



**United States District Court
SOUTHERN DISTRICT OF NEW YORK**
Office of the District Court Executive

Laura Taylor Swain
Chief Judge

Edward A. Friedland
District Executive

COURT NOTICE TO THE BAR
April 6, 2023

CONTACT
Karen Van Outryve, 212-417-8741

SOUTHERN DISTRICT OF NEW YORK SEEKING CANDIDATES FOR CRIMINAL JUSTICE ACT PANEL

The United States District Court for the Southern District of New York is seeking applicants for the SDNY Criminal Justice Act (CJA) Panel. Applications are available on the court's website at www.nysd.uscourts.gov/cja.php. **Completed applications must be addressed to David Patton, Executive Director of the Federal Defenders of New York, and submitted electronically by May 31, 2023 to karen_van_outryve@fd.org; no paper applications will be accepted.**

The CJA Panel is comprised of private attorneys who are authorized to serve as appointed defense counsel pursuant to 18 U.S.C. § 3006A. To qualify for a position on the CJA Panel, attorneys must be members in good standing of the bar of the Southern District and have proven experience and competency in the field of federal criminal defense work. Applications will be reviewed by a committee of attorneys that will forward its recommendations to the Southern District Board of Judges' Defender Services Committee. The Court is committed to increasing the diversity of the applicant pool and encourages qualified female and minority lawyers to apply for positions.

Candidates can apply to be a member of the Foley Square Panel or the White Plains Panel or both. CJA Panel attorneys commit to being "on duty" one day every four to six months if a member of the Foley Square panel and approximately one day every month if on the White Plains panel. On that "duty day," CJA attorneys represent clients when the Federal Defender has a conflict; the hours of duty are from 9:00 a.m. until the closing of the Magistrate Judge's Office, which is sometimes after 5:00 p.m. CJA Panel members serve a three-year term and are reimbursed at the rate of \$164/hour for in-court and out-of-court time.

“We are fortunate to have such skilled and experienced lawyers dedicated to the critical work of providing indigent defendants with the representation to which they are constitutionally entitled,” said United States District Judge Cathy Seibel who leads the Southern District’s Defender Services Committee.

Southern District Chief Judge Laura Taylor Swain said, “Our panel of outstanding CJA attorneys is integral to our court's ability to protect defendants' Constitutional rights and provide equal justice under the law. They provide exemplary representation and we look forward to being able to invite additional outstanding practitioners to join them in this important work.”

Attorneys can also apply for membership on panels that represent defendants in capital cases and in non-trial work, primarily habeas corpus proceedings. In addition, the Southern District also sponsors a mentoring program that helps identify and prepare experienced state court practitioners for appointment to the Panel. While the mentorship program is aimed at increasing the diversity of the Panel, the program is open to all. Contact Peter Quijano at 212-686-0666 or Anthony Ricco at 212-791-3919 for more information on the mentorship program.

Please check as applies: Manhattan: And/or White Plains: Habeas Panel Only:

APPLICATION FOR APPOINTMENT
TO THE PANEL OF ATTORNEYS UNDER
THE CRIMINAL JUSTICE ACT OF 1964
PURSUANT TO THE PLAN OF THE JUDGES
OF THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

THIS APPLICATION IS TO BE SUBMITTED ELECTRONICALLY

DATE: _____

NAME _____

FIRM NAME _____

OFFICE ADDRESS _____

E-MAIL _____

OFFICE TELEPHONE _____ FAX NUMBER _____

RESIDENCE ADDRESS _____

1. Please attach a resume that includes, at a minimum, college, law school and any post-law school employment.
2. Provide dates of admission to each court of which you are a member of the bar:

3. Have you previously applied for appointment to this panel? _____
If so, and you were not selected, list the date of each application, and the name of the last person(s) who interviewed you:

4. Have you previously served on this panel? _____ If so, list the dates of your service:

List, in reverse chronological order, the names of the most recent 15 federal criminal defendants you have represented, including case number, the name and current telephone number of the Assistant United States Attorney in each case and the name of the presiding judge.

Defendant	Case #	Prosecutor	Phone #	Presiding Judge

5. Have you ever refused to accept an assignment? _____ If so, please give the number of times and explain the circumstances:

6. Have you previously served on any other panel for assigned defense lawyers (such as the CJA Panel for the EDNY, or the New York 18-B Panel, or the Appellate Division's Panel for Homicide Cases)? _____ If so, list each panel and the dates of your service. If no longer on the panel, please explain:

7. In the past 5 years, have you been relieved from an assigned defendant in any case for any reason other than his/her retaining a private attorney? _____ If so, give particulars, including defendant's name and case number, the substituting attorney, that attorney's current phone number, the judge and the reason for being relieved:

8. Are you aware of any instances in which your representation has been the subject of an ineffective assistance of counsel claim? _____ If yes, give particulars, including defendant's name, case number, the AUSA, the current phone number of the AUSA, the attorney representing the defendant in the IAC claim, and the judge:

9. Has your application to any panel ever been turned down? _____ If so, give particulars, including panel and year of application. If interviewed, please include name and current telephone number of interviewer:

10. Have you ever been removed from, or not renewed on, any panel? _____ If so, give particulars, including panel, year of removal or non-renewal, and reasons given:

11. On the following chart, please list, in reverse chronological order, the 10 most recent trials in which you participated, and provide the following information for each case: year, court, case number, judge, opposing counsel w/current telephone number and defendant's name. Please indicate whether each trial was a jury or bench trial, the nature of the case, and the length of trial. State what your role was in each trial (lead counsel, second seat) and give the names of other lawyers who participated in the trial. In multiple defendant cases, please include name and current telephone number(s) of co-counsel. You may attach a separate sheet if easier.

12. List in reverse chronological order the 5 most recent appeals you have handled, including case name, court and citation. Please indicate whether you wrote the brief and whether you argued the appeal:

1. _____

2. _____

3. _____

4. _____

5. _____

13. Have you asked to be relieved from handling an appeal, or had the appeal briefed and argued by another person while remaining counsel of record (assigned cases only)? If so, please give the particulars:

14. Do you speak any foreign languages? _____ If so, provide the language and your level of proficiency:

15. List any other legal experience which you feel would be helpful in evaluating your competence to serve on this panel (for example: trials/appeals/representations not listed above, evidentiary hearings, publications, etc.). Include, where appropriate, the names and telephone numbers of adversaries, co-counsel or judges:

16. Have you ever been convicted of a crime? _____ If so, please give particulars:

17. Have you ever been held in contempt or been the subject of a contempt proceeding? _____ If so, please give the particulars:

18. Have you ever been the subject of a disciplinary proceeding in any jurisdiction?

If so, please give the particulars, including the jurisdiction and whether the proceeding progressed beyond a request for a response to a complaint. Attach any written findings or opinions associated with the proceeding. If the proceeding is still pending, please provide details:

19. Have you ever been investigated with respect to any question of ethics? _____
If so, please give the particulars:

20. Would you also be interested in serving on a panel of lawyers appointed to provide representation in capital cases? _____ If so, please state any particular qualifications that you have to provide representation for a defendant in a case where there is the possibility that the death penalty may be imposed:

21. Would you also be interested in accepting representation in non-trial type matters, particularly exceptional habeas corpus proceedings? _____ If so, please state any particular qualifications that you have including past representation in habeas cases, civil or criminal appeals, publications, etc.:

22. If you are applying to the Manhattan Panel, would you be interested in being on a list of stand-by attorneys to represent defendants in multi-defendant cases in White Plains on an as-needed basis? _____

23. List all Continuing Legal Education classes you attended within the last three years that relate to federal criminal practice, and note how many CLE credits you received for each. Re-applicants should note the Section III.E of the CJA Plan requires that Panel members “complete nine (9) hours of Continuing Legal Education related to federal criminal practice during their three-year term.”

24. Please submit samples of your writing in the following order of preference: 1) if possible, submit your two most recent federal sentencing submissions on behalf of a defendant; 2) if not, provide a recent (preferably within the past year) substantive piece of writing in a criminal case; 3) if you cannot provide either 1 or 2, please provide a recent (preferably within the past year) piece of substantive writing from any case.

25. You must notify the Committee via David Patton if, after completing this application (including during your term on the Panel if you are selected), any of your answers change to questions 7 through 10 or 16 through 19 regarding, among other topics, ethics complaints, relief from assignment as appointed counsel, ineffective assistance of counsel, and criminal conduct.

APPLICANT'S SIGNATURE

Date