

PROCEDURES GOVERNING THE OPERATION OF THE
APPELLATE PANEL
OF THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA
(18 U.S.C. § 3006 ET SEQ.)

A. Program Administration

1. The Criminal Justice Act Appellate Panel is a panel consisting of attorneys available for appointment as counsel for indigent defendants whose legal actions are destined for, or have arrived at, an appellate level Federal court. This panel is known as the “Appellate Panel.”
2. The Appellate Panel is administered by a United States Magistrate Judge designated by the Chief Judge of the United States District Court for the Southern District of California, located in San Diego, California. The designation is made with the approval of the Chief Judge of the United States Court of Appeals for the Ninth Circuit.
3. The terms served by each attorney shall be staggered. Up to fifteen members may be appointed each calendar year to serve for a period of no more than two years, then shall rotate off the panel for at least one year before reapplying. Up to one-half of the panel will be replaced yearly.
4. The administrating judge may promulgate such procedures as deemed necessary for an orderly appointment of attorneys to represent indigent defendants in post-sentencing procedures and appeals. These rules are subject to modification or change as deemed necessary by the administrating judge.
5. The administrating judge and staff will provide appointed attorneys with the voucher for payment of service. Approval of any payment for service is the responsibility of the Court of Appeals.
6. Notwithstanding these rules, the administrating judge retains the right to appoint any attorney to represent an indigent defendant as deemed most appropriate for the ends of justice, pursuant to its authority.

B. Eligibility of Attorneys

1. The Appellate Panel consists of approximately 30 attorneys who serve for two years. The number of counsel may vary as the administrating judge deems appropriate.
2. Up to fifteen attorneys may be added to the panel each calendar year. Up to fifteen attorneys may be deleted each calendar year.
3. Counsel may be added to the panel from time to time as the administrating judge deems necessary to fill vacancies, or to meet unusual needs to appoint counsel.

4. Requirements:

Each attorney member of the panel:

- a. must be admitted to practice before the highest court of a state of the United States and be a member in good standing of the Bar of that state;
 - b. must be admitted to practice before the Ninth Circuit Court of Appeals;
 - c. must submit an application in writing to the administering judge using the Court's printed application form. The application shall state the applicant's eligibility for the panel, including his/her qualifications and experience;
 - d. should submit a writing sample, preferably an appellate brief done by the applicant, to the judge;
 - e. shall keep the administering judge apprised of the attorney's correct and current professional address and telephone number; and
 - f. shall apprise the office of the administering judge if the attorney seeks to be removed from the panel or wishes a hiatus from receiving appointments.
5. Federal Defenders of San Diego, Inc., acts as a "clearing house" for the review of the applicant's writing sample, but the final decision, in all respects, rests with the administering judge.
6. Applications may be obtained from the chambers of Magistrate Judge Louisa S. Porter or from the Court's web site. Completed applications should be submitted directly to Judge Porter's chambers and will be accepted beginning on October 1. The closing date for submitting applications is November 1.

C. Assignment of Cases

1. Attorneys shall be assigned on a rotating basis as determined by the administering judge.
2. Within two (2) working days of receipt of a request from a judge of the court or the clerk thereof, the attorney must notify the court if he or she refuses an appointment. If the attorney refuses two appointments in a row, and has not submitted a request for a temporary hiatus, the judge may remove the attorney from the panel.