

Audit

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Ellen Barry, the appointed representative for the panel attorneys, told the group she was being audited and called on other panel lawyers to resist the committee's demands to return any of their compensation.

But by that time, several members of the panel already had agreed to return some of their fees, some had written checks to the court totalling more than \$50,000. Faced with removal from the panel and the threat of criminal investigation, they thought they had no other option but to agree to the federal committee's demands, according to sources familiar with the matter.

That episode underscores a broad erosion of trust in the relationship between the federal judiciary and the private lawyers they select to sit on what is called the CJA Panel. The panel provides a stable of private defense attorneys who are appointed by federal judges to represent indigent clients when federal public defenders are not able to do so. As such, they act as de facto public defenders whose bills are paid by the court system. The rift could have consequences on the amount of hours panel attorneys can, or will, spend on complicated federal cases, particularly now that the federal committee has begun demanding tens of thousands of dollars in reimbursements with no appeal process for the lawyers targeted.

"It's widely talked about in the indigent defense community... widely viewed as unfair and kind of a witchhunt," said Sean

Kennedy, the Federal Public Defender for the Central District. "It may not be, but because the [federal committee members] are so secretive about it, people are being very cynical."

The tension has been building since early 2009, when the federal committee chaired by 9th Circuit Judge Richard Tallman of Seattle, began sending letters demanding certain panel lawyers justify their expenses. The committee has not released information as to which attorneys were being contacted or audited.

This summer, the committee sent another round of letters demanding certain lawyers return tens of thousands of dollars in fees from days when they worked in excess of 15 hours, or else risk "referral to the appropriate government agencies."

9th Circuit Chief Judge Alex Kozinski said he formed the committee to ensure taxpayer accountability but does not oversee its actions. Kozinski declined to comment for this article.

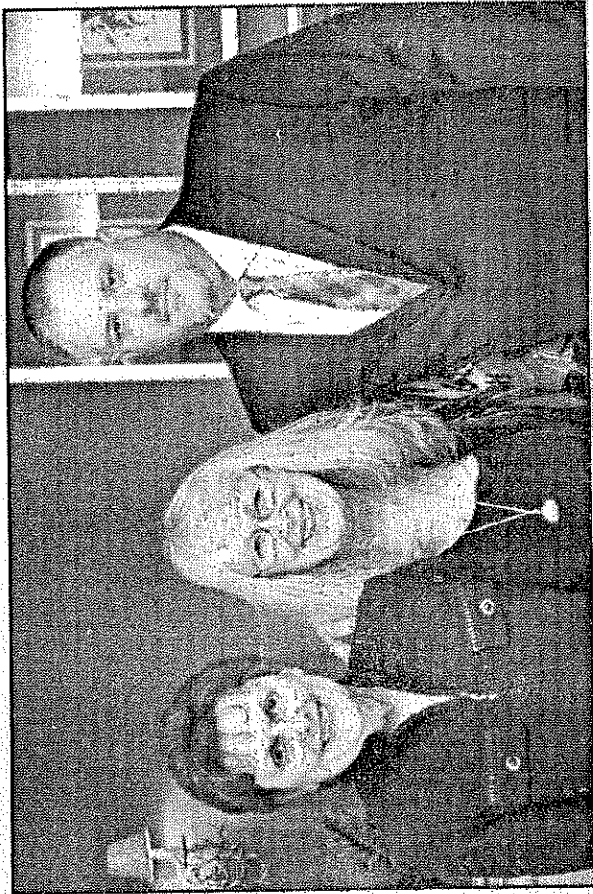
Panel lawyers are required to track their time on a computerized system and submit vouchers to CJA Supervisory Attorney Shnack on a regular basis. He is required to seek approval from a committee of judges when the bills on any case exceed \$9,700.

Congress raised the maximum hourly national rate in December 2009 to \$125 for a non-capital case and \$178 for capital case.

Despite the raise imposed by Congress, the 9th Circuit committee has considered several measures to cut costs. For example, it will decide on a proposal in De-

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LEGAL PROFESSIONALS



Left to right, Lifetime Member Jackie Ritchey-Cook, Lifetime Member Chavez and Santa Clara County Legal Professionals Association President Rod Cardinale

Santa Clara County Legal Professionals Association Celebrates 70 Years of Service to the Community

Santa Clara County Legal Professionals Association celebrated its 70th anniversary on October 9 at Mariani's Inn & Restaurant in Santa Clara. The SCCLPA gave lifetime membership status to members, Jackie Ritchey-Cook and Chavez. Cook became a member of the SCCLPA in 1961 when it was known as Santa Clara County Legal Secretaries Association. Cook served as president from 1968 to 1969, taught legal secretarial education classes and worked as a legal secretary for law firms in the South Bay. Chavez has been a member of SCCLPA since 1970. She served as president from 1990 to 1991 and from 2008 to 2010. Chavez is a former president of the Silicon Valley Chapter of the Association of Legal Administrators and since 1995 has been a professor at Evergreen Valley College's paralegal studies program. Santa Clara County Legal Professionals Association is a chartered member of Legal Secretaries Inc.

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