



## UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF KENTUCKY

### MENTORSHIP PROGRAM

#### **I. Program Description and Goals**

The United States District Court for the Western District of Kentucky is committed to establishing a diverse group of qualified attorneys who are available for appointment under the Criminal Justice Act (“CJA”) and who will provide high quality representation for indigent defendants. To further these goals, the Court has authorized the creation of a CJA Mentorship Program (the “Program”) which is designed to identify and help prepare viable candidates to qualify for consideration for appointment to a CJA Panel.

Attorneys who do not yet have the requisite experience for CJA Panel membership (“Mentees”) may seek admission to the Mentorship Program. Once admitted, they will be appointed as associate counsel with experienced members of the federal criminal defense bar (“Mentors”) to provide representation in appropriate cases.

Under the supervision and direction of the Mentor, the Mentee will review discovery, identify and research legal issues, draft legal documents, organize evidence, attend client meetings, witness interviews, and court appearances. Mentees will be assigned one Mentor, to assist on only one specific criminal matter at any given time.

The Mentor will supervise the Mentee in a way that allows the Mentee to gain experience and working knowledge of the Joint Local Rules of Criminal Practice for the United States District Courts for the Eastern and Western Districts of Kentucky, the Federal Rules of Criminal Procedure, the United States Sentencing Guidelines, the Bail Reform Act, and other relevant areas of criminal practice.

#### **II. Program Eligibility Requirements**

All individuals accepted into the Mentorship Program shall:

- Be a member in good standing of the bar of the Western District of Kentucky;
- Maintain a primary, satellite or shared office in this District;
- Have, or be interested in developing, strong litigation and writing skills, and learning the Federal Rules of Evidence, the Federal Rules of Criminal Procedures, the Federal Rules of Appellate Procedure; and
- Demonstrate a commitment to providing representation to indigent clients.

### **III. Admission to Mentorship Program**

The Court will accept applications to its Mentorship Program during a periodic open application period. The number of attorneys eligible for admission to the Mentorship Program will be determined by the Court, in consultation with the CJA Panel Committee, and will be based on the needs of the Court at that time.

The CJA Panel Committee will review Mentee applications, make recommendations concerning their participation in the Mentorship Program, and provide guidance to the mentors. The CJA Panel Committee may also nominate applicants to a CJA Panel to the Mentorship Program when such applicants do not yet have sufficient federal practice experience to qualify for full admission to a Panel.

### **IV. Participant Expectations**

#### **A. Mentors**

**1. Qualifications.** Experienced members of the criminal defense bar, without respect to current membership on a CJA Panel, will be selected to serve as volunteer Mentors. All CJA Panel members are expected to agree to reasonable mentoring requests unless a compelling reason excuses participation. No Mentor may be assigned more than one Mentee at any given time.

**2. Responsibilities.** The Mentor shall be lead counsel and the primary attorney on any case and is, therefore, responsible for all aspects of representation. The Mentor shall offer advice, training and shall supervise the Mentee while working together on the case and shall have discretion regarding the extent of the Mentee's involvement, taking into consideration the unique needs of the case and the Mentee's experience. When assigned a Mentee, the Mentor shall work with the Mentee through conclusion of the criminal matter through Judgment or Notice of Appeal, unless specified for a shorter period or purpose by the CJA committee or the Court

The Mentor will oversee and manage the Mentee in the representation of any defendant/criminal matter. As such, all Mentors must:

- Be present at all court proceedings in which a Mentee participates;
- Retain ultimate case responsibility, including the final decision-making authority about legal strategy;
- Be primarily responsible for client communications;
- Agree to mentor and supervise the Mentee during all case stages to which the Mentee is assigned.

## **B. Mentees**

The Mentee will be assigned to a Mentor to assist with a specific criminal matter and provide representational services in an associate counsel capacity. The Mentee shall work at the direction of and in conjunction with the Mentor. The Mentee will attend court appearances at the Mentor's direction and only participate in hearings/trial proceedings if and as directed by the Mentor.

When assigned a Mentor, the Mentee shall work with the Mentor through conclusion of the criminal matter, unless otherwise specified by the CJA committee or the Court. No Mentee may be assigned to assist with more than one criminal matter or one Mentor at a time.

Mentees must participate in the Program for at least one year, but no more than two years, and assist in at least two criminal cases before applying for CJA panel appointment.

**1. Assignments.** If admitted to the Program, a Mentee will be assigned to work in cooperation with a Mentor upon the Mentor's next suitable appointment under the Criminal Justice Plan Act. A Mentor has discretion to defer the Mentee's appointment if the case, subject matter, or circumstances make Mentee participation inadvisable.

**2. Responsibilities.** Mentees will be expected to:

- Under the direction and in the presence of the Mentor, confer on behalf of the defendant with the government, chambers, U.S. Pretrial Services Agency personnel, U.S. Probation Officers, federal, state and local law enforcement agents and agencies, U.S. Bureau of Prison personnel, the defendant's family, friends and potential witnesses, interpreters, and other members of the defense team, such as investigators or paralegals;
- Obtain, organize, and review discovery material, perform legal research, draft and file submissions, pleadings, memoranda and motions, under the direction, review and co-authorship of the Mentor, organize exhibits, and engage in other trial preparation activities; and
- Under the direction and in the presence of the Mentor, participate in hearings, trials and evidentiary proceedings. Examination of witnesses or any addresses or statements to a jury will be done only under the direction of the Mentor and with the Mentor present during the examination, the address, or statement.

**2. Training and Continuing Legal Education Requirements.** While participating in the Program, each Mentee shall annually attend at least 3.0 continuing legal education hours relevant to federal criminal practice. Mentees are expected to attend trainings sponsored by the Court, the CJA Panel Committee, the U.S. Probation Office and/or the Federal Defender.

## V. Compensation

### A. **Mentee Compensation**

1. **Overview.** Since the Mentee will provide actual legal services and will work as associate counsel with the Mentor, and because the Court contemplates that the cases on which Mentees will be the type of case that normally warrants authorization of an associate counsel or paralegal, the Mentor will be permitted to apply to the District Court to have the Mentee authorized as associate counsel at the reduced rate of ninety (\$90.00) per hour. In no case may the total amount billed by the mentee exceed \$7,500.

2. **Application for Appointment.** An application for appointment to the District Court requesting appointment of the Mentee as associate counsel will be decided on a case-by-case basis and is appropriate only if the District Court finds that the case in question would have warranted the authorization of associate counsel. If the case warrants the authorization of associate counsel, the Mentee will then be authorized to act as associate counsel as part of the Program.

3. **Appearance by Mentee.** The Mentor should identify the Mentee at any initial presentment or other appearance before the Magistrate Judge or District Judge and shall identify any Mentee as such to the defendant. Once a District Court Judge is assigned to the case, the Mentor will apply to the District Court to authorize the appointment of Mentee as associate counsel, which appointment will be *nunc pro tunc* if appropriate. The Court will issue an Order of authorization, which is required before a Mentee can submit a voucher.

4. **Billing by the Mentee.** The Mentee shall maintain an itemized record of his/her time and task devoted to an assignment and shall bill for billable services (*i.e.*, necessary legal services on CJA Form 20 through the eVoucher System.

a. **Expenses.** Mentees may incur travel-related expenses, such as mileage and parking. Travel expenses are reimbursed at the current mileage rate prescribed for federal judiciary employees at the time incurred. Any other expenses, such as costs associated with experts (procuring transcripts, computer-assisted legal research, electronic discovery assistant, filing fees, etc.), are not reimbursable to any Mentee. Rather, it is the appointed Mentor/Lead Attorney's responsibility to seek reimbursement of these expenses.

b. **Review by Mentor.** The Mentor must review, edit, and approve the Mentee's compensation request and ensure that there is no duplicative request for compensation. In other words, the Mentor and Mentee may not both seek compensation for performing the same task, absent a showing that the Mentee performed additional services necessary to adequate representation of the defendant.

B. **Mentor Compensation.** Mentors may not bill time spent training Mentees and may not bill for work actually performed by the Mentee.

## **VI. Evaluation**

The Mentee shall complete an evaluation of his/her experience upon the conclusion of each assignment. The Mentor shall also complete a confidential evaluation of the Mentee for submission to the CJA Committee.

## **VII. Removal**

Removal from the Program or from any particular matter may occur at the discretion of the Court, and/or the CJA Committee or its delegate(s). Mentees are required to avoid all conflicts of interest and promptly inform the Mentor, and the presiding judge (by appropriate motion) in any matter should a conflict arise. Each Mentee, as a Bar member, will be bound by all applicable Rules of Professional Conduct.

## **VII. Admission to a CJA Panel**

While participation on the Mentorship Program will not, however, guarantee appointment to a CJA Panel, Mentees who successfully complete all requirements of the Program will be automatically considered for appointment to the CJA panel at such time as the CJA Committee receives applications during an enrollment period.