

**UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF ILLINOIS**

**PLAN OF THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF  
ILLINOIS UNDER THE CRIMINAL JUSTICE ACT OF 1964**

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Pursuant to the Criminal Justice Act of 1964 (18 U.S.C. § 3006A) and the Guide to Judiciary Policy, Volume 7, Part A: Guidelines for Administering the CJA and Related Statutes (CJA Guidelines), the Judges of the United States District Court for the Northern District of Illinois adopt this Plan, as approved by the circuit, for furnishing representation in federal court for any person financially unable to obtain adequate representation consistent with the CJA.

## **I. Statement of Policy**

### **A. Objectives**

The objectives of this Plan are: (1) to attain the goal of equal justice under the law for all persons; (2) to provide all eligible persons with timely appointed counsel services that are consistent with the best practices of the legal profession, are cost-effective, and protect the independence of the defense function so that the rights of individual defendants are safeguarded and enforced; and (3) to particularize the requirements of the CJA, the USA Patriot Improvement and Reauthorization Act of 2005 (recodified at 18 U.S.C. § 3599), and CJA Guidelines, Vol. 7A, in a way that meets the needs of this district.

### **B. Compliance**

The court, its clerk, Federal Defender Program, Inc., attorneys provided by a bar association or legal aid agency, and private attorneys appointed under the CJA must comply with the CJA Guidelines, approved by the Judicial Conference of the United States or its Committee on Defender Services, and with this Plan.

The court will ensure that a current copy of the CJA Plan is made available on the court's website and provided to CJA counsel upon the attorney's designation as a member of the CJA panel of private attorneys (CJA Panel). The court will review this Plan every five years to ensure compliance with CJA guidelines and other policies.

## **II. Definitions**

**A.** "Representation" includes counsel, investigative, expert, and other services necessary to an adequate defense.

**B.** "Appointed attorney" or "Appointed counsel" is an attorney designated to represent a financially eligible person under the CJA and this Plan.

Such attorneys include CJA Panel attorneys and the Executive Director and Staff Attorneys of the Federal Defender Program, Inc.

### **III. Administration of this Plan**

#### **A. Community Defender Organization**

1. **Establishment:** Federal Defender Program, Inc. (FDP), a non-profit defender counsel service, has been and is now authorized to provide representation in the United States District Court for the Northern District of Illinois as a Community Defender Organization pursuant to the provisions of the CJA. The FDP is supervised by a Board of Trustees. The by-laws of the FDP are incorporated as part of this Plan, and a copy of the by-laws shall be maintained by the Clerk of Court and attached to the original of this Plan as an appendix.

The FDP shall maintain an office in Chicago, Illinois, to support the Eastern Division of the District and an office in Rockford, Illinois, to support the Western Division of the District.

2. **Supervision of Defender Organization:** The Executive Director shall be responsible for the supervision and management of the FDP. Accordingly, the Executive Director shall be appointed in all cases assigned to that organization for subsequent assignment to Staff Attorneys at the discretion of the Executive Director.
3. **Management of the Panel:** The FDP shall be responsible for the systematic distribution of cases to and for the management of the CJA Panel. The FDP will provide to the Chief Judge of the district a list of Panel Attorneys with current office addresses and telephone numbers. The FDP will provide to the presiding judge of the Western Division a list of Panel Attorneys for the Western Division with current office addresses and telephone numbers.

The FDP shall maintain a record of assignments to panel attorneys, as well as data reflecting the proration of appointments between the FDP Staff and Panel Attorneys. Every effort shall be made to ensure that counsel is appointed as expeditiously as possible, that appointments are equitably distributed and that information on availability of counsel is maintained.

It shall be the responsibility of the FDP to ensure the reasonable proration of appointments as between private panel attorneys and FDP Staff Attorneys. Administration of the CJA Panel, as provided in this Plan, is delegated and assigned to the FDP.

**B. Private Panel Attorneys:** This Plan provides for the appointment and compensation of private counsel through a Panel, the one now in existence, administered by the FDP. Where practical and cost effective, private attorneys from the CJA Panel will be appointed in a substantial proportion of the cases in which the accused is determined to be financially eligible for representation under the CJA.

1. **Panel of Attorneys:** The FDP shall be responsible for the systematic distribution of cases to Panel Attorneys and for the general management of the CJA Panel. The existing panel of FDP attorneys shall continue in effect. The Federal Defender/CJA Committee of the District Court shall be designated by the Chief Judge as the liaison between the CJA Panel and the court. Panel attorneys serve at the pleasure of the Panel Attorney Selection Committee and may be removed at any time by the Panel Attorney Selection Committee.

The full list of Panel Attorneys shall be submitted to the court's Federal Defender/CJA Committee every three years expressly for the purpose of obtaining judicial comments, if any, on the performance of the Panel Attorneys.

2. **Application for Panel Membership:** Application forms for panel membership shall be made available by the FDP to any member of the bar of the Northern District of Illinois upon request. These applications shall be prepared by the FDP in conjunction with the Panel Attorney Selection Committee and shall be periodically reviewed and revised as necessary. Completed applications shall be submitted to the FDP with a letter of recommendation from a judge or magistrate judge of this court, and shall be retained in the offices of the FDP and made available upon request to judges or magistrate judges of this court. Applicants must be members in good standing of the General Bar and the Trial Bar of the Northern District of Illinois and the Bar of the Seventh Circuit.
3. **Panel Attorney Selection Committee:** The Panel Attorney Selection Committee structure currently in effect shall continue to be used by the FDP. The Panel Attorney Selection Committee shall consist of between seven and fifteen members and shall be chaired by

the Executive Director of the FDP. Between one and three members shall be FDP Staff Attorneys and the remaining members shall be Panel Attorneys in good standing. These Panel Attorneys shall be selected by the Executive Director and shall serve four-year terms that are renewable. They shall be selected to provide a cross-section of experience and expertise. The Committee shall meet at least four times per year to discuss the admission of new lawyers to the Panel and to review the performance of those lawyers currently serving on the Panel.

In selecting members of the Panel, one member of the Panel Attorney Selection Committee shall personally interview each applicant following receipt of the application form and a judicial letter of recommendation. That member shall then discuss the applicant's qualifications with the entire Committee and make a recommendation. If a majority of the Committee finds the applicant qualified to serve on the Panel, the Committee may place that person on the Panel.

If a majority of the Committee finds the applicant is potentially but not presently qualified to serve on the Panel because of insufficient experience, the Committee may place the applicant in an internship program. The FDP will assign an inexperienced internship applicant to an experienced mentor attorney who will work with the applicant until the mentor attorney determines that the applicant has gained sufficient experience to become a member of the Panel. The mentor attorney will notify the Panel Attorney Selection Committee of the recommendation and the Panel Attorney Selection Committee will either follow the recommendation and place the applicant on the Panel or take whatever other action it deems proper. No compensation will be provided to either the mentor attorney or the intern.

4. **Recruitment of Panel Attorneys:** The FDP and the Panel Attorney Selection Committee shall engage in recruitment efforts to establish a diverse and qualified panel and ensure that all qualified attorneys are encouraged to participate in the furnishing of representation in CJA cases.

- C. **List of FDP Staff Attorneys:** The FDP shall furnish to the Chief Judge a list of the attorneys on its staff.

- D. Distribution of Lists:** The list of Panel Attorneys and the names, addresses, and telephone numbers of appropriate officers or attorneys of the FDP shall be furnished to the United States Attorney's Office and the United States Marshal, so that persons arrested under circumstances where representation is required by federal law may have access to such information.
- E. Systematic Appointments; Eastern Division Duty Day System:** Other than in the circumstances described in Section III.F. of this Plan, the FDP bears the sole responsibility for assignment of appointed counsel in the district. The FDP may consider required expertise or experience in assigning counsel.

In the Western Division, the FDP branch chief will fairly distribute cases to the Staff Attorneys and Panel Attorneys.

In the Eastern Division, every day a designated FDP Staff or Panel Attorney will serve as FDP duty attorney. The duty attorney shall be responsible for representing all eligible persons initiating cases on the attorney's duty day, subject to conflict or scheduling problems. Using a rotational system to allow for fair distribution, each month a certain number of Panel Attorneys will be requested to serve as the duty attorney for one day during the ensuing month. The resulting duty day list will be maintained in the FDP office. The procedure should result in a balanced distribution of appointments and compensation among members of the Panel, and quality representation for each person for whom counsel is appointed.

The attorney will remain on duty throughout the court day, being available for immediate appointment and interview with clients before their appearance before a judge or magistrate judge.

After a duty day appointment, the appointed attorney will represent the defendant in all subsequent proceedings in that case, including any subsequent revocation of probation or supervised release proceeding.

If the duty attorney is unavailable, or a case requires multiple attorneys for representation, additional FDP Staff or Panel Attorneys will be made available for appointment.

FDP Staff Attorneys will serve as duty attorneys on weekends and holidays. The telephone number of the weekend or holiday duty attorney

will be made available in advance to the U.S. Attorney's Office, the duty magistrate judge's chambers, and the Pretrial Services Office.

In a case in which appointed counsel withdraws, the court shall order the FDP to assign new counsel. In cases where the court allows for the appointment of second counsel in extremely difficult cases, the FDP will assign second counsel.

**F. Appointment of Attorneys Not on the Panel**

Subsection (b) of the CJA (18 U.S.C. § 3006A(b)) provides, in part, that counsel appointed pursuant to a local CJA plan must be "selected from a panel of attorneys designated or approved by the court, or from a bar association, legal aid agency, or defender organization furnishing representation pursuant to the plan."

However, an attorney who is not a member of the CJA panel may be appointed when the district judge presiding over the case, or the Chief Judge if a district judge has not yet been assigned to the case, or a magistrate judge, determines that the appointment is in the interest of justice, judicial economy, or continuity of representation, or there is some other compelling circumstance warranting the appointment.

Notwithstanding this authority and in consideration for preserving the integrity of the panel selection process, such appointments should be made only in exceptional circumstances. It is not anticipated that these exceptional circumstances will arise often, and the procedures provided in the Plan are presumed to be sufficient in the vast majority of cases in which counsel are to be appointed. Appointments made under this section will be reported to the Executive Director of the FDP. Further, the attorney who may or may not maintain an office in this district, should possess such qualities as would qualify him or her for admission to this district's panel in the ordinary course of panel selection. The U.S. Attorney's Office or a law enforcement office or agency shall not suggest the appointment of an attorney who is not a member of the CJA panel.

#### **IV. Provision of Representation**

##### **A. Mandatory**

Representation must be provided 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 Section 5031 of Title 18 of the United States Code;
3. is charged with a violation of probation or faces modification, reduction, or enlargement of a condition or extension or revocation of a term of probation (unless the modification sought is favorable to the probationer and the government has not objected to the proposed change);
4. is under arrest, when such representation is required by law;
5. is subject to revocation of parole or is otherwise entitled to appointment of counsel in parole proceedings;
6. 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 (unless the modification sought is favorable to the defendant and the government has not objected to the proposed change);
7. is subject to a mental condition hearing under chapter 313 of Title 18 of the United States Code;
8. is seeking to set aside or vacate a death sentence under sections 2254 or 2255 of Title 28 of the United States Code;
9. is in custody as a material witness;
10. 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 section 4109 of Title 18 of the United States Code; or

11. is entitled to appointment of counsel under the Sixth Amendment to the Constitution, or faces loss of liberty in a case, and federal law requires the appointment of counsel.

**B. Discretionary**

Whenever a judge or 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 charged with civil or criminal contempt and faces loss of liberty;
3. has been or will be 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 criminal prosecution, a civil or criminal contempt proceeding, or face loss of liberty;
4. has been advised by the United States Attorney or a law enforcement officer that they are the target of a grand jury investigation;
5. is proposed by the United States Attorney for processing under a pretrial diversion program;
6. is seeking relief, other than to set aside or vacate a death sentence, under sections 2241, 2254 or 2255 of Title 28 of the United States Code; or
7. is held for international extradition under chapter 209 of Title 18 of the United States Code.

**C. Ancillary Matters**

Representation may also be provided for financially eligible persons in ancillary matters appropriate to the criminal proceedings under 18 U.S.C. § 3006A(c). In determining whether representation in an ancillary matter is appropriate to the criminal proceedings, the court should consider whether such representation is reasonably necessary:

1. to protect a constitutional right;
2. to contribute in some significant way to the defense of the principal criminal charge;
3. to aid in preparation for the trial or disposition of the principal criminal charge;
4. to enforce the terms of a plea agreement in the principal criminal charge;
5. to preserve the claim of the CJA client to an interest in real or personal property subject to civil forfeiture proceeding under 18 U.S.C. § 983, 19 U.S.C. § 1602, 21 U.S.C. § 881, or similar statutes, which property, if recovered by the client, may be considered for reimbursement under 18. U.S.C. § 3006A(f); or
6. effectuate the return of real or personal property belonging to the CJA client, which may be subject to a motion for return of property under Fed. R. Crim. P. 41(g), which property, if recovered by the client, may be considered for reimbursement under 18 U.S.C. § 3006A(f).

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

**E. Number of Counsel:** 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 shall be appointed.

**F. Eligibility for Representation:** The determination of eligibility for representation under the CJA is a judicial function to be performed by a federal judge or magistrate judge after making appropriate inquiries concerning the person's financial condition.

## **V. Appointment of Counsel**

**A. Process for Appointments:** Upon the appearance of a person before a judge or magistrate judge, or at any proceeding in which a person who is entitled to representation under the Plan appears without counsel,

the judge or magistrate judge shall advise the person of the right to be represented by counsel throughout the case and that counsel will be appointed if the person is financially unable to afford adequate representation. If the person states that he or she wishes to be represented by appointed counsel, the judge or magistrate judge shall recess the proceedings and notify the FDP. If the need for the assistance of counsel is immediate and apparent, counsel may be appointed immediately and the financial inquiry may follow the appointment of counsel as soon thereafter as is practical.

- B. Appointment by the Court:** Whenever an FDP staff or Panel Attorney presents to a judge or a magistrate judge a proposed order for the appointment of counsel for a party entitled as of right to counsel and the judge is satisfied that the party desires counsel and is financially unable to employ counsel, the judge shall appoint counsel for the party. Neither the court nor the defendant shall have the right to select appointed counsel from the FDP Staff or Panel or otherwise, except that a defendant may request specific counsel in the circumstances set forth in Section III.F., above.
- C. Factfinding:** Unless it will result in undue delay, factfinding concerning the person's eligibility for appointment of counsel should be completed no later than the person's first appearance in court. Relevant information bearing on the person's financial eligibility should be reflected on a financial eligibility affidavit (CJA Form 23). This affidavit shall not be included in the public case file and should not be made available to the public at the courthouse or via remote electronic access. Employees of law enforcement agencies or the United States Attorney's Office should not participate in the completion of the CJA Form 23 or seek to obtain information from a person requesting the appointment of counsel about his or her eligibility.
- D. Standards for Eligibility:** In addition to the income and assets of a person seeking the appointment of counsel, the judge or magistrate judge shall also consider the cost of providing the person and the person's dependents with the necessities of life, and the cost of securing pretrial release, asset encumbrance, and the likely cost of retained counsel. The initial determination of eligibility must be made without regard to the financial ability of the person's family to retain counsel unless the family indicates willingness and ability to do so promptly. Any doubts about a person's eligibility should be resolved in the person's favor; erroneous determinations of eligibility may be corrected at a later time.

- E. Retroactivity of Appointment:** Appointment of counsel may be made retroactive to include representation furnished pursuant to this Plan before appointment if the judge or magistrate judge finds a person has been and is then financially unable to obtain an adequate defense, and that such earlier representation was authorized under the Plan. Compensation will be made retroactive to cover out-of-court time expended by the attorney during the prior period, and in addition cover compensation for services rendered from the time of initial presentation before a court. If the person represented is unavailable at the time counsel applies to the court for approval of retroactive appointment, the attorney may nevertheless submit his or her claim to the court for approval based on the person's financial condition at the time.
- F. Multiple Representation:** Ordinarily, unless good cause is shown or in the absence of a waiver on the record by the defendants, in a criminal prosecution involving more than one defendant or where separate charges arising out of the same or similar transactions are concurrently pending against two or more defendants, separate counsel should be appointed for each defendant. The judge or magistrate judge shall appoint separate counsel for defendants having interests that cannot properly be represented by the same counsel, or when other good cause is shown.
- G. Discretionary Appointments:** Any financially eligible person for whom representation may be provided pursuant to Section IV.B. of this Plan may apply to the court or magistrate judge to be furnished representation based on a showing (1) that the interests of justice so require and (2) that such person is financially unable to obtain adequate representation. Such application shall be made on a CJA Form 23 unless another form is prescribed by the Judicial Conference of the United States or by Local Rule. If the party is not before the court, the judge or magistrate judge may, without requiring the personal appearance of the party for such purpose, act on the basis of the form alone, or the form as supplemented by such information as may be made available by an officer or custodian or other responsible officer, provided that such information is also made available to the party.
- H. Redetermination of Need:** If at any stage of the proceeding, a judge finds that a person is no longer financially able to pay retained counsel, counsel may be appointed consistent with the general provisions of this Plan. If at any time after the appointment of counsel, a judge finds that a person provided representation is financially able to obtain counsel or

make partial payment for the representation, the judge may terminate the appointment of counsel or direct that any funds available to the defendant be paid as provided in 18 U.S.C. § 3006A(f).

- I. **Waiver of Right to Counsel:** If a court grants a defendant's request to waive the right to counsel and proceed pro se, the court shall explain to a person waiving the right to counsel that such waiver will not prevent a request for the appointment of counsel at a later time or before the same or another judicial officer.

## VI. Duties of Appointed Counsel

- A. **Standards:** Appointed counsel must provide high quality representation consistent with the best practices of the legal profession and commensurate with those services rendered when counsel is privately retained.
- B. **Professional Conduct:** Attorneys appointed pursuant to the CJA shall conform to the highest standards of professional conduct, including but not limited to the provisions of the Rules of Professional Conduct for the Northern District of Illinois.
- C. **No Receipt of Other Payment:** Appointed counsel may not require, request, or accept any payment or promise of payment or any other valuable consideration for representation under the appointment, unless such payment is approved by order of the court.
- D. **Continuing Representation:** Unless excused by court order, appointed counsel shall continue to act for the party throughout the proceedings, including ancillary matters appropriate to the proceedings, appeals, review by certiorari, and any subsequent revocation of probation or supervised release proceeding, whether before a judge or magistrate judge, until the matter is closed; until substitute counsel has filed a notice of appearance; until an order has been entered allowing or requiring the persons represented to proceed pro se; or until the appointment is terminated by court order.

If a defendant is convicted following trial or is sentenced following a guilty plea or a plea of nolo contendere, appointed counsel shall advise the defendant of his or her right to appeal and to counsel on appeal. If requested to do so by the defendant, counsel shall file a timely Notice of Appeal, and shall continue to represent the defendant unless, or until, relieved by the United States Court of Appeals for the Seventh Circuit.

If counsel appointed by a magistrate judge or judge before whom the case is then pending wishes to be relieved at any time before sentencing, counsel shall request permission to withdraw from the judge or magistrate judge before whom the case is then pending. The judge or magistrate judge before whom a case is pending may enter an order granting counsel's withdrawal from the case and ordering the FDP to assign new counsel.

## **VII. Appointment of Counsel in Capital Cases**

- A. Appointment Process:** Consistent with 18 U.S.C. § 3005, and due to the complex, demanding, and protracted nature of proceedings in cases in which defendants face charges that permit the imposition of the death penalty, the court shall appoint two attorneys to represent each defendant in said cases. At least one of these lawyers shall be learned in the law of capital cases.

Appointments under this section shall occur at the earliest opportunity in the proceedings, and no later than whenever a defendant is charged with a federal criminal offense for which the death penalty is possible. If necessary, the FDP can appoint interim counsel before the formal appointment of counsel.

The government or the presiding judge shall notify the FDP that a capital case is pending or anticipated, and that counsel is needed. The FDP shall provide the presiding judge, or the Chief Judge if the case is pre-indictment, the names of two attorneys able to represent the defendant.

In appointing counsel, the court shall consider the recommendation of the FDP.

- B. Appointment of Appellate Counsel:** If the defendant is convicted and sentenced to death, and after consultation with trial counsel and the defendant, the FDP will provide the presiding judicial officer the names of at least two attorneys to perfect a direct appeal. Unless a compelling reason exists to appoint trial counsel as appellate counsel, the court recommends that counsel other than trial counsel be appointed to perfect the appeal.
- C. Appointment of Post-Conviction Counsel:** A financially eligible person seeking to vacate or set aside a death sentence in proceedings

under 28 U.S.C. §§ 2254 or 2255 is entitled to appointment of fully qualified counsel. The FDP, in consultation with the Federal Capital Habeas § 2255 Project, shall provide the presiding judicial officer with the names of at least two attorneys to prosecute any post-conviction action.

### **VIII. Investigative, Expert, and Other Services**

- A. With Prior Authorization:** Counsel (whether or not appointed under the Criminal Justice Act) for a person who is financially unable to obtain investigative, expert, or other services necessary for an adequate defense may request such services in an ex parte application to the court 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 court must authorize counsel to obtain the services.
  
- B. Without Prior Authorization:** Counsel appointed under the Criminal Justice Act may obtain, subject to later review, investigative, expert, or other services without prior authorization, if necessary for an adequate defense, as provided in 18 U.S.C. § 3006(e)(2)(A). The total cost of such services may not exceed the maximum then allowed under the CJA for services obtained without prior authorization. However, as provided in 18 U.S.C. § 3006(e)(2)(B) the court may, in the interests of justice, and upon finding that timely procurement of necessary services could not await prior authorization, approve payment of such services after they have been obtained even if the cost of such services exceeds the CJA maximum for services obtained without prior approval. The court may then authorize such services nunc pro tunc.
  
- C. Maximum Compensation:** The maximum compensation for investigative, expert, and other services, with or without prior authorization, shall not exceed the maximum amount allowed under the CJA unless (1) payment in excess of that amount is certified by the court as necessary to provide fair compensation for services of an unusual character or duration, and (2) the amount of the excess payment is approved by the chief judge of the circuit, as provided in 18 U.S.C. § 3006A(e)(3).
  
- D. Applications:** Requests for authorization of funds for investigative, expert, and other services must be submitted to the court in an ex parte in camera application. Such applications must not be disclosed except with the consent of the person represented or as required by law or Judicial

Conference Policy. Counsel must use the court's eVoucher system for all authorization of investigative, expert, and other services.

- E. Compliance:** Counsel must comply with CJA Guidelines, Vol. 7A, Chapter 3.
- F. Capital Cases:** Obtaining investigators, experts, and other services in capital cases is authorized by 18 U.S.C. § 3599(f) and (g). Counsel must comply with CJA Guidelines, Vol. 7A, Chapter 6.

**IX. Funding for Federal Defender Program, Inc.**

The FDP, a community defender organization, shall receive such periodic sustaining grants as may be approved by the Judicial Conference of the United States from year to year.

**X. Compensation of CJA Panel Attorneys**

**A. Payment Procedures**

1. Claims for compensation must be submitted on the appropriate CJA form through the court's eVoucher system.
2. Claims for compensation should be submitted no later than 45 days after final disposition of the case, unless good cause is shown.
3. Absent extraordinary circumstances, the court should act on CJA compensation claims within 30 days of submission, and vouchers should not be delayed or reduced for the purpose of diminishing Defender Services program costs in response to adverse financial circumstances.

**B. Policy of the Court Regarding Compensation**

1. Providing fair compensation to appointed counsel is a critical component of the administration of justice. CJA panel attorneys must be compensated for time expended in court and time reasonably expended out of court, and reimbursed for expenses reasonably incurred.
2. Voucher reductions should be limited to: (a) mathematical errors; (b) instances in which work billed was not compensable; (c) instances in which work was not undertaken or completed; and (d) instances in

which the hours billed are clearly in excess of what was reasonably required to complete the task.

**C. Reduction of CJA Panel Attorney Vouchers**

1. Except in cases involving mathematical corrections, no claim for compensation submitted for services provided under the CJA will be reduced without affording counsel notice and the opportunity to be heard.
2. A CJA Panel Attorney who has been given notice of a reduction in a voucher may consult with the FDP.
3. The court, when contemplating reduction of a CJA Panel Attorney's voucher for other than mathematical reasons, may consult with the FDP or the circuit's Case Budgeting Attorney before final action on the claim is taken.
4. Notwithstanding the procedure described above, the court may, in the first instance, contact the CJA Panel Attorney to inquire regarding questions or concerns with a claim for compensation. In the event that the matter is resolved to the satisfaction of the court and the CJA Panel Attorney, the FDP or the circuit's Case Budgeting Attorney need not be consulted.

**XI. Duties of Law Enforcement and Related Agencies**

- A. Arrest:** Upon arrest, and where the defendant has not retained or waived counsel, federal law enforcement officials must promptly notify the appropriate court personnel, and the FDP or duty attorney of the arrest of an individual in connection with a federal criminal charge. The FDP or duty attorney 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) and arrange to have the person promptly presented before a judge or magistrate judge of this court for determination of financial eligibility and appointment of counsel.
- B. Pretrial Services Interview:** This Plan encourages defense counsel and the Pretrial Services Office to continue to work together to accommodate the defendant's interest in speaking with an attorney at the earliest opportunity and the pretrial services officer's interest in having sufficient time to obtain information relevant to the defendant's

release status. To further this goal, the pretrial services officer shall not discuss with the defendant any of the facts and circumstances of the defendant's arrest or the charges against the defendant. Further, the pretrial services officer will provide counsel notice and a reasonable opportunity to attend any interview of the defendant by the pretrial services officer before the initial pretrial release or detention hearing.

- C. 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, shall, without undue delay, notify appropriate court personnel and the FDP, or the defendant if he or she is without counsel at the address shown on the order setting conditions of release or at the jail in which the defendant is incarcerated.
- D. Target Letter:** Upon issuance of a target letter, and where the individual has not retained or waived counsel, the United States Attorney's Office must notify the target of the right to appointed counsel under the CJA and provide the target with contact information for the FDP.

## **XII. Miscellaneous**

- A. Forms:** Standard forms pertaining to the CJA and approved by the Judicial Conference of the United States or its Committee on Defender Services and prescribed and distributed by the Director of the Administrative Office of the United States Courts, shall be used, where applicable, in all proceedings under this Plan.
- B. Supersession:** This Plan supersedes all prior Criminal Justice Act Plans of this court.

## **XIII. Effective Date**

This Plan shall become effective when approved by the Judicial Council of the Seventh Circuit.

## **APPENDIX**

By-Laws of the Federal Defender Program, Inc.

*CJA Plan of the United States District Court for the Northern District of Illinois*

ENTER FOR THE COURT

on this 6th day of June, 2022.

s/ 

Rebecca R. Pallmeyer  
Chief Judge, United States District Court for the Northern District of Illinois

APPROVED BY THE JUDICIAL COUNCIL OF THE SEVENTH CIRCUIT

on this 6th day of June, 2022.

/s/ 

Diane S. Sykes  
Chief Judge, United States Court of Appeals for the Seventh Circuit