management and Research

cc: Chief Judge John S. Unpingco, District of Guam
Clerk of Court Mary Moran, District of Guam
Federal Public Defender Peter Wolff, Jr., District of Hawaii

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF GUAM

ADDENDUM TO THE PLAN FOR PROVIDING REPRESENTATION
PURSUANT TO THE CRIMINAL JUSTICE ACT

Subject to the approval of the Judicial Council of the Ninth Circuit, the Criminal Justice Act (CJA) plan for the District of Guam is hereby amended to provide that the Federal Public Defender Organization for the District of Guam shall provide representation in the District of the Northern Mariana Islands pursuant to subsections (g)(1) and (g)(2)(A) of the CJA, 18 U.S.C. § 3006A, and the Guidelines for the Administration of the Criminal Justice Act and Related Statutes, Volume VII, *Guide to Judiciary Policies and Procedures*. The District of Guam and the District of the Northern Mariana Islands are adjacent districts, and their geographical proximity and the number of appointments therein make it practical and economically feasible for one defender organization to serve both jurisdictions.

The provisions of the CJA plan, last amended on June 29, 1998, shall remain in effect except to the extent that they are inconsistent with the provisions of this amendment, in which case the provisions of this amendment shall govern.

This amendment shall take effect upon its approval by the Judicial Council of the Ninth Circuit.

Dated at Hagatna, Guam, this 5th day of October, 2001.



Chief United States District Judge

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF GUAM

CRIMINAL JUSTICE ACT PLAN

I. AUTHORITY

Pursuant to the Criminal Justice Act of 1964 (18 U.S.C. § 3006A)[hereinafter referred to as CJA], and the Guidelines for the Administration of the Criminal Justice Act, Volume VII, Guide to Judiciary Policies and Procedures (CJA Guidelines), the Chief Judge of the District Court of Guam adopts the following amended plan for furnishing representation in federal court to any person financially unable to obtain adequate representation.

II. STATEMENT OF POLICY

A. OBJECTIVES

1. The objective of this Plan is to attain the goal of equality before the law for all persons. This plan, therefore, shall be administered so that those accused of crime, or otherwise eligible for services pursuant to the CJA, will not be deprived, because they are financially unable to pay for adequate representation, of any element of representation necessary to an effective defense.

2. The further objective of this Plan is to particularize the requirements of the CJA and the CJA Guidelines in a way that meets the needs of this District.

B. COMPLIANCE

1. The court, its clerk, the Federal Public Defender's Office, private attorneys, and the Public Defender Service Corporation of Guam appointed under the CJA shall comply with the CJA Guidelines approved by the Judicial Conference of the United States and/or its Committee on Defender Services and with this Plan.

2. Each private attorney and the Public Defender Service Corporation of Guam shall be provided by the clerk of court with a then-current copy of this Plan upon the attorney's first appointment under the CJA or designation as a member of the Panel of Private Attorneys under the Criminal Justice Act (CJA Panel). The Clerk shall maintain a current copy of the CJA Guidelines for the use of members of the CJA Panel and shall make known to such attorneys its availability.

III. PROVISION OF REPRESENTATION

A. Mandatory Representation.

Representation shall be provided in this District for any financially eligible person who:

1. is charged with a felony or Class A misdemeanor;
2. is a juvenile alleged to have committed an act of juvenile delinquency as

- defined in 18 U.S.C. § 5031;
3. is charged with a violation of probation;
 4. is under arrest, when such representation is required by law;
 5. is charged with a violation of supervised release or faces modification, reduction, or enlargement of a condition, or extension or revocation of a term of supervised release;
 6. is subject to a mental condition hearing under 18 U.S.C. §§ 4241 - 4247;
 7. is in custody as a material witness;
 8. is seeking to set aside or vacate a death sentence under Sections 2254 or 2255 of Title 28, United States Code;
 9. is entitled to appointment of counsel in verification of consent proceedings pursuant to a transfer of an offender to or from the United States for the execution of a penal sentence under 18 U.S.C. § 4109;
 10. is entitled to appointment of counsel under the Sixth Amendment to the Constitution; or
 11. faces loss of liberty in a case, and Federal law requires the appointment of counsel.

B. Discretionary Representation.

Whenever a judge or United States magistrate judge determines that the interests of justice so require, representation may be provided for any financially eligible person who:

1. is charged with a petty offense (Class B or C misdemeanor, or an infraction) for which a sentence to confinement is authorized;
2. is seeking relief, other than to set aside or vacate a death sentence, under Sections 2241, 2254, or 2255 of Title 28, United States Code;
3. is charged with civil or criminal contempt who faces loss of liberty;
4. has been called as a witness before a grand jury, a court, the Congress, or a federal agency or commission which has the power to compel testimony, and there is reason to believe, either prior to or during testimony, that the witness could be subject to a criminal prosecution, a civil or criminal contempt proceeding, or face loss of liberty;
5. is proposed by the United States attorney for processing under a pretrial diversion program; or
6. is held for international extradition under Chapter 209 of Title 18, United States Code.

Representation may also be furnished for financially eligible persons in ancillary matters appropriate to the proceedings pursuant to subsection (c) of the Criminal Justice Act.

C. When Counsel Shall Be Provided.

Counsel shall be provided to eligible persons as soon as feasible after they are taken into custody, when they appear before a magistrate judge or judge, when they are formally charged or notified of charges if formal charges are sealed, or when a magistrate judge or judge otherwise considers appointment of counsel appropriate under the CJA, whichever occurs earliest.

D. Number and Qualifications of Counsel.

1. Number. More than one attorney may be appointed in any case determined by the court to be extremely difficult. In a capital case, at least two attorneys should be appointed.

2. Qualifications. Except as provided by Section 848(q)(7) of Title 21, United States Code, at least one attorney appointed in a capital case shall meet the qualification requirements set forth in Section 848 (q) (5) and (6) of Title 21, United States Code. Pursuant to Section 848 (q) (7) , the presiding judicial officer, for good cause, may appoint an attorney who may not qualify under Sections 848(q)(5) and (6), but who has the background, knowledge, and experience necessary to represent the defendant properly in a capital case, giving due consideration to the seriousness of the possible penalty and to the unique and complex nature of the litigation.

IV. PROVISION FOR FURNISHING COUNSEL

A. This plan provides for the furnishing of legal services by the Federal Public Defender, and for the continued appointment and compensation of private counsel in a substantial proportion of cases, and thereafter the appointment of the Public Defender Service Corporation of Guam.

B. The court in its discretion will determine whether any person entitled to representation will be represented by the Federal Public Defender or by a private attorney or by the Public Defender Service Corporation of Guam. When practicable, private attorney appointments will be made in at least 25% of the cases.

V. ESTABLISHMENT OF THE FEDERAL PUBLIC DEFENDER ORGANIZATION

Pursuant to 18 U.S.C. § 3006A(g)(1) and (2)(A) of the CJA, the Federal Public Defender Organization for the District of Guam is hereby established. Upon organization of the Federal Public Defender's Office, the Federal Public Defender shall notify this court that he or she is available to accept appointments for representation.

The Federal Public Defender Organization shall be capable of providing legal services in the district, and shall maintain an office in the Territory of Guam.

The Federal Public Defender for the District of Guam shall be responsible for the supervision and management of the Federal Public Defender Organization. Accordingly, the Federal Public Defender shall be appointed in all cases assigned to that organization for subsequent assignment to staff attorneys at the discretion of the Federal Public Defender.

The Federal Public Defender shall submit to the Director of the Administrative Office of the United States Courts, at the time and in the form prescribed, reports of the office's

activities and the financial position and proposed budget of the office. Copies of the reports shall be furnished to this court and to the Judicial Council for the Ninth Circuit. Neither the Federal Public Defender, nor any staff attorney appointed as an Assistant Federal Public Defender, may engage in the private practice of law.

VI. CRIMINAL JUSTICE ACT PLAN

A. Formation of a Standing Committee to Oversee the Criminal Justice Act Private Attorney Panel

1. The Chief Judge of the District Court of Guam hereby creates a Standing Committee to oversee the CJA Panel of Private Attorneys. This committee shall consist of five (5) attorneys, each a voting member, who possess sufficient experience and interest in the federal criminal justice system to administer the CJA panel.

2. The Federal Public Defender or his or her representative will be a permanent voting member of the committee. The Clerk of Court or his or her designee shall be an ex officio, non-voting member of the committee.

3. In addition to the Federal Public Defender or his or her representative, two (2) of the members of the standing committee will be appointed for a one-year term and the remaining two (2) members for a two-year term. Thereafter, appointments will be made for two-year terms. The standing committee will be permitted to use the staff of the Clerk of Court for clerical and record-keeping matters.

4. The standing committee shall elect from its members who are private attorneys a chairperson, who shall preside over its meetings and serve as the liaison between the CJA Panel, the Court and the community. The Chairperson shall also serve as the District Representative to the National Conference of Criminal Justice Act Panel Attorneys.

5. The standing committee shall meet formally at least once per year. In addition to reviewing and determining panel membership, the committee shall identify and define any operating difficulties encountered in the administration of the panel and make recommendations to the Court for appropriate changes.

6. The standing committee shall also coordinate with the Federal Public Defender's Office in providing training for the CJA panel. Such training shall include correspondence with panel attorneys on substantive and procedural changes in the law, local rules, and other matters affecting the panel attorneys, and shall also include regularly scheduled seminars for panel attorneys, and if possible, the private bar.

B. Formation of the CJA Panel

1. Pursuant to the terms of this Plan, CJA panel attorneys shall be members of the bar of this District. In addition to bar membership, the panel attorneys should have prior federal and/or state or territorial criminal trial experience, significant involvement in serious or complex criminal cases, knowledge of the Sentencing Guidelines, the Federal Rules of Criminal Procedure and the Bail Reform Act, knowledge of other relevant areas of federal criminal practice, and/or clinical experience or participation in trial advocacy programs.

2. The panel shall consist of attorneys recommended and approved by a majority of the standing committee, pursuant to the procedures outlined in Appendix A, and appointed by the Chief Judge of the District Court of Guam.

VII. ASSIGNMENT OF CASES TO THE CJA PANEL

A. The Clerk's Office shall be responsible for overseeing the assignment of cases to panel attorneys. Assignments shall be made on a rotational basis, except under circumstances where a judicial officer directs otherwise. Panel attorneys may refuse or "pass" an appointment when unavailable to assume the case due to scheduling conflicts, workload, or other good cause. Reasons for passing appointment shall be given to the Clerk, and passing may not be done more than three times during a calendar year.

B. The Clerk's Office shall maintain a master list of CJA appointments, which will include the date of each appointment, the case name, the date of each refusal ("pass") by a panel attorney, and the reason for each pass.

C. If the Clerk's Office determines that a panel member has repeatedly passed assignments, the Clerk may refer the name of the attorney to the standing committee. The standing committee shall then consider the information provided by the Clerk and make such further inquiry or recommendation as it deems appropriate, including removal from the panel.

D. The Clerk shall also maintain a public record of assignments to the Federal Public Defender's Office, to the CJA Panel, and to the Public Defender Service Corporation of Guam, as well as current statistical data reflecting the proration of appointments.

E. The Federal Public Defender's Office will make such arrangements with federal, state, and local investigative and police agencies as will adequately assure that at the earliest practicable stage, persons arrested under circumstances where representation is required by federal law may promptly have counsel furnished to them.

VIII. LEGAL AID AGENCY

For the purposes of this Plan, the Public Defender Service Corporation of Guam, a legal aid agency established by the Government of Guam, will furnish attorneys for appointment and receive compensation for representation provided by its employees, including attorneys, investigators and other experts.

IX. DETERMINATION OF NEED FOR COUNSEL

A. Counsel for Persons Appearing Without an Attorney

In every case in which a person is eligible for appointment of counsel pursuant to 18 U.S.C. § 3006A(a) and the person appears without counsel, the judicial officer shall advise that person that he or she has a right to be represented by counsel throughout the case and that counsel will be appointed to represent the person if so desired, if he or she is financially unable to obtain counsel.

Whenever the person states that he or she is financially unable to obtain counsel and desires the appointment of counsel, the judicial officer shall inquire into and make a finding as to whether the person is financially able to obtain counsel. The judicial officer shall appoint separate counsel for each person involved in a single proceeding or action.

B. Counsel for Persons Appearing With an Attorney

Where an arrested person has been represented by counsel before his or her presentation before a judicial officer under circumstances where such representation is authorized by 18 U.S.C. § 3006A(a), counsel may subsequently apply to the judicial officer for approval of compensation. If the Judge finds that the person has been and is then financially unable to obtain an adequate defense, and that representation was or may have been required by law, compensation will be made retroactive pursuant to 18 U.S.C. § 3006A(b).

C. Disclosure of Change in Eligibility.

If, at any time after appointment, counsel obtains information that a client is financially able to make payment, in whole or in part, for legal or other services in connection with his or her representation, and the source of the attorney's information is not protected as a privileged communication, counsel shall advise the court.

X. APPOINTMENT OF COUNSEL

A. The Judicial Officer

In every case in which appointment of counsel pursuant to 18 U.S.C. § 3006A(a) is appropriate, it is the duty of the judicial officer to advise the person of his or her right to counsel. The judicial officer shall appoint counsel promptly if it is found that the person is financially unable to obtain an attorney, unless the person waives his or her right to be represented by counsel.

The judicial officer shall appoint the Federal Public Defender's Office or private counsel from the CJA Panel or the Public Defender Service Corporation of Guam, in said order, except in extraordinary circumstances where it becomes necessary to appoint some other member of the bar of this court. Such extraordinary circumstances include cases in which the judicial officer determines that the appointment of an attorney not a member of the panel, is in the interest of justice, judicial economy or continuity of representation, or

there are some other compelling circumstances warranting the attorney's appointment. The person shall not have the right to select his or her appointed counsel from the Federal Public Defender's Office, from the CJA Private Attorney Panel, from the Public Defender Service Corporation of Guam or otherwise.

Counsel appointed by a judicial officer shall, unless excused by order of court, continue to act for the person throughout the proceedings in this court. Appointed counsel is expected to appear personally at all proceedings, with substitutions or the filing of additional appearances permitted only with leave of the court. The judicial officer before whom a case is pending may, in the interest of justice, substitute one appointed counsel for another at any stage of the proceedings.

In all criminal cases, counsel shall advise the defendant of the right to appeal and of the right to counsel on appeal. If requested to do so by the defendant in a criminal case, counsel shall file a timely Notice of Appeal, and shall continue to represent the defendant, until the matter, including appeals or review by certiorari, is closed; until substitute counsel has filed a notice of appearance; until an order has been entered allowing or requiring the person represented to proceed pro se; until the appointment is terminated by court order or until the attorney is relieved by the district court or court of appeals.

If, at any time after the appointment of counsel, the judicial officer finds that the person is financially able to obtain counsel or make partial payments for the representation, the judicial officer may terminate the appointment of counsel or recommend that any funds available to the person be ordered paid as provided in 18 U.S.C. § 3006A(f).

If at any stage of the trial proceedings, the judicial officer finds that the person is financially unable to continue to pay retained counsel, the judicial officer may make an original appointment of counsel in accordance with the general procedures set forth in this plan.

If a person having a right to counsel (i.e., where the appointment is not a matter of discretion) is represented by counsel before the judicial officer and seeks to waive his or her right to have appointed counsel, the judicial officer shall make appropriate inquiry regarding such a waiver. If the person admits or the judicial officer finds that the person is financially able to obtain counsel but declines to do so, the judicial officer shall certify that fact in the record of the proceedings.

B. The Clerk of Court

1. It shall be the duty of the Clerk to provide the Judges of the District with such current statistical data necessary to insure the proration of appointments as between the Federal Public Defender's Office, the CJA Panel, and the Public Defender Service Corporation of Guam.

2. If a person having a right to counsel desires to have counsel appointed then

(a) if no affidavit of financial ability to employ counsel has been filed with the Clerk, a form of affidavit shall promptly be sent to the person, to be filled out by the person and returned to the Clerk; or

(b) if the notice to the Clerk includes an affidavit of financial inability to employ counsel, as soon as the Clerk receives such an affidavit, he or she shall promptly communicate with a judicial officer to arrange for the appointment of counsel.

XI. DUTIES OF LAW ENFORCEMENT AND RELATED AGENCIES

A. Notification of Federal Public Defender, Pretrial Services Officers and the Clerk of Court.

Federal law enforcement and prosecutorial agencies in this district, and those acting on their behalf, shall promptly ask any person who is in custody, or who otherwise may be entitled to counsel under the CJA, whether he or she is financially able to secure representation, and shall, in such cases in which the person indicates that he or she is not able, immediately notify the federal public defender who shall discuss with the person the right to representation and right to appointed counsel, and if appointment of counsel seems likely, assist in the completion of a financial affidavit (CJA Form 23) to be filed with the court. Federal law enforcement and prosecutorial agencies in this district, and those acting on their behalf, shall also immediately inform the pretrial services officers in this district of an arrest. The Office of the United States Attorney shall notify the Office of the Clerk of Court no later than 8:30 a.m. of the first working day following an arrest to inform the Court of the necessity to schedule an initial appearance before the judge or magistrate judge. For persons arrested without the prior issuance of an arrest warrant, a complaint shall be brought before the Court no later than 1:30 p.m. that afternoon. If a warrantless arrest is made on a weekend, and the first working day exceeds forty-eight (48) hours after arrest, the Office of the United States Attorney shall notify the Court to schedule the presentation of a complaint within forty eight (48) hours of arrest.

B. Pretrial Services Interview.

Prior to the initial appearance, the person held in custody will be interviewed by the pretrial services officer. After the pretrial services officer has had adequate time to interview the defendant and verify the information, the Court shall proceed with the initial appearance.

C. Initial Appearance, Determination of Financial Eligibility, and Appointment of Counsel.

At the initial appearance, the Court will question the defendant as to his financial ability to secure representation of counsel. If the Defendant is found to be eligible for court appointed counsel, the judge or magistrate judge will appoint counsel at this time.

D. Notice of Indictment or Criminal Information. Upon the return or unsealing of an indictment, the filing of a criminal information, or the filing of a petition to modify or revoke probation, the United States Attorney or the probation officer, as appropriate, immediately shall mail or otherwise deliver a copy of the document to appointed counsel, or to the defendant if he is without counsel, at the address shown on defendant's bond papers or to the jail in which the defendant is incarcerated.

XII. INVESTIGATIVE, EXPERT AND OTHER SERVICES

Counsel (whether or not appointed under the Act) for a person who is financially unable to obtain investigative, expert or other services necessary for an adequate defense in his or her case may request such services in an ex parte application before a judicial officer, as provided in 18 U.S.C. § 3006A(e)(1). Upon finding that the services are necessary, and that the person is financially unable to obtain them, the judicial officer shall authorize counsel to obtain the services.

Appointed counsel may obtain, subject to later review, investigative, expert, or other services without prior authorization, pursuant to 18 U.S.C. § 3006A(e)(2). Expenditures without prior court authorization are not favored.

Counsel shall comply with all provisions regarding financial limitations and requests for services as set forth in 18 U.S.C. § 3006A(e), and any guidelines or regulations approved by the Judicial Conference of the United States.

XIII. COMPENSATION

Payment of fees and expenses to counsel appointed under this Plan, other than to the Federal Public Defender's Office, and payment for investigative, expert, and other services incurred, shall be made in accordance with any statutory limitations and such rules, regulations and guidelines, as have been or may be prescribed from time to time by the Judicial Conference of the United States, and in accordance with fiscal policies of the Administrative Office of the United States Courts. No appointed counsel may request or accept any payment or promise of payment for assisting in the representation of a person, unless such payment is approved by order of court. Payment in excess of any maximum amount provided by statute or otherwise may be made for extended or complex representation, whenever the court in which the representation was rendered certifies that the amount of the excess payment is necessary to provide fair compensation, and the payment is approved by the Chief Judge of the Ninth Circuit or the Chief Judge's designee.

Claims for compensation of private attorneys providing representation under the CJA shall be submitted on the appropriate CJA form to the office of the clerk of court. Claims may also be submitted in forms pre-approved by the clerk of court that substantially comply with the CJA Guidelines. The clerk of court shall review the claim form for the mathematical and technical accuracy and for conformity with the CJA Guidelines and, if the claim is correct in form, shall forward the claim form for the consideration of the appropriate judge or magistrate judge.

In any case where the judicial officer intends to reduce the amount of payment requested in a voucher, CJA counsel shall first be notified by the officer of the amount of the intended reduction, and may request an opportunity for review by the judicial officer.

After review of any voucher submission by appointed counsel and the completion of any other steps deemed appropriate by the court, if a reduction is still intended, appointed counsel may request an opportunity for review of the voucher by the CJA Standing Committee. The Standing Committee may then make recommendations to the judicial officer regarding any intended reduction.

The judicial officer shall then take action on the voucher, considering the recommendations of the CJA Standing Committee, consistent with this Plan, the CJA, and the interests of justice.

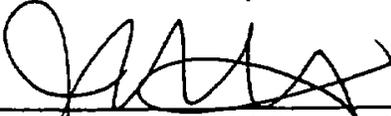
XIV. FORMS

Where standard forms have been approved by the Judicial Conference of the United States or an appropriate committee thereof, and have been distributed by the Administrative Office, such forms shall be used by the court, the clerk, the judicial officers, the Federal Public Defender's Office, private counsel and the Public Defender Service Corporation.

XV. EFFECTIVE DATE

This plan shall take effect when approved by Judicial Council of the Ninth Circuit.

Entered for the District Court of Guam on April 20, 1998.



HONORABLE JOHN S. UNPINGCO
CHIEF JUDGE, DISTRICT COURT OF GUAM

Approved by the Judicial Council of the United States Court of Appeals for the Ninth Circuit on _____, 1998.

HONORABLE PROCTER HUG, JR.
CHIEF JUDGE, NINTH CIRCUIT COURT OF APPEALS

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF GUAM
CRIMINAL JUSTICE ACT PLAN**

APPENDIX A

I. CREATION OF THE REGULAR CJA PANEL

A. The standing committee shall compile and review all applications, and prepare a list of applicants who possess the qualifications required for the new panel. The standing committee shall also compile a pending applications list, which will include those attorneys requiring more training prior to being placed on the regular panel list.

B. These two lists shall be distributed to all members of the standing committee, Judges and Magistrate Judges, as well as to the Clerk and Chief Deputy Clerk. Each person receiving the lists shall review them and return them to the standing committee with the names of any attorneys absent from the list who should be contacted to ascertain their interest in participating on the panel. Attorneys interested in being included on the panel would then be given an opportunity to complete an application.

C. Those receiving the lists shall also review them to identify the individuals who should not be included on the panel, and shall state the reason(s) for such recommendation. The reason(s) should be based on the following factors: (a) a perceived lack of competence or knowledge; (b) a perceived lack of interest and motivation; (c) a perceived lack of training; (d) an unwillingness to make the necessary commitment to the panel; or (e) a lack of willingness to provide the quality of representation deemed necessary. The person making the recommendation should be as specific as possible concerning the reasons, with all such recommendations being confidential. The standing committee will make a recommendation to the Court, by majority vote, concerning whether the prospective panel member should be included on the final panel. Final decisions regarding membership on the panel will be made by a majority vote of the standing committee.

D. The restructured CJA panel shall consist of approximately 10 -15 members.

II. CREATION OF A PENDING APPLICATIONS LIST

A. A "Pending Applications List" shall be established, consisting of lawyers who have applied for membership on the panel and who do not yet possess sufficient skill, knowledge or experience to be on the CJA panel. Pending final approval of their applications, such attorneys shall receive training and shall serve, without compensation, in a second chair capacity to a panel attorney on a given case, or aspects of a given case, including detention hearings and sentencing proceedings.

B. The Clerk's Office and the standing committee shall maintain the pending applications list. Panel attorneys will be advised of the existence of such a list and will be expected to contact the Clerk's Office or a standing committee member to obtain the

names of people seeking to serve in a second chair capacity. The standing committee shall then periodically review the pending applications list and make recommendations as to which attorneys should be moved onto the regular panel.

III. ADDING AND REMOVING LAWYERS FROM THE CJA PANEL

A. Additions

1. The standing committee shall monitor the operation of the panel to determine whether it meets the needs of current case load requirements. Additions to the panel shall be made through the approval of new applications and by moving attorneys from the pending applications list to the regular panel. New applications shall be collected by the Clerk's Office and referred to the standing committee for periodic review.

2. By majority vote, the committee shall decide which applicants need further training, thereby remaining on the pending applications list, and which ones are to be referred to the Chief Judge for inclusion on the panel. Final decisions on inclusion will be made by a majority of the standing committee.

B. Suspensions

Attorneys who have been suspended or disbarred from a court of any state, territory, commonwealth or possession of the United States and who are the subject of reciprocal discipline in this court pursuant to Local Rule 115, or who are presented for discipline in this court under other provisions of Local Rule 115, shall be suspended from the list pending disposition of the federal grievance proceedings. If the attorney is counsel of record in a pending case, the trial Judge shall be notified by the Clerk's Office. If the attorney is suspended or disbarred in this court, the attorney shall be removed from the CJA panel, and will be eligible to reapply only if he or she later becomes a member of the federal bar in good standing.

C. Removals

1. Any complaints about the performance or commitment of a panel attorney shall be referred to the standing committee. The standing committee shall also take notice of such deficiencies on its own and make recommendations to the Court for removal from the panel. At the request of the Court, the Clerk, or individual committee members, the standing committee shall review complaints about a panel member. The receipt and handling of complaints will be confidential.

2. The panel attorney shall be notified of any complaint, and shall have the right to request a hearing before the committee. At the hearing, the attorney shall have all due process rights, including representation by counsel, the right to be informed of the nature of the complaint and the right to present testimony on his or her behalf. A recommendation for or against removal shall be by majority vote and forwarded to the active Judges for appropriate action. Removal of the attorney from the panel shall be by majority vote of the standing committee.

CRIMINAL JUSTICE ACT PANEL QUESTIONNAIRE

NAME: _____ SOCIAL SECURITY NO.: _____

ADDRESS: (INCLUDE FIRM NAME, IF ANY) TELEPHONE NO.: _____

DATE OF BAR ADMISSIONS:

FEDERAL COURT (GUAM) _____

STATE/TERRITORIAL COURTS (Specify Jurisdiction): _____

HAVE YOU EVER SERVED ON A CJA PANEL? _____ YES _____ NO

(IF YES, STATE WHERE AND WHEN)

HAVE YOU EVER BEEN EMPLOYED AS A PUBLIC DEFENDER (STATE OR FEDERAL)?

_____ YES _____ NO

(IF YES, STATE WHERE AND WHEN)

HAVE YOU EVER WORKED AS A PROSECUTING ATTORNEY (STATE OR FEDERAL)?

_____ YES _____ NO

(IF YES, STATE WHERE AND WHEN)

HAVE YOU EVER ATTENDED TRAINING PROGRAMS FOCUSING ON FEDERAL
CRIMINAL PRACTICE?

SENTENCING GUIDELINES: _____ YES _____ NO

(IF YES, STATE WHERE AND WHEN)

BAIL REFORM ACT (1984): _____ YES _____ NO
(IF YES, STATE WHERE AND WHEN)

OTHER: _____ YES _____ NO
(IF YES, STATE WHERE, WHEN & NATURE OF SEMINAR)

QUESTIONS RELATING TO CRIMINAL EXPERIENCE IN STATE AND FEDERAL COURT

FEDERAL COURT EXPERIENCE:

HOW MANY TRIALS HAVE YOU PERSONALLY CONDUCTED? _____

%	JURY TRIALS	_____	%	COURT TRIALS
%	AS DEFENSE ATTORNEY	_____	%	AS PROSECUTOR
%	PRIMARILY RESPONSIBLE	_____	%	SECOND-CHAIR

PLEASE GIVE RANGE REGARDING LENGTHS OF THESE TRIALS. _____

HOW MANY GUILTY PEAS HAVE YOU HANDLED? _____

% AS DEFENSE ATTORNEY _____ % AS PROSECUTOR

HOW MANY PRE-SENTENCING GUIDELINE CASES? _____

HOW MANY POST-SENTENCING GUIDELINE CASES? _____

PLEASE DESCRIBE THE TYPES OF CASES YOU HAVE HANDLED.

STATE COURT EXPERIENCE:

HOW MANY TRIALS HAVE YOU PERSONALLY CONDUCTED?

%	JURY TRIALS	_____	%	COURT TRIALS
%	AS DEFENSE ATTORNEY	_____	%	AS PROSECUTOR
%	PRIMARILY RESPONSIBLE	_____	%	SECOND-CHAIR

PLEASE GIVE RANGE REGARDING LENGTHS OF THESE TRIALS. _____

HOW MANY GUILTY PLEAS HAVE YOU HANDLED? _____

% AS DEFENSE ATTORNEY _____ % AS PROSECUTOR _____

PLEASE DESCRIBE THE TYPES OF CASES YOU HAVE HANDLED.

MISCELLANEOUS INFORMATION-

PLEASE INDICATE YOUR CIVIL LITIGATION EXPERIENCE BY PROVIDING
EXAMPLES
OF YOUR PRACTICE, TYPES OF CASES, TRIAL INVOLVEMENT, LENGTH, ETC.

PLEASE EXPLAIN ANY OTHER RELEVANT EXPERIENCE WHICH EXPLAINS WHY
YOU WOULD LIKE TO BE ON THE CJA PANEL.

I HAVE READ THE PLAN WHICH GOVERNS CRIMINAL JUSTICE ACT CASES IN
THIS DISTRICT. BY MAKING THIS APPLICATION I AM HEREBY AGREEING TO
ABIDE BY THE PROVISIONS AS OUTLINED IN THE PLAN.

DATED: _____

SIGNATURE

APPLICATIONS SHOULD BE RETURNED TO DISTRICT COURT OF GUAM, CLERK OF COURT.