

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

GLENN T. SUDDABY
Chief U.S. District Court Judge



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March 8, 2016

Hon. Kathleen Cardone
Judicial Conference of the United States
Committee to Review the CJA Program
Thurgood Marshal Federal Judiciary Bldg.
One Columbus Circle, N.E.
Washington, D.C. 20544

Re: Invitation to Participate in Philadelphia Hearing; April 11-13, 2016

Dear Judge Cardone,

Thank you for the invitation to attend your committee hearing in Philadelphia. I regret to report that I will be unable to attend the hearing. As you may know, the Northern District of New York has been designated as a congested Court by Judicial Conference Committee on Case Administration and Case Management. As such, our judges are very busy with hearings and trial calendars and dealing with our motion backlog.

I would however, like to provide you with some information from our court's perspective on the operation of the Criminal Justice Act here in Northern New York. The Northern District is a large geographic district which encompasses some 33,000 square miles. We have five divisions covering 32 of the 62 counties in the State of New York. We also have an international border with Canada that covers some 350 miles of territory along the St. Lawrence River and includes a large Indian Reservation with land in both the United States and Canada.

The Northern District of New York established the Office of the Federal Public Defender in 1999. Since that time, the FPD has played an active role in assisting the Court with the operation and maintenance of our Criminal Justice Act Panel. The Court has had in place for many years now, a very active Criminal Justice Panel Committee. The Committee consists of two Magistrate Judges, the Federal Pubic Defender, seven CJA Panel Members, along with our Clerk of Court. The Committee reviews all CJA applications and makes recommendations to the Board of Judges on the qualifications of Panel members. Based on the recommendations of the CJA Committee, prospective Panel members may be admitted to the Panel directly; required to attend additional training before admission, or referred to a 2nd Chair Program where they can learn with a seasoned Panel member or a member of the FPD Office who will mentor them through a case, and upon completion of the mentor program they may reapply for admission on the Panel. Once an attorney becomes a member of the Panel, the Court requires that they attend a certified Criminal Practice CLE program at least once every two years. Most Panel members attend criminal CLE training each year. Panel members that do not satisfy their required training may be removed from the Panel.

The Federal Public Defender offers two high quality CLE programs each year, one on each side of the District. In addition to the excellent training programs offered by the FPD, the Northern District Federal Court Bar Association in conjunction with the FPD offers two additional Criminal Defense training programs each year. In total, the District has four high quality Criminal Defense training programs offered to the Panel and other members of the Bar each year.

The Court's Criminal Justice Plan is reviewed and updated periodically. The plan was last updated on June 9th, 2015 and approved by the Judicial Council for the 2nd Circuit on June 22nd. Members of the Panel serve for a three-year term, which can be renewed by the Court. The CJA Committee reviews about one-third of the Panel each year and makes recommendations to the Board of Judges on whether a Panel Member should be removed or continued for another three-year term. This process helps the Court to control the number of Panel members in each division and to ensure that we have enough qualified attorneys to handle the number of CJA representations, yet small enough to ensure that each attorney receives assignments over the course of the year so that they can maintain proficiency in their defense skills.

The Court has established a fair and equitable system for handling any reductions of CJA vouchers. In any case where a judge believes that the claim as submitted should be reduced for reasons other than mathematical or technical errors, the judge will notify counsel in writing and afford counsel the opportunity to be heard. Counsel will be given the opportunity to provide information or documentation relevant to the voucher and questions or concerns raised by the judge. After review of the submission by the Panel member and the completion of any steps deemed appropriate by the Court, the judge will make the final decision as to the fee request consistent with the Court's CJA Plan, and the interests of justice.

Notwithstanding the procedure described above, a judge may in the first instance, contact counsel to inquire regarding questions or concerns with a claim for compensation. In the event that the matter is resolved to the satisfaction of the judge and Panel member, the claim for compensation need not go through the formal written submission requirements.

The Court may, in its discretion, refer the voucher for further review to the Panel Review Committee for a confidential recommendation to the presiding Judge. The Panel Review Committee consists of a Magistrate Judge, the Federal Public Defender, and two members of the CJA Panel. We have very few vouchers that have to be directed to the review Committee, but when we do, the Committee affords an opportunity for the Panel member to explain their case, and it also provides the perspective of other defense attorneys serving on the review panel as to reasonableness of the charges.

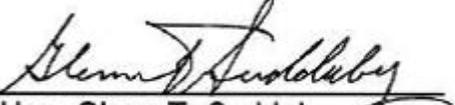
The Court has not had any issues with the process and approval of expert services in Criminal Cases. The Federal Public Defender is a resource for CJA Panel members when they need such services.

The Judges in the Northern District believe that the compensation of Panel members in upstate New York is adequate. The Court and Federal Public Defender do not have issues attracting well-qualified defense attorneys to fill these positions. Furthermore, we believe that the resources available to both the FPD and Panel member allow for the required parity of resources available in relation to the prosecution.

In conclusion, I believe that the Criminal Justice Act system in the Northern District of New York which includes the Office of the Federal Public Defender and the Panel of private attorneys that serve on the Criminal Justice Act Panel affords indigent defendants high quality representation. We believe that the current system has served this Court well and will continue to serve the Court well into the future.

We appreciate the important work that you and your committee are doing. Please don't hesitate to contact me if you should require any additional information concerning the information in this letter.

Sincerely,



Hon. Glenn T. Suddaby
Chief U.S. District Judge