

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
MENTORSHIP PROGRAM**

1. Mentorship Program

Mission of the Program: The Mission of the Mentorship Program is to develop, promote, and maintain a competent, knowledgeable, and diverse panel of attorneys devoted to providing representation for indigent defendants.

Participation in the Program will: 1. Allow interested attorneys (Mentees) to gain valuable federal criminal defense experience by allowing them to work closely with CJA Panel attorneys (Mentors), in the representation of indigent defendants; and 2. Allow the Court to better assess a Mentee's fitness for possible future appointment to the CJA panel.

2. Mentorship Program Description

A Mentee shall work with a Mentor. 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 should manage the Mentee in a way that allows the person 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.

3. Eligibility, Application and Acceptance into the program

Eligibility: To be eligible as a Mentee, applicants must be members in good standing of the Kentucky Bar Association, having been licensed to practice law, be engaged in a practice of law in which a substantial part is devoted to the practice of criminal law in any court in Kentucky, and be admitted to practice before the United States District Court for the Eastern District of Kentucky. Applicants should exhibit strong research and writing skills and demonstrate a commitment to providing representation to indigent clients.

Application: Applicants may apply to the Mentorship Program within the division where they maintain a primary office for the practice of law. The application (a letter of interest detailing qualifications and a CV) shall be supported by the written recommendation of at least one CJA Panel attorney from the same division, who will represent that he/she is willing to act as a Mentor during the course of at least one matter assigned to him/her as a CJA Panel attorney.

Submission of the Application/Appointment: Authorization of and compensation for the Mentee will be determined by the District Court on a case by case basis. Appointment is appropriate only if the District Court finds that the case in question warrants the authorization of a paralegal for adequate representation. The Court will issue an Order of authorization, which is required before a Mentee can submit a voucher.

4. **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.

5. **Responsibilities of Participants**

A. Mentors

- i. Any attorney admitted to the Criminal Justice Act Panel shall be qualified to participate in the Program as a Mentor in matters assigned to him/her, but such participation shall be voluntary. No Mentor may be assigned more than one Mentee at any given time. The Mentor will oversee and manage the Mentee in the representation of any defendant/criminal matter.
- ii. 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 depending on 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.

B. Mentees

- i. The Mentee will be assigned to a Mentor to assist with a specific criminal matter. The Mentee shall work at the direction of and in conjunction with the Mentor. The Mentee will attend court appearances per the Mentor 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.
- ii. The Mentee shall participate in at least two cases during his or her participation in the Program and may participate in the Program for up to two years. Mentees must participate in the program for at least one year and or assist in at least two criminal prosecutions before applying for CJA panel appointment.

C. Number of participants

The number of participants in the Mentorship Program in any and all of the Court's divisions will be controlled and/or limited by the Court and/or the CJA Committee at any time, depending upon the needs of the Court, program development, and the interest of attorneys to serve as either Mentors or Mentees.

6. Application for Admission to CJA Panel

Mentees who successfully complete at least two years of supervision by a Mentor will be automatically considered for appointment to the CJA panel at such time as the CJA Committee receives applications during an enrollment period. Participation on the Mentorship Panel will not, however, guarantee appointment to the CJA panel.

7. Continuing Legal Education

During membership on the Mentorship Panel, each Mentee shall participate in at least 3 hours per year of CLE focused on federal criminal law and procedure.

8. 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.

9. 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.

10. Compensation

Because mentees will provide actual legal services essential to the defense of the case the services of mentees qualify as "other services necessary for adequate representation of the defendant," and may be compensated upon ex parte application under the CJA. *See* 18 U.S.C. § 3006A(e)(3). The Mentee shall maintain an itemized record of his/her time and task devoted to an assignment and shall submit a CJA form 21 to the Court for approval and payment as a paralegal working under the direction of the Mentor, subject to the same requirements and standards of review applied to the Mentor's payment voucher. Provided, however, that prior to submission, 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.

In addition to regulations imposed by 18 U.S.C. § 3006A(e)(3) and the *Guidelines for Administering the CJA and Related Statutes*, compensation of mentees shall be further limited as follows:

1. Mentees will be reimbursed for non-duplicative paralegal services at one-half the authorized CJA attorney hourly rate.
2. Reimbursement will not be approved for services that merely duplicate the work of the mentor.

11. Advance Authorization For Compensation: When the Mentor requests approval from the District Judge for use of a Mentee and the Mentee expects to bill more than the maximum allowed without prior authorization as specified under § 310.20.30 of the *Guide to Judiciary Policies and Procedures [Guide]*, the Mentor shall seek preauthorization for the requested services from the presiding judge in accordance with Volume 7, Part A, Chapter III, Section 320.70 of the *Guide*.