

Judicial Conference of the United States
Committee on Defender Services
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July 22, 2016

Honorable Kathleen Cardone
United States District Court
Albert Armendariz, Sr.
United States Courthouse
525 Magoffin Avenue, Room 561
El Paso, TX 79901

Dear Judge Cardone,

Thank you for your service as Chair of the Ad Hoc Committee to Review the CJA. The Defender Services Committee appreciated the opportunity to meet with your committee in June, and this letter is to formally submit the Defender Services Committee's positions discussed with you at that time.

The Defender Services Committee (DSC) unanimously recommends the following changes to the Defender Services program as a minimum threshold:

1. The Defender Services Office (DSO) should be restored to a position of greater independence within the Administrative Office (AO). Specifically, DSO should report directly to the Director of the AO and should not be within any other Department.
2. The Defender IT functions should be returned to DSO and DSO should receive the staff and funding adequate to support those functions.
3. Jurisdiction over federal defender office compensation, staffing, and training should be restored to the DSC.
4. The DSC should have a panel attorney and at least one federal defender as voting members.
5. Judicial involvement in voucher review and approval of expert services should be eliminated or significantly reduced. Possible models already in place that could be expanded as an interim step include the use of CJA supervising attorneys or case budgeting attorneys; voucher review managed through the federal defender's office; or local CJA

- panel committees to review voucher disputes.
6. To ensure fair compensation and quality of representation, there should be no “pro bono” component to the panel attorney hourly rate or the voucher review process. The hourly rate should be increased to the statutorily authorized maximum. Case compensation maximums should be increased for both panel attorneys and expert service providers.
 7. The DSC, DSO, federal defenders, and panel attorneys should have a greater role in advocating with Congress both on issues of funding and other issues relevant to the program. This should include:
 - a. Permitting the DSC chair to sit with the Budget Committee chair at hearings before the appropriations subcommittees to directly advocate for the Defender Services program budget;
 - b. Giving DSC and DSO more control over the development of and advocacy for the program’s budget within the current system;
 - c. Giving DSO independent ability to track and comment on substantive legislation relevant to the program.

Please let me know if you would like to discuss these recommendations further or if you have any questions. Thank you again for your hard work to review the implementation of the CJA.

Sincerely,



Catherine C. Blake

cc: Members of the Defender Services Committee