

United States District Court
District of Utah
Amended 2018 CJA Plan

United States District Court
District of Utah
Amended 2018 CJA Plan

I.	AUTHORITY	3
II.	STATEMENT OF POLICY.....	3
A.	Plan Objectives.....	3
B.	Compliance	3
III.	DEFINITIONS	3
IV.	PROVISION OF REPRESENTATION.....	4
A.	Circumstances.....	4
B.	Ancillary Matters.....	5
C.	Timely Appointment of Counsel	5
D.	Number and Qualifications of Counsel	6
E.	Eligibility for Representation	7
V.	FEDERAL PUBLIC DEFENDER ORGANIZATION.....	8
A.	Establishment of FPDO	8
B.	Organization and Management of the Federal Public Defender Office	8
C.	Assignment of Cases to the FPDO.....	8
D.	Assigned Caseload.....	8
E.	Operative Guidelines	8
F.	Responsibility for Providing Training	8
VI.	CRIMINAL JUSTICE ACT PANEL OF CJA PANEL OF PRIVATE ATTORNEYS	8
A.	Establishment and Organization of CJA Panel	8
B.	Day-to-Day Administration of the CJA Panel	9
C.	Ratio of Appointments.....	9
D.	Size	9
E.	Eligibility	9
F.	Removal or Suspension of CJA Panel Members.....	10
G.	Terms of CJA Panel Members	11
H.	Reappointment of CJA Panel Members	12
I.	Selection of CJA Panel Representative.....	12
J.	CJA Panel Attorney Panel Listing, Reporting, and Selection Procedures.....	12
K.	Equal Opportunity.....	14

United States District Court
District of Utah
Amended 2018 CJA Plan

VII. CJA PANEL COMMITTEE.....	14
A. Membership.....	14
B. Duties	14
C. Standards for Voucher Review.....	15
VIII. DUTIES OF APPOINTED COUNSEL	15
A. Standards	15
B. Professional Conduct	15
C. No Receipt of Other Payment.....	15
D. Prosecution of Appeal.....	15
E. Motion for Continued Appointment or to Withdraw	16
F. Continuing Representation	16
IX. INVESTIGATIVE, EXPERT, AND OTHER SERVICE	16
A. Applications.....	16
B. Compliance	16
X. MISCELLANEOUS.....	16
A. Forms	16
B. Supersession	16
XI. EFFECTIVE DATE.....	17

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH**

2018 AMENDED CRIMINAL JUSTICE ACT PLAN

I. **AUTHORITY.** Pursuant to the Criminal Justice Act of 1964, as amended (“CJA”), 18 U.S.C. § 3006A, and the Guidelines for the Administration of the Criminal Justice Act, Volume VII, Guide to Judiciary Policies and Procedures (“CJA Guidelines”), the judges of the United States District Court for the District of Utah adopt this Amended Criminal Justice Act Plan (“Plan”) for furnishing representation in federal court for persons financially unable to obtain adequate representation in accordance with the CJA.

II. **STATEMENT OF POLICY**

A. Plan Objectives.

1. To attain the ideal of equality before the law for all persons. This plan must be administered 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.
2. To set forth the requirements of the CJA and the CJA Guidelines in a way that meets the needs of this district.

B. Compliance.

The CJA Supervising Attorney must provide each private attorney with a 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 CJA Supervising Attorney must maintain a current copy of the CJA Best Practices Handbook for CJA Panel members. The CJA Plan, Protocols, and CJA Handbook must be posted on the court website.

III. **DEFINITIONS**

- A. "Representation" includes counsel and investigative, expert, and other services.

- B. "Appointed Attorney" includes private attorneys, the Federal Public Defender, and assistant attorneys of the Federal Public Defender Office ("FPDO").
- C. "CJA Panel Committee" is a committee designated by the court to manage panel membership, discipline, and appeals of any proposed reasonableness voucher reductions.
- D. "CJA Supervising Attorney" is an attorney designated by the court to administer the CJA Panel consistent with the duties promulgated in the Protocols as recommended by the CJA Panel Committee.

IV. PROVISION OF REPRESENTATION

A. Circumstances.

- 1. Mandatory. Representation must be provided for any financially eligible person who:
 - a. is charged with a felony or with a Class A misdemeanor;
 - b. is a juvenile alleged to have committed an act of juvenile delinquency as defined in 18 U.S.C. § 5031;
 - c. is charged with a violation of probation or faces a change of a term or condition of probation (unless the modification sought is favorable to the probationer and the government has not objected to the proposed change);
 - d. is under arrest, when such representation is required by law;
 - e. is entitled to appointment of counsel in parole proceedings;
 - f. 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;
 - g. is subject to a mental condition hearing under 18 U.S.C. Chapter 313;
 - h. is in custody as a material witness;
 - i. is seeking to set aside or vacate a death sentence under 28 U.S.C. § 2254 or § 2255;
 - j. 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;
 - k. is entitled to appointment of counsel under the Sixth Amendment to the Constitution; or
 - l. faces loss of liberty in a case and federal law requires the appointment of counsel.

United States District Court
District of Utah
Amended 2018 CJA Plan

2. Discretionary. When a district or magistrate judge determines that the interests of justice so require, representation may be provided for any financially eligible person who:
 - a. is charged with a petty offense (Class B or C misdemeanor, or an infraction) for which a sentence to confinement is authorized;
 - b. is seeking relief, other than to set aside or vacate a death sentence under 28 U.S.C. § 2254 or § 2255;
 - c. is charged with civil or criminal contempt who faces loss of liberty;
 - d. has been called as a witness before a grand jury, a court, the Congress, or a federal agency or commission that 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;
 - e. is proposed by the United States Attorney for processing under a pretrial diversion program;
 - f. is held for international extradition under 18 U.S.C. Chapter 209; or
 - g. has standing to contest the forfeiture of property in a judicial civil forfeiture proceeding under a civil forfeiture statute and who has been represented by counsel appointed under 18 U.S.C. § 3006A in connection with a related criminal case.

- B. Ancillary Matters. Representation may also be furnished for financially eligible persons in ancillary matters appropriate to the proceedings pursuant to 18 U.S.C. § 3006A(c).

- C. Timely Appointment of Counsel.
 1. Timing of Appointment. Counsel must be provided to eligible persons as soon as feasible after they are taken into custody, when they appear before a district or magistrate judge, when they are formally charged or notified of charges if formal charges are sealed, or when a district or magistrate judge otherwise considers appointment of counsel appropriate under the CJA, whichever occurs earliest. Counsel also must be provided to persons who initially are financially able to retain private counsel but who, as proceedings against them progress, are determined by a district or magistrate judge to meet the CJA eligibility requirements in Section VI (I) “CJA Panel Attorney Listing, Reporting, and Selection Procedures.”

United States District Court
District of Utah
Amended 2018 CJA Plan

2. Court's Responsibility. The court, in cooperation with the Federal Public Defender and the United States Attorney, will make such arrangement with federal, state, and local investigative and police agencies as will ensure timely appointment of counsel.
3. Pretrial Service Interview. When practicable, unless the right to counsel is waived or the defendant otherwise consents to a pretrial service interview without counsel, financially eligible defendants will be provided appointed counsel prior to being interviewed by a pretrial services officer.

D. Number and Qualifications of Counsel.

1. Number. More than one attorney may be appointed for any defendant in any case the court determines to be complex.
2. Federal Capital Prosecutions. Pursuant to 18 U.S.C. § 3005, a person charged with a federal capital offense is entitled to the appointment of two attorneys at least one of whom must be learned in the law applicable to capital cases.
3. Habeas Corpus Proceedings. Pursuant to 18 U.S.C. § 3599, the presiding judicial officer, for good cause, may appoint an attorney who may not qualify under 18 U.S.C. § 3599, but who has the background, knowledge, and experience necessary to properly represent the defendant in a capital case, giving due consideration to the seriousness of the possible penalty and to the unique and complex nature of the litigation.
4. Qualifications. Qualifications for appointed counsel must be determined by the court. In capital cases, the court should ensure that all attorneys appointed in federal death penalty cases are well qualified by virtue of their prior defense experience, training, and commitment to serve as counsel in this highly specialized and demanding litigation.
5. Appointment of Counsel Prior to Judgment. Pursuant to 18 U.S.C § 3599, at least one of the attorneys appointed in a capital case must be learned in the law applicable to capital cases. Ordinarily, "learned counsel" should have distinguished prior experience in the trial, appeal, or post-conviction review of federal death penalty cases or distinguished prior experience in state death penalty trials, appeals or post-conviction review that, in combination with co-counsel, will assure high-quality representation.

United States District Court
District of Utah
Amended 2018 CJA Plan

6. Consultation with Federal Public Defender. Pursuant to U.S.C. § 3005, in federal capital prosecutions requiring appointment of counsel, the court should consider the recommendation of the Federal Public Defender in assigning any counsel to a death-eligible case. The Federal Public Defender is required to consult with the court regarding the facts and circumstances of the case to determine the qualifications that may be required to provide effective representation. The court and the Federal Public Defender must consider:
 - a. the minimum experience standards set forth in 18 U.S.C. § 3599(b)-(d);
 - b. the qualification standards endorsed by bar associations and other legal organizations regarding the quality of legal representation in capital cases;
 - c. recommendations of other federal public and community defender organizations and local and national criminal defense organizations;
 - d. the proposed counsel's commitment to the defense of capital cases; and
 - e. the availability and willingness of proposed counsel to accept the appointment and to represent effectively the interests of the client.

E. Eligibility for Representation.

1. Fact-finding. Determination of eligibility for CJA representation is a judicial function to be performed by a district or magistrate judge after making appropriate inquiries concerning the person's financial condition.
2. Disclosure of Change in Eligibility. If, at any time after appointment, counsel obtains non-privileged information that a client is financially able to make payment, in whole or in part, for legal or other services in connection with their representation, counsel must promptly advise the court by filing under seal an ex parte notice.
3. Eligibility. If, at any time after the appointment of counsel, the court finds that a person provided representation is financially able to obtain counsel or make partial payments for representation, the court 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).

V. FEDERAL PUBLIC DEFENDER ORGANIZATION

- A. Establishment of FPDO. Pursuant to 18 U.S.C. § 3006A (g)(1) and (g)(2)(A) and subject to the approval of the Judicial Council of the Tenth Circuit, the District of Utah establishes a Federal Public Defender Organization.
- B. Organization and Management of the Federal Public Defender Office. The Federal Public Defender must be responsible for organizing, supervising, and managing the FPDO.
- C. Assignment of Cases to the FPDO. All persons that are referred by a district or magistrate judge to the FPDO for purposes of representation must be assigned to the Federal Public Defender who must be responsible for the subsequent assignment of them, at their discretion, to assistant defenders in the FPDO.
- D. Assigned Caseload. The Federal Public Defender must receive approximately 75% of the District of Utah CJA appointments, subject to modification as necessary.
- E. Operative Guidelines. The FPDO must operate pursuant to the provisions of subsection (g)(2)(A) of the CJA as well as the CJA Guidelines.
- F. Responsibility for Providing Training. The FPDO in conjunction with the CJA Supervising Attorney must be responsible for developing and conducting training sessions for the CJA Panel on various aspects of effective criminal defense advocacy, including but not limited to the Federal Rules of Criminal Procedure, the Federal Rules of Evidence, and the Sentencing Guidelines. This responsibility includes providing a series of required advocacy training programs for applicants for membership on the CJA Panel as well as continuing education in-service programs for current members of the panel and professional staff in the FPDO.

VI. CRIMINAL JUSTICE ACT PANEL OF CJA PANEL OF PRIVATE ATTORNEYS

- A. Establishment and Organization of CJA Panel. The court's CJA Panel must consist of attorneys who are eligible and willing to be appointed to provide representation under the CJA. The Chief District Court Judge (“Chief Judge”) or the designee(s) of the Chief Judge must approve attorneys for membership on the panel after receiving recommendations from the CJA Panel Committee, established pursuant to Section VII of this Plan.

United States District Court
District of Utah
Amended 2018 CJA Plan

- B. Day-to-Day Administration of the CJA Panel. The CJA Panel Supervising Attorney is responsible, under the oversight of the district and magistrate judges, for the day-to-day administration of the court's CJA Panel. However, magistrate or district court judges must appoint CJA Panel members to cases.
- C. Ratio of Appointments. Where practical and cost effective, private attorneys from the CJA Panel should receive approximately 25% of the appointments in which the accused is determined to be financially eligible for representation under the CJA, subject to modification as necessary.
- D. Size. The Chief Judge or the designee(s) of the Chief Judge may expand or diminish from time to time the size of the CJA Panel depending on the size and complexity of the court's criminal caseload. The panel must be large enough to provide a sufficient number of experienced attorneys to handle the CJA caseload, yet small enough so that panel member will receive an adequate number of appointments to maintain their proficiency in federal criminal defense work and the Sentencing Guidelines and thereby provide high-quality representation. Appointments should not comprise the majority of an attorney's practice.
- E. Eligibility.
1. Attorneys eligible for the CJA Panel must meet the experience and training criteria established by the CJA Panel Committee and set forth in the Protocols posted on the court's website. Different criteria may be established for different levels of the Panel.
 2. Applicants for the CJA Panel must be members in good standing of the federal bar of this district and the Tenth Circuit Court of Appeals.
 3. Applicants must be a resident of this district and maintain a primary, satellite, or shared office in this district.
 4. Applicants must possess strong litigation skills and demonstrate proficiency with the Federal Sentencing Guidelines, federal sentencing procedures, the Bail Reform Act, the Federal Rules of Criminal Procedure, and the Federal Rules of Evidence.
 5. Applicants must have significant experience representing persons charged with serious criminal offenses and demonstrate a commitment to the defense of people who lack the financial means to hire an attorney.

6. Applicants must be proficient in managing ESI (electronically stored information).
7. Attorneys who do not possess the experience set forth above but believe they have equivalent other experience are encouraged to apply and set forth in writing the details of that experience for the CJA Panel Committee's consideration.

F. Removal or Suspension of CJA Panel Members.

1. Mandatory Removal. A member of the CJA Panel whose license to practice law in the Tenth Circuit, District of Utah, or state of Utah has been suspended or revoked must be immediately removed from the panel by notice from the Chief Judge.
2. Automatic Disciplinary Review; Required Notice. The CJA Panel Committee will conduct an automatic disciplinary review of any CJA Panel member against whom any licensing authority, grievance committee, or administrative body has taken action, or when a finding of probable cause, contempt, sanction, or reprimand has been issued against the panel member by any state or federal court. A CJA Panel member must give the CJA Panel Committee immediate notice of any pending discipline of any bar organization or court.
3. Complaints. A complaint against a panel member may be initiated by the CJA Panel Committee, a judge, another panel member, a defendant, or a member of the FPDO. A complaint need not follow any particular form, but it must be in writing and state the alleged deficiency with specificity. Any complaint should be directed to the CJA Panel Committee, which will determine whether further investigation is necessary.
 - a. Notice. When conducting an investigation, the CJA Panel Committee will notify the panel member of the specific allegations.
 - b. Response. A panel member subject to investigation may respond in writing and appear, if so directed, before the CJA Panel Committee.
 - c. Protective Action. Prior to disposition of any complaint, the CJA Panel Committee may recommend temporary suspension or removal of the panel member from any pending case, or from the Panel, and may take any other protective action that is in the best interest of the client or the administration of this Plan. The CJA Panel Committee may refer a matter to a disciplinary body while the CJA Panel Committee proceeds with the complaint.

United States District Court
District of Utah
Amended 2018 CJA Plan

- d. Review and Recommendation. After investigation, the CJA Panel Committee may recommend dismissing the complaint or recommend appropriate remedial action, including removing or suspending the attorney from the Panel, limiting the attorney's participation to particular types or categories of cases, directing the attorney to complete specific CLE requirements before receiving further panel appointments, limiting the attorney's participation to handling cases that are directly supervised or overseen by another panel member or other experienced practitioner, or any other appropriate remedial action.
 - e. Final Disposition by the Court. The CJA Panel Committee will forward its recommendation to the Chief Judge or the designee(s) of the Chief Judge for consideration and final disposition, not subject to review.
 - f. Confidentiality. Unless otherwise directed by the court, any information acquired concerning any possible disciplinary action, including any complaint and any related proceeding will be confidential. If appropriate, the CJA Panel Committee may forward relevant information to the court's Attorney Discipline Panel.
 - g. No Property Interest. None of these procedures creates a property interest in being on or remaining on the CJA Panel.
 - h. Notification. The Panel Representative and Federal Public Defender will be immediately notified when any member of the CJA Panel is removed or suspended.
- G. Terms of CJA Panel Members. To establish staggered CJA membership terms, the current CJA Panel will be divided into three groups, equal in number. Initially, members will be assigned to one of the three groups on a random basis. Members of the first group will continue to serve on the CJA Panel for a term of one year, members of the second group will continue to serve on the CJA Panel for a term of two years, and members of the third group will continue to serve on the CJA Panel for a term of three years. Thereafter, attorneys admitted to membership on the CJA Panel will each serve for a term of three years, subject to the reappointment procedures set forth in this Plan.

H. Reappointment of CJA Panel Members.

1. The CJA Panel Supervising Attorney will notify CJA Panel members, prior to the expiration of their current term, of the need to apply for reappointment to the CJA Panel.
2. A member of the CJA Panel who wishes to be considered for reappointment must apply for appointment to an additional term at least three months prior to the expiration of their current term.
3. The CJA Panel Committee will solicit input concerning the quality of representation provided by lawyers seeking reappointment.
4. The CJA Panel Committee also will consider how many cases the CJA Panel member has accepted and declined during the review period, whether the member has participated in training opportunities, whether the member has been the subject of any complaints, and whether the member continues to meet the prerequisites and obligations of CJA Panel members as set forth in this Plan.
5. The CJA Panel Committee will forward its recommendation for reappointment to the Chief Judge or the designee(s) of the Chief Judge.

I. Selection of CJA Panel Representative. The Chief Judge or the designee(s) of the Chief Judge, with input from the Federal Public Defender and CJA Supervising Attorney, must select one member of the panel to serve as the Panel Representative, without compensation. The Panel Representative must participate in panel management responsibilities as herein described.

J. CJA Panel Attorney Panel Listing, Reporting, and Selection Procedures.

1. List. The CJA Panel Supervising Attorney must maintain a current list of all attorneys on the CJA Panel, with current office addresses, telephone numbers and e-mail addresses, as well as a statement of qualifications and experience, and must routinely furnish a copy of this list to each district and magistrate judge and to the Clerk of the Court each time the list is updated.
2. Statistical Records and Reports. The Clerk of Court shall maintain a public record of CJA Panel assignments and a quarterly statistical report reflecting the proration of

United States District Court
District of Utah
Amended 2018 CJA Plan

- appointments between attorneys from the FPDO and CJA Panel attorneys. The Clerk of the Court will provide the report to the Chief Judge, the CJA Panel Committee, and the FPDO, and upon request, to a CJA Panel Attorney.
3. Selection. Selection of attorneys for CJA assignments shall be made from the current list of CJA Panel attorneys by a rotational assignment pursuant to procedures adopted by the court that will enable the cases to be distributed among panel attorneys in an equitable manner.
 4. Judicial Selection. In exceptional cases, however, when the district judge presiding over the case or the magistrate judge to whom the case has been referred or who is presiding over preliminary proceedings determines that the appointment of a specific member of the CJA Panel is in the interest of justice, judicial economy or continuity of representation, or there is some other compelling circumstance warranting the appointment of a specific member of the CJA Panel, such appointment may be made directly by the judicial officer. Where, in the judgment of the district or magistrate judge, the unusual circumstances of the case warrant assignment of an attorney who may not maintain an office in the district, such attorney should possess such qualities as would qualify him or her for admission to the district's CJA Panel in the ordinary course of panel selection.
 5. Compensation. Providing fair compensation to appointed counsel is a critical component of the administration of justice. CJA Panel members must be compensated for time expended in court and time reasonably expended out of court, and they must be reimbursed for expenses reasonably incurred. CJA Panel member claims for compensation must be submitted on the appropriate CJA form through the court's eVoucher system. Claims for compensation should be submitted no later than 45 days after final disposition of the case unless good cause is shown. The financial administrator in the clerk's office must review claims for accuracy and for conformity with the CJA Guidelines. The financial administrator, in turn, must forward the claim to the CJA Panel Supervising Attorney who must review for reasonableness, accuracy, and for conformity with the CJA Guidelines. The CJA Panel Supervising Attorney must in turn, forward the claim for the consideration and action of the assigned district or magistrate judge. All persons involved in the processing of vouchers shall exert their best effort to avoid delays in processing vouchers, absent extraordinary circumstances. Judges should act on claims for compensation within 30 days of submission.

United States District Court
District of Utah
Amended 2018 CJA Plan

6. Notice. Except in cases involving mathematical corrections, no claim for compensation will be reduced without affording counsel notice and the opportunity to be heard.
 - a. The court, when contemplating reduction of a CJA voucher for other than mathematical reasons, may refer the voucher to the CJA Panel Committee for review and recommendation before the court takes final action.
 - b. Notwithstanding the procedure described above, the court may, in the first instance, ask the CJA Supervising 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 CJA Panel member, the claim for compensation need not be referred to the CJA Panel Committee for review and recommendation.

- K. Equal Opportunity. All qualified attorneys are encouraged to participate in the furnishing of representation in CJA cases, without regard to race, ethnicity, national origin, religion, gender, age, sexual orientation, or disability.

VII. CJA PANEL COMMITTEE

- A. Membership. The CJA Panel Committee shall be established by the court. The committee shall consist of the CJA Panel Representative, the CJA Supervising Attorney, and the Federal Public Defender. Two attorneys who have demonstrated a knowledge of and commitment to indigent federal defense will be nominated by the CJA Supervising Attorney, CJA Panel Representative, and the Federal Public Defender to serve on the committee for a term of three years, subject to approval by the Chief Judge or the designee(s) of the Chief Judge. Two judicial officers shall be designated by the Chief Judge or by the designee(s) of the Chief Judge to serve on the committee for a term of three years. The committee shall select its own chairperson. One ex-officio member designated by the Clerk's Office shall serve on the committee.

- B. Duties. The CJA Panel Committee shall:
 1. Assist in the selection, appointment, retention, discipline, and removal of panel attorneys consistent with the provisions of Section VI, "Criminal Justice Act Panel of Private Attorneys." In considering prospective members, the committee shall review the qualifications of applicants and take into account the size of the panel and caseload.

United States District Court
District of Utah
Amended 2018 CJA Plan

2. Engage in recruitment efforts to establish a diverse panel and ensure that qualified attorneys are encouraged to participate in representation in CJA cases. The committee shall recommend new CJA Panel Members to the Chief Judge or the designee(s) of the Chief Judge for final approval.
 3. Establish a mentor and a second-chair program. The CJA Supervising Attorney, Federal Public Defender, and Panel Representative shall administer the mentor and second-chair program.
 4. Review any proposed voucher reduction based on reasonableness and issue a recommendation to the assigned judge.
- C. Standards for Voucher Review. Vouchers should be considered presumptively reasonable. Voucher cuts should be limited to:
1. mathematical errors;
 2. instances in which work billed was not compensable;
 3. instances in which work billed was not undertaken or completed; and
 4. instances in which the hours billed are in excess of what was reasonably required to complete the task.

VIII. DUTIES OF APPOINTED COUNSEL

- A. Standards. The services rendered to persons represented by appointed counsel must be commensurate with those rendered if counsel were retained by such persons.
- B. Professional Conduct. Attorneys appointed pursuant to the CJA shall be governed by and comply with the rules of practice adopted by the court and with the Utah Rules of Professional Conduct, as revised and interpreted by the court.
- C. No Receipt of Other Payment. Appointed counsel must neither require nor accept any payment, promise of payment, or other valuable consideration for representation under the appointment, unless such payment is approved by court order.
- D. Prosecution of Appeal. Consistent with 10th Cir. R. 46.3, trial counsel must continue to represent the defendant until either the time for appeal has elapsed and no appeal has been taken or the Tenth Circuit has relieved counsel of that duty. An attorney who files a notice of appeal in a criminal case or a post-conviction proceeding under 28 U.S.C. §

United States District Court
District of Utah
Amended 2018 CJA Plan

2254 or § 2255, or who has not obtained an order from the district court granting permission to withdraw from further representation prior to the filing of a pro se notice of appeal, may not withdraw without the court's permission.

- E. Motion for Continued Appointment or to Withdraw. Counsel must file an entry of appearance and docketing statement. Consistent with 10th Cir. R. 46.4, within 14 days of case opening, counsel must then file either a motion for continued appointment or a motion to withdraw with the Tenth Circuit. Information regarding the motion is posted on the Tenth Circuit's [website](#).
- F. Continuing Representation. Once appointed under the CJA, counsel must continue the representation until (i) the Tenth Circuit has granted a motion to withdraw; (ii) substitute counsel has filed a notice of appearance; (iii) an order has been entered allowing or requiring the persons represented to proceed pro se; or (iv) the appointment is terminated by court order.

IX. INVESTIGATIVE, EXPERT, AND OTHER SERVICE

- A. Applications. Requests for authorization of funds for investigative, expert, and other services must be submitted in an ex parte application to the court (using the court's eVoucher system) and must not be disclosed except with the consent of the person represented or as required by law or Judicial Conference policy.
- B. Compliance. Counsel must comply with Judicial Conference policies set forth in the CJA Guidelines.

X. MISCELLANEOUS

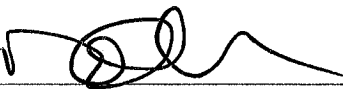
- A. Forms. Standard forms pertaining to the CJA and approved by the Judicial Conference of the United States or its Committee on Defender Services and prescribed and distributed by the Director of the Administrative Office of the United States Courts, shall be used, where applicable, in all proceedings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

United States District Court
District of Utah
Amended 2018 CJA Plan

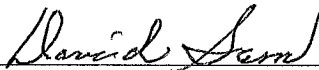
XI. EFFECTIVE DATE

This Plan will become effective when approved by the Judicial Council of the Tenth Circuit.

Dated this 14th day of May, 2018.



David Nuffer, Chief Judge



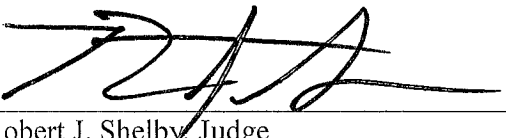
David Sam, Judge



Clark Waddoups, Judge



Dee Benson, Judge



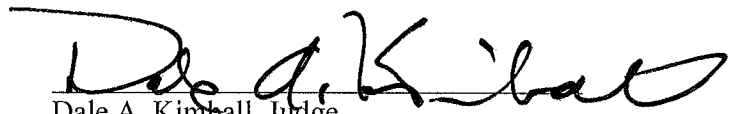
Robert J. Shelby, Judge



Tena Campbell, Judge



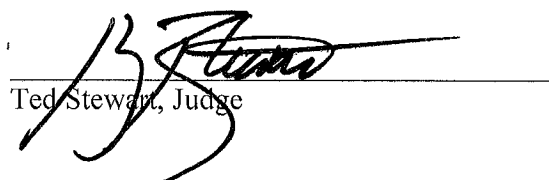
Jill N. Parrish, Judge



Dale A. Kimball, Judge



Bruce S. Jenkins, Judge



Ted Stewart, Judge

[Attach endorsement from Tenth Circuit]