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DEPUTY CLERK

UNITED STATE DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE

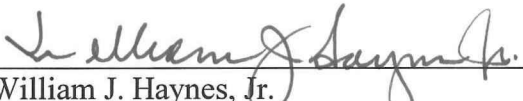
IN RE:)

INVOLVEMENT AND COMPENSATION)
OF CO-COUNSEL TO COUNSEL APPOINTED)
UNDER THE CRIMINAL JUSTICE ACT)

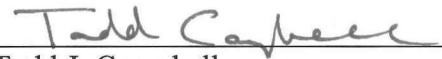
ADMINISTRATIVE ORDER NO. 188

ADMINISTRATIVE ORDER


It being necessary for the proper administration of CJA funds, the attached policy regarding Involvement and Compensation of Co-Counsel to Counsel Appointed under the Criminal Justice Act is adopted for use in the United States District Court for the Middle District of Tennessee.




William J. Haynes, Jr.
Chief United States District Judge



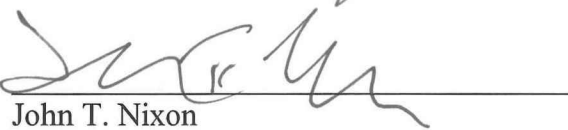
Todd J. Campbell
United States District Judge



Aleta A. Trauger
United States District Judge



Kevin H. Sharp
United States District Judge



John T. Nixon
Senior United States District Judge

Involvement and Compensation of Co-Counsel to Counsel Appointed under the Criminal Justice Act

The CJA Guidelines (GUIDE TO JUDICIARY POLICY, Volume 7: Defender Services, Part A: Guidelines for Administering the CJA) allow appointed counsel to make use of co-counsel in providing representation to a defendant in certain circumstances. To enable the Court to properly administer CJA funds, it is the policy of this district that absent specific appointment and prior approval by the presiding judge, no such co-counsel arrangement shall be compensated in excess of \$2,400 with CJA funds.

For consistency in application among the judges of this district and to assist counsel the following points should guide courts, counsel and voucher administrators:

- * Appointed counsel may only utilize services of co-counsel, whether within counsel's firm or outside of the firm, for payment with CJA funds in excess of \$2,400 with prior Court authorization. No prior authorization is necessary if co-counsel is paid no more than \$2,400 with CJA funds or is working on a voluntary or pro bono basis.

- * Court authorization for co-counsel will generally only be given where the court finds the particular matter to be novel, complex or otherwise difficult to prepare and try without the assistance of co-counsel, and where it is in the interest of justice to do so. Additionally, appointed counsel may be required to submit a proposed budget guided by the case budgeting principles and procedures found in Section 230.26.

- * If the proposed co-counsel is not a member of the CJA panel of this district, or similarly qualified, co-counsel shall be compensated at a rate lower than the current CJA rate.

* Absent separate appointment and prior approval from the court, appointed counsel and co-counsel will not both be compensated for the same appearance or activity.

* Absent a separate appointment in accordance with Section 230.53.20(b) or Section 620.10 (for appointment of more than one attorney in capital cases), any request for compensation will be submitted by appointed counsel. Work of co-counsel, indicating the name of the lawyer, will be reported with sufficient detail on appointed counsel's voucher. Compensation of counsel and co-counsel will be combined for purposes of applying compensation approval limits.

* Prior approved co-counsel who will appear in court, or who will file or receive record documents, will enter an appearance as counsel of record.

* Appointed counsel will be considered lead counsel by the court, is the lawyer primarily responsible to the client for the representation and shall be significantly involved in the representation.

* Where warranted, appointed counsel may seek a separate appointment for co-counsel, in accordance with section 230.53.20 of the Guidelines.

GUIDE TO JUDICIARY POLICY
Volume 7: Defender Services

§ 230.53 Compensation of Co-Counsel

· § 230.53.10 Without Separate Appointment

(a) Unless separately appointed in accordance with § 230.53.20(b) or Guide, Vol 7A, § 620.10, co-counsel or associate attorneys may not be compensated under the CJA.

(b) However, an appointed counsel may claim compensation for services furnished by a partner or associate or, with prior authorization by the court, counsel who is not a partner or associate, within the maximum compensation allowed by the CJA, separately identifying the provider of each service.

§ 230.53.20 With Appointment

(a) In an extremely difficult case where the court finds it in the interest of justice to appoint an additional attorney, each attorney is eligible to receive the maximum compensation allowable under the CJA.

· (b) The finding of the court that the appointment of an additional attorney in a difficult case was necessary and in the interest of justice must appear on the Order of Appointment. **See:** Guide, Vol 7A, § 620.10 for appointment of more than one attorney in capital cases.