

Testimony of Ken Gomany, CJA Panel Attorney (N.D. Ala.)
Ad Hoc Committee to Review the Criminal Justice Act
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As a member of the CJA Panel for the Northern District of Alabama since 1984, I am honored to be a part of this committee's program, and I deeply appreciate the interest your delegation has in reviewing the Criminal Justice Act.

In preparing for this presentation I have made the effort to gather thoughts from other CJA panel members from the Northern District of Alabama concerning issues that were outlined in the "Scope of CJA Review".

From that feedback and my perspective I would have to say that we are very fortunate in our district to have what I would consider to be a very good working relationship with the U. S. Attorney's office and our Judges and their personnel. Even though CJA appointments were dramatically reduced when the Public Defender entered the picture, I believe all have been helpful in sharing their resources when called upon. I feel that if a problem arose regarding some issue respecting panel members' requests for resources, those needs would be met. Now this is not to say that an increase in funds available for experts should not be raised to keep up with current levels of compensation. For example, I would suggest the initial amount be raised to \$1,500.00 or \$2,000.00 without prior court approval. Since all of our interpreters live out of state, that cap also should be raised. As it is now, the cap is \$2,400.00 unless a motion is filed for an increase. It seems to me that at arrest or initial appearance an automatic order could be entered regarding interpreter fees without the panel attorney having to deal with this aspect of compensation. It is also unclear why the Eleventh Circuit has to be involved in approving requests for payment exceeding certain limits as our local Magistrate Judges would be in the best position to approve vouchers, because they are the most familiar with these cases.

As far as compensation for panel attorneys, I think that the hourly rate should be increased to reflect the current level of legal fees in general. This year the rate went up only \$1.00 per hour. By comparison, looking at one of the schedules for psychologists/psychiatrists, the rate is up to \$250.00 per hour. I also would like to see a better system for approval of vouchers for panel attorneys. It is my understanding that once a voucher is submitted there is no automatic prompt to the court that the voucher has been completed. The typical two-month delay in payment seems slow. Perhaps if the payment checks were authorized for direct deposit this would help speed things up.

One other point I would like to address would be the rumors that our panel is going to be modified (I can't speak to other jurisdictions) to bring in younger attorneys. While recruitment of younger attorneys is important, pursuing this goal should not be undertaken in a counterproductive way. The panel should be made up primarily of experienced attorneys to secure good representation. In short, normal attrition through retirement, or leaving the panel on one's own, should be the way to make room for new attorneys. The panel attorney gains experience over the years and that should be the basis for representing defendants. An experienced attorney can evaluate a case, knows what motions should be filed and with time understands the system and knows how to navigate within it to provide good representation. The client will have more trust in an attorney who has dealt with similar cases in the past as well.

In closing I would like to complement our judiciary in their interest and support of our panel and their staff when issues arise. Also, the Northern District's U.S. Attorney's Office and staff have in my experience been great to work with.

I would also like to share my gratitude for the training provided by the U.S. Probation Office and the Federal Public Defender's Office. Those offices in my opinion have been among the most professional in my dealings over my many years representing defendants in the Federal Court system.