

# APPLICATION FOR MEMBERSHIP IN THE NINTH CIRCUIT CJA APPELLATE PANEL FOR THE CENTRAL DISTRICT OF CALIFORNIA

## APPLICATION INSTRUCTIONS

Applications to the CJA Appellate Panel for the Central District of California are accepted annually during the month of December. Your application and supporting documents should be e-mailed in one combined pdf document to [tatiana\\_craven@fd.org](mailto:tatiana_craven@fd.org), by no later than December 31. Your application should include the following:

1. Two representative writing samples, preferably from Ninth Circuit appeals, which demonstrate your usual legal writing skill. **The writing samples must be your own work;**
2. A list of two or more references who are knowledgeable about your appellate experience, your commitment to indigent defense, your legal research and writing and written and oral advocacy skills, and your time-management skills;
3. A completed application form, copy enclosed;
4. A signed Professional Experience Inquiry Authorization and Waiver Form, copy enclosed; and
5. A signed Acknowledgment Form, copy enclosed.

If you do not have any Ninth Circuit experience, please provide information regarding appellate experience in other jurisdictions.

Since 1996, the Panel has been administered by the Office of the Federal Public Defender for the Central District of California, by delegation from the Ninth Circuit. Panel members receive appointments under 18 U.S.C. § 3006A to handle direct criminal appeals and civil appeals from denial of relief under 28 U.S.C. §§ 2254 and 2255 in cases arising out of the Central District and elsewhere in the Ninth Circuit. Applicants should have significant federal criminal appellate experience or other transferable experience and a commitment to the representation of indigent defendants and petitioners. Excellent time management skills are essential.

The number and types of appointments can vary from year to year, but panel members should expect to receive an appointment every 2-3 months. Panel attorneys are expected to accept appointment in at least 4 cases each year. Unless you have made a previous request to be removed from the rotation, you are expected to accept the appointment and not move to be relieved for a reason other than a conflict of interest. Frequent motions to be relieved are a basis for removal from the panel.

Panel members are expected to conform to applicable standards for the provision of services to indigent criminal defendants and petitioners, including but not limited to the ABA Standards for Criminal Justice (3d ed. 1993) (“The Defense Function”), available at [http://www.abanet.org/crimjust/standards/dfunc\\_toc.html](http://www.abanet.org/crimjust/standards/dfunc_toc.html) or your local law library.

There are three listings of panel members: (1) general; (2) those with experience in habeas litigation who take appointments in 2254 and 2255 matters; and (3) highly experienced, those who are qualified to accept appointments in complicated and extensive matters, including death penalty appeals. Work on appeals is at the CJA rate in effect at the time. Please see Judiciary Policies and Procedures Chapter VII for more information on current rates and what is and is not reimbursable.

Applicants must be members in good standing of the State Bar of California, have their office within the state of California, and should be able to travel to any of the district courts or Circuit courts when required. Preference is given to applicants practicing in the Central District. Members serve at the pleasure of the Ninth Circuit, as delegated to the Federal Public Defender. If you are removed from eligibility to receive appointments under the Criminal Justice Act by any federal court, you must notify us immediately and your membership on the panel will be terminated. If you are reinstated, you may re-apply to the panel during the next application period. Further details regarding membership, renewal, and removal are included in the enclosed information package.

New members are required to attend a half-day introductory training session. In addition, all panel members are required to attend a mandatory training in the Spring of each year. MCLE credit is available for both trainings.

A panel of experienced appellate attorneys will review the applications and make the selection. You will be notified of our action on your application by no later than February 15.

**APPLICATION FOR MEMBERSHIP IN THE NINTH CIRCUIT CJA APPELLATE  
PANEL FOR THE CENTRAL DISTRICT OF CALIFORNIA**

Name: \_\_\_\_\_

Phone: \_\_\_\_\_

Business address: \_\_\_\_\_

Facsimile: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

E-mail: \_\_\_\_\_

\_\_\_\_\_

I am interested in handling: [ ] habeas only [ ] criminal only [ ] any type of case

1. Courts in Which you are Admitted to Practice:

2. Please list up to five (5) cases in which you were counsel of record through an entire Ninth Circuit criminal or habeas appeal, including briefing and oral argument. Please list the name and case number, name of opposing counsel, and disposition. You may substitute cases from other jurisdictions, if necessary. If you have not completely handled five appellate matters in any court, please explain your relevant qualifications and experiences and how those will be transferable to Ninth Circuit appellate practice. You may answer on a separate page.

| Case Name | Case Number | Opposing Counsel | Disposition |
|-----------|-------------|------------------|-------------|
| _____     | _____       | _____            | _____       |
| _____     | _____       | _____            | _____       |
| _____     | _____       | _____            | _____       |
| _____     | _____       | _____            | _____       |

3. References (please include a daytime phone number):

\_\_\_\_\_  
Name Phone Number

\_\_\_\_\_  
Name Phone Number

\_\_\_\_\_  
Name Phone Number

\_\_\_\_\_  
Name Phone Number

4. Employment History:

Please list your employment history over the past ten years or since graduation from law school. Please indicate your major areas of practice for each position or time-period of self-employment.

You may answer on this page, or use a separate page to answer the following questions:

5. During the past five (5) years have you received an Order to Show Cause from any Court? If so, please list and explain:

6. Have you ever been removed from eligibility to receive appointments by any Court? If so, please list with dates and case numbers, and explain.

7. Have you ever been the subject of discipline by a State Bar or other disciplinary committee? If so, please list and explain.

8. Please list the continuing education courses you have completed in the past three years:

9. Please list any other information you believe is relevant to our consideration of your application. You may use a separate sheet if necessary.

Central District of California  
Criminal Justice Act Appellate Panel Application Form  
Office of the Federal Public Defender  
321 E. 2nd Street  
Los Angeles, CA 90012  
(213) 894-4103

PROFESSIONAL EXPERIENCE INQUIRY  
AUTHORIZATION AND WAIVER FORM

I hereby authorize the administrators of the disciplinary and inquiry bodies of any court, bar or other association to disclose to the Criminal Justice Act Appellate Panel Administration Committee of the Central District of California all information contained in the files of such bodies concerning my present professional status, all complaints which have been made against me, together with the disposition thereof. I expressly waive whatever right I may have to confidentiality of the foregoing information.

I also hereby authorize the custodian of any records or information related to my application for the Criminal Justice Act Appellate Panel for the Central District of California to permit the examination or receipt of such records and/or information by anyone designated by the Criminal Justice Act Appellate Panel Administration Committee.

---

Print or Type Name

---

Signature

---

Social Security Number

---

Date Signed

Central District of California  
Criminal Justice Act Appellate Panel Application Form  
Office of the Federal Public Defender  
321 E. 2nd Street  
Los Angeles, CA 90012  
(213) 894-4103

ACKNOWLEDGMENT FORM

I understand that attorneys are selected to serve on the panel at the pleasure of the Court to represent indigent defendants; that this application only provides information for the use of the Federal Public Defender, by delegation from the Court, to select members of the panel and does not create entitlement for participation on the panel or appointment to cases; and that panel attorneys are subject to removal by the Federal Public Defender.

I understand and agree that representation of an indigent client upon appointment by the Court is a professional privilege and duty and that even if I am placed on the panel, I have no "right to appointment" to represent any indigent client.

I understand that failure to provide true and correct information in answer to any of the questions on this form will be grounds for denial of panel membership or removal from service on the panel at any time in the future.

I certify that I have read and understand the above and agree to it.

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature

## **PROCEDURES FOR THE CJA APPELLATE PANEL FOR THE CENTRAL DISTRICT OF CALIFORNIA (REVISED December 2011)**

### **I. DELEGATION OF AUTHORITY**

The Ninth Circuit Court of Appeals has delegated authority to manage the CJA panel and assign appointments to a designee in each district within the circuit. In the Central District of California, the delegation has been made to the Federal Public Defender, and the program is currently administered by Deputy Federal Public Defender Gail Ivens and Assistant Paralegal Tatiana Craven.

### **II. SELECTION, REAPPOINTMENT, AND REMOVAL OF PANEL MEMBERS**

Once a year, generally in early November, the Federal Public Defender's Office will notify current trial and appellate panel members and others who have expressed interest in membership of any vacancies on the CJA appellate panel and invite applications. To apply, a candidate must complete an application form, submit two representative writing samples, and provide names of two or more references who are familiar with the applicant's work, professional reputation commitment to indigent defense, and time management skills. Applications are accepted annually during the month of December.

A committee of experienced appellate practitioners will review the applications, contact the references, and decide which applicants will be selected for addition to the panel. Members are added to the panel for a term of 3 years, on the condition that they attend an initial mandatory orientation session and the annual mandatory training seminar. Experience, performance, and the preference of counsel is considered in determining what type of appeals will be assigned to the individual panel members, particularly in the area of habeas litigation and capital appeals. Other than cases requiring special qualifications or handling, appointments are made from the panel list in order, unless there is a conflict.

Approximately two months before a term expires, panel members will receive a letter asking whether they want to be considered for another 3 year term. Each panel member is asked to send a letter of intent, along with a copy of his or her most recently filed non-*Anders* opening brief. In addition, each panel member is asked to disclose whether over the course of the last term, he or she has been subject to any type of sanction by the Ninth Circuit or received a default letter.

Terms are renewable at the discretion of the Federal Public Defender who considers, among other things, the quality of the panel member's work, complaints received from the circuit about the attorney, complaints received by the Federal Public Defender's Office from clients or other counsel, sanctions threatened or imposed, other timeliness issues, the quality of other applications received, and whether the panel member's performance over the past three years has conformed to applicable standards for the provision of services to indigent criminal defendants and petitioners, including but not limited to the ABA Standards for Criminal Justice (3d ed. 1993) ("The Defense Function"), available at [http://www.abanet.org/crimjust/standards/dfunc\\_toc.html](http://www.abanet.org/crimjust/standards/dfunc_toc.html). The views of Ninth Circuit



judges, the Appellate Chief of the United States Attorney's Office, the Appellate Commissioner, and the Supervisor of the Writs and Appeals Section of the Federal Public Defender's Office are also solicited and considered.

An attorney may be removed from the panel at the discretion of the Federal Public Defender. The attorney will be advised of the proposed removal, and be offered an opportunity to respond to the reasons for the proposed removal. The selection committee will consider all available options, including a temporary suspension from the panel. Attorneys are free to reapply the following year if they are removed from the panel.

Occasionally, the Appellate Commissioner will sanction an attorney by removing their eligibility to serve as CJA counsel on appointed matters. Such removal of the attorney's eligibility to receive CJA appointments by the Commissioner will result in their automatic and unappealable removal from the panel. Upon reinstatement by the Commissioner, the former panel member is eligible to apply for membership on the panel during the next application period.

In addition, if you are removed from eligibility to receive appointments by any other federal court, district or circuit, you must notify Ms. Ivens immediately. Failure to do so may result in removal from the panel.

### **III. ASSIGNMENT OF CASES**

When the Ninth Circuit determines that appointment of counsel is appropriate, the Circuit e-mails the order to the Office of the Federal Public Defender and sends the order to the client and/or former counsel. The order will direct the FPD to locate counsel and will also schedule briefing dates. If the order involves an appeal of a §§ 2254 or 2255 matter, the order may also include a statement of the issues in the certificate of appealability.

Upon receipt of the order, Ms. Ivens or her designee determines whether the appeal presents extraordinary circumstances or will likely require specialized expertise, and appoints accordingly. In all other cases, the Assistant Paralegal reviews the alphabetized list of counsel and selects the next attorney in-order for the assignment. A conflicts check is conducted prior to assignment.

### **IV. DOCUMENTS TO ASSIGNED COUNSEL**

Once an assignment is made, a letter notifying the Court of the name of the assigned attorney is e-mailed to the Ninth Circuit, the District Court, and counsel. The voucher is e-mailed to the assigned attorney via electronic vouchering system after the Ninth Circuit receives the letter of assignment.

### **V. OTHER REQUIREMENTS**

You are expected to accept appointment on no fewer than four cases per year. Unless you notify Ms. Craven in advance that you would like to be taken out of rotation for a period of 3-6

months, you are expected to keep and not seek to be relieved (other than on the basis of a conflict or pursuant to an *Anders* brief) from any case assigned to you pursuant to the rotation.

Panel members are required to keep Ms. Craven informed of any phone number, email, or address changes. Additionally, you must notify her of any disciplinary actions, formal or informal investigations by any federal or state government, court, administrative agency or bar association. ***You are required to forward to her attention a copy of any Order to Show cause issued to you by any court, along with your response, as well as any motion you file to be relieved as counsel, other than an Anders brief.***

Failure to comply with court orders, rules, regulations, and/or these policies and procedures may lead to removal from the panel.

## **VI. NOTICE TO AND INQUIRES FROM THE CLIENTS**

The Federal Public Defender's Office does not notify the client of the initial assignment. It is counsel's responsibility to ***immediately communicate directly with the client***. Occasionally, the client, who has received a copy of the order of appointment from the Ninth Circuit, will write to the FPD inquiring about the assignment. If Ms. Ivens responds, she will give the client the name, address, and telephone number of assigned counsel and will copy the appointed attorney on the correspondence sent to the client.

Occasionally the client will write to complain about the assigned attorney. Ms. Ivens will contact the assigned attorney and, if appropriate, send a follow-up letter to the client.

## **VII. TRAINING**

Ms. Ivens schedules an all-day Appellate Practice Seminar once a year. This seminar is mandatory for CJA appellate panel members, and open to other CJA attorneys. The Federal Public Defender's Office also maintains a website, [cja.fpdcaed.org](http://cja.fpdcaed.org), with a searchable resource bank, blog, links, expert list and directories for the benefit of the CJA panels in the Central District.

## **VIII. MOOT COURTS**

Ms. Ivens will arrange moot courts for any panel member who so requests and will insist, to the extent possible, on moot courts for any panel member arguing a case of exceptional significance to criminal defendants or habeas petitioners, or before an en banc panel of the Ninth Circuit or the United States Supreme Court.

## **IX. MISCELLANEOUS**

Ms. Ivens is available to answer inquiries from the court and keeps in regular contact with Ninth Circuit Appellate Commissioner Peter Shaw. In addition, she troubleshoots for panel members with the courts and federal agencies and otherwise is available to help resolve problems

that arise in the course of their representation of their clients. The Office has a duty appellate attorney available each weekday to assist panel members with substantive or procedural questions relevant to appeals. To speak with the duty attorney, call (213) 894-2854 and ask to be connected.