



**United States District Court**  
District of Minnesota

Chief Judge John R. Tunheim

**Criminal Justice Act Review**

**Minneapolis Public Hearing**

**Chief Judge John R. Tunheim**

**District of Minnesota**

**May 17, 2016**

- 1. Federal Defender organization.** The District of Minnesota is fortunate to have a terrific Office of the Federal Defender. Our Federal Defender, Katherian Roe and her predecessor, Daniel Scott, have provided the District with great leadership for forty years. They have hired outstanding assistant federal defenders with diverse hires who are well trained and do an outstanding job representing defendants. The Office is fiercely independent which is precisely what the judges want. The only difficulties we have had concerned funding for the office, particularly during sequestration.
- 2. CJA Panel.** The panel is reviewed annually by the judges and approved by the bench. We expect the Federal Defender to propose highly qualified criminal defense lawyers and the judges carefully review the qualifications before approving the list. Judges who have any concerns about a member of the panel are encouraged to speak directly to the Defender. The quality of representation by members of the CJA Panel is excellent. The Federal Defender administers the panel under the general authority of the bench and the Court is very satisfied with this arrangement.
- 3. Voucher Review.** The Court has a serious problem with the Eighth Circuit cutting the requested amounts on vouchers. The Federal Defender carefully reviews all vouchers and the District Judge assigned to the case also carefully reviews all voucher. The review is meticulous and invariably catches any mistake. Judges ensure that no overbilling ever takes place. The Circuit has encouraged judges to write memorandum justifying the requested amounts, but with our extensive workload, it is difficult to find the time to provide further justification. All of our CJA panel attorneys take very significant reductions in their normal billing rates in order to serve the Court, as we ask them to do. These cuts are over and above the already

significant reductions. It is extremely demoralizing and aggravating to receive a letter from the Defender or from the Court apologizing for significant reductions in compensation. Our lawyers are diligent and they work very hard to serve their clients well. A visit to a detained defendant requires driving time of well over one hour each way. And frankly, there is never an explanation for why a voucher is cut, simply a citation to an Eighth Circuit decision saying that the court has the authority to order the cuts and the decision is unreviewable. This has been occurring for the past fourteen years. Over the past three years, 35% of the vouchers submitted by the District of Minnesota have been cut. Approximately 15% of the requested dollars have been cut. We have lost excellent attorneys due to these actions. We also are concerned that the cuts may discourage lawyers from providing the comprehensive representation that we expect. We see no reason why Circuit Court review, which is superficial, should be required. The judge has no knowledge of the case or its complexity and often the review is occurring when the case is pending on appeal. We request that the Ad Hoc Committee recommend elimination of circuit court review of vouchers.

- 4. Mentoring and Second Chair Program.** The District of Minnesota has implemented a very successful second chair program to provide training opportunities to younger lawyers interested in becoming members of the CJA panel and providing representation to indigent defendants. We have utilized nonappropriated account funds to pay for the program and currently have had 26 young lawyers assist in representing defendants. We are very pleased; younger lawyers have received opportunities that will enable them to eventually become productive members of the CJA panel.