

**FEDERAL PUBLIC DEFENDER**  
CENTRAL DISTRICT OF CALIFORNIA  
321 EAST 2nd STREET  
LOS ANGELES, CALIFORNIA 90012-4202  
213-894-2854  
213-894-0081 FAX

**CUAUHTEMOC ORTEGA**  
*Federal Public Defender*  
**AMY M. KARLIN**  
*Chief Deputy*

**ANGELA VIRAMONTES**  
*Riverside Branch Chief*  
**KELLEY MUNOZ**  
*Santa Ana Branch Chief*  
**K. ELIZABETH DAHLSTROM**  
*Chief, Capital Habeas Unit*

November 6, 2023

Re: **Notice of Application Period for Membership to the Ninth Circuit CJA Appellate Panel, Central District of California; Application Materials**

Dear Applicant:

The application period for the Ninth Circuit CJA Appellate Panel for the Central District is now open, and closes on January 31, 2024. We are primarily recruiting applicants who can handle direct federal appeals. We are not seeking applicants who are habeas specialists at this time.

Since 1996, the Panel has been administered by the Office of the Federal Public Defender for the Central District, by delegation from the Ninth Circuit. Panel members receive appointments under 18 U.S.C. § 3006A to handle direct criminal appeals and civil appeals from denial of relief under 28 U.S.C. §§ 2254 and 2255 in cases arising out of the Central District and Guam. Applicants should have significant federal criminal appellate experience or other transferable experience and a commitment to the representation of indigent defendants and petitioners. Excellent time management skills are also essential.

The number and types of appointments can vary from year to year, but panel members should expect to receive an appointment every 4-6 months. Panel attorneys are expected to accept appointment in at least 2 cases each year. Unless you have made a previous request to be removed from the rotation, you are expected to accept the appointment and not move to be relieved for a reason other than a conflict of interest. Frequent motions to be relieved are a basis for removal from the panel.

Panel members are expected to conform to applicable standards for the provision of services to indigent criminal defendants and petitioners, including but not limited to the ABA Standards for Criminal Justice (3d ed. 1993) (“The Defense Function”), available at [http://www.abanet.org/crimjust/standards/dfunc\\_toc.html](http://www.abanet.org/crimjust/standards/dfunc_toc.html).

There are three listings of panel members: (1) general; (2) those with experience in habeas litigation who take appointments in 2254 and 2255 matters; and (3) highly experienced, those who are qualified to accept appointments in complicated and extensive matters, including cases with voluminous records and complex legal issues. Work on appeals is at the \$164 CJA rate. Please see [Judiciary Policies and Procedures](#) Chapter VII for more information on what is and is not reimbursable.

If you wish to be considered for a three-year term, you must complete and submit the attached Application, Professional Experience Inquiry Authorization and Waiver, and Acknowledgment Form. Along with these completed forms, you must also submit a copy of your most recently filed non-*Anders* opening brief in any appellate jurisdiction. You may use additional pages to provide requested information, if desired. For your reference, a set of Procedures is also attached (and need not be returned with your submission).

You may submit the required materials via email as PDF attachments, to Jessica Ruvalcaba (Jessica\_Ruvalcaba@fd.org). Alternatively, you may mail a printout of the materials to our office at the address above, marked to Jessica's attention. **Whichever method you use, your submission is due by the close of business on January 31, 2024.** If your application materials are not received by then, you will not be considered for the 2024 term. (You will still be able to apply during any following application period.)

Sincerely

*Margaret A. Farrand*

Margaret A. Farrand  
Chief, Writs and Appeals Unit, Deputy Federal Public Defender  
CJA Appellate Panel Administrator

# CJA APPELLATE PANEL APPLICATION

## 2024 TERM

1. Please list five to ten cases of significance that you have handled in the Ninth Circuit or the California appellate courts since January 1, 2021. For each case, please list the case name, the case number and disposition, the name of opposing counsel, and a brief (2-3 sentence) description of the case's significance. You may include cases from other jurisdictions.
2. Please list any case, since January 1, 2021, in which you filed an *Anders* brief. Provide case and case number
3. Please list your five most recent oral arguments in the Ninth Circuit or in the California appellate courts. Please provide case name, case number, and argument date.
4. Please list **all** Ninth Circuit cases in which, during the past three years, you have filed **four or more** requests for extension of time or extensions of time **in excess of 6 months** for any single brief. Please include any retained cases and cases assigned by other panels.
5. Since January 1, 2009, have you received an order to show cause that related in any way to your representation of any client from any Court? If so, please list and explain.
6. Have you ever been removed from eligibility to receive appointments by any Court? If so, please explain, and provide relevant dates and case numbers.



**PROFESSIONAL EXPERIENCE INQUIRY AUTHORIZATION AND WAIVER**

I hereby authorize the administrators of the disciplinary and inquiry bodies of any court, bar or other association to disclose to the Criminal Justice Act Appellate Panel Administration Committee of the Central District of California all information contained in the files of such bodies concerning my present professional status, any complaints made against me, and the dispositions thereof. I expressly waive any right I may have to confidentiality in the foregoing information.

I also hereby authorize the custodian of any records or information related to my application for the Criminal Justice Act Appellate Panel for the Central District of California to permit the examination or receipt of such records or information by anyone designated by the Criminal Justice Act Appellate Panel Administration Committee.

---

**Signature**

---

**Date**

---

**Print or Type Name**

**ACKNOWLEDGMENT FORM**

I understand that attorneys are selected to serve on the panel at the pleasure of the Court to represent indigent defendants; that this application only provides information for the use of the Federal Public Defender, by delegation from the Court, to select members of the panel and does not create entitlement for participation on the panel or appointment to cases; and that panel attorneys are subject to removal by the Federal Public Defender.

I understand and agree that representation of an indigent client upon appointment by the Court is a professional privilege and duty and that even if I am placed on the panel, I have no “right to appointment” to represent any indigent client.

I understand that failure to provide true and correct information in answer to any of the questions on this form will be grounds for denial of panel membership or removal from service on the panel at any time.

I certify that I have read and understand the above and agree to it.

---

**Signature**

---

**Date**

---

**Print or Type Name**

## **PROCEDURES FOR THE CJA APPELLATE PANEL FOR THE CENTRAL DISTRICT OF CALIFORNIA**

(Revised November 2020)

Since 1996, the Panel has been administered by the Office of the Federal Public Defender for the Central District of California (“FPDO”), by delegation from the Ninth Circuit. Panel members receive appointments under 18 U.S.C. § 3006A to handle direct criminal appeals and civil appeals from denial of relief under 28 U.S.C. §§ 2254 and 2255 in cases arising out of the Central District and elsewhere in the Ninth Circuit. Panel members are expected to have significant federal criminal appellate experience and a commitment to the representation of indigent defendants and petitioners. Terms on Panel for the Central District are renewable at the discretion of the Federal Public Defender (“FPD”), who reviews the applicant’s work, and also considers and solicits views from a number of institutional actors in this Circuit.

The procedures, standards, and policies outlined in this document were adopted to maximize the quality of representation for indigent defendants represented by CJA Appellate Panel (“Panel”) attorneys in Ninth Circuit appeals originating in the Central District of California. *See generally* Vera Institute of Justice, [\*Good Practices for Panel Attorney Programs in the U.S. Courts of Appeals\*](#) (2006) (AO-funded report) (setting out expected standards of appellate practice by panel attorneys, and recommending rigorous but flexible panel selection and appointments process).

### **I. DELEGATION OF AUTHORITY**

The Ninth Circuit Court of Appeals has delegated authority to manage the appellate panel, and to assign panel appointments to a designee, in each district within the Circuit. In the Central District of California, the delegation has been made to the FPD; the program is currently administered by Deputy Federal Public Defender Margaret Farrand and her assistant, Jessica Ruvalcaba.

### **II. SELECTION, REAPPOINTMENT, STANDARDS OF PERFORMANCE, AND REMOVAL**

When it is determined that additional attorneys are needed to appropriately staff the Panel, the FPDO will notify current members of both the trial and appellate panels, along with any others who have expressed interest in membership, and invite them to submit an application.

*Selection.* To apply, candidates who are not current Panel members must complete an application, submit two representative writing samples, and provide names of two or more references who are familiar with the applicant’s work, professional reputation commitment to indigent defense, and time management skills. Applications are accepted

annually during the month of December or as otherwise deemed necessary. Applicants must be members in good standing of the State Bar of California, have their office within the state of California, and be able to travel to any of the district courts or circuit courts when required. Preference is given to applicants practicing in the Central District of California.

A committee of experienced appellate practitioners will review applications, contact references, and decide which applicants will be selected for addition to the Panel. Members are added to the Panel for a term of three years, on the condition that they attend an initial mandatory orientation session and/or the annual mandatory training seminar.

*Reappointment.* Approximately two months before a term expires, Panel members will receive a letter asking whether they want to be considered for another 3 year term. Each Panel member is asked to complete an abbreviated application and submit a copy of his or her most recently filed non-*Anders* opening brief.

Terms are renewable at the discretion of the FPD, whose chief goal in reviewing all applications will be to maximize the quality of the Panel. As part of this review, the FPD solicits and considers the views of Ninth Circuit judges, the Appellate Chief of the United States Attorney's Office, the Appellate Commissioner, and the Supervisor of the Writs and Appeals Section of the FPDO. Factors considered include: the quality of the Panel attorney's work; the attorney's performance over the past three years; complaints about the attorney by clients, other counsel, or the Circuit; sanctions threatened or imposed on the attorney; any timeliness issues; and the quality of other applications received.

*Standards of performance.* Panel members are expected to conform to applicable standards for the provision of services to indigent criminal defendants and petitioners. These standards include the [ABA Standards for Criminal Justice: Defense Function](#) (3d ed. 1993), [ABA Formal Opinion 10-456](#) (2010), and the procedural requirements outlined in [Bittaker v. Woodford](#), 331 F.3d 715 (9th Cir. 2003).

*Removal.* An attorney may be removed from the Panel at the discretion of the FPD. The attorney will be advised of the proposed removal, and be offered an opportunity to respond to the reasons for the proposed removal. The selection committee will consider all available options, including a temporary suspension from the Panel. Attorneys removed from the Panel are free to apply anew during any subsequent application period.

Occasionally, a Panel attorney may be sanctioned by the Appellate Commissioner, who may remove the attorney's eligibility to serve as CJA counsel on appointed matters. Such will also result in that attorney's automatic and unappealable removal from the Panel. Upon reinstatement of the attorney's eligibility by the Commissioner, the attorney will be free to apply anew in any subsequent application period.



### III. ASSIGNMENT OF CASES

When the Ninth Circuit determines that appointment of counsel is appropriate, the Circuit emails the order to the FPDO and sends the order to the client, to former counsel, or to both. The order will direct the FPD to locate counsel and will also schedule briefing dates. If the order involves an appeal of a §§ 2254 or 2255 matter, the order may also include a statement of the issues in the certificate of appealability.

Upon receipt of the order, the CJA panel coordinator first considers whether the case should be assigned to the FPDO. If the FPDO does not accept appointment on the case, the FPDO determines whether the appeal presents extraordinary circumstances or will likely require specialized expertise<sup>1</sup> and then makes the assignment based on the nature of the case and the qualifications and experience of the available panel members.

Once an assignment is made, a letter notifying the Court of the name of the assigned attorney is emailed to the Ninth Circuit, the District Court, and counsel. The voucher is emailed to the assigned attorney via electronic vouchering system after the Ninth Circuit receives the letter of assignment. Work on appeals is at the CJA rate in effect at the time. Please see Judiciary Policies and Procedures Chapter VII for more information on current rates and what is and is not reimbursable.

Unless you have made a request in advance to be excused from new assignments during a specific period (see Section 4 (“Other Requirements”), below), you are expected to accept the appointment and not move to be relieved for a reason other than a conflict of interest. Frequent motions to be relieved are a basis for removal from the Panel.

### IV. OTHER REQUIREMENTS

Panel members may request to be excused from taking on any new assignments for a specific amount of time. However, such requests *must* be directed to Ms. Jessica Ruvalcaba (Jessica\_Ruvalcaba@fd.org), and must be made in advance.

Panel members are otherwise expected to keep—and not seek to be relieved from—any case assigned to them, unless there is a conflict, or unless the Panel member seeks to be relieved pursuant to an *Anders* brief. *Any other motion to be relieved must be forwarded immediately* to Ms. Ruvalcaba.

Panel members must also *immediately* inform Ms. Ruvalcaba about:

- *any changes to their contact information* (e.g., phone number, email, or address).
- *any disciplinary actions*, or any formal or informal investigations, by any federal or state government, court, administrative agency or bar association;

---

<sup>1</sup> Panel members are listed under one of three categories: (1) general; (2) those with experience in habeas litigation who take appointments in § 2254 and § 2255 matters; and (3) highly experienced—those qualified to accept appointments in complex, extensive matters, including death penalty appeals.

- *any removal from eligibility to receive appointments* in any other federal district or circuit court; and
- *any order to show cause*, issued to the panel member by any court, a copy of which must be forwarded to Ms. Ruvalcaba, along with the panel member's response to the order.

## V. NOTICE TO, AND INQUIRES FROM, CLIENTS

The FPDO *does not* notify the client of the initial assignment. Rather, it is assigned counsel's responsibility to immediately communicate directly with the client about the assignment.

Occasionally, a client (who does receive a copy of the order of appointment from the Ninth Circuit) will write to the FPD inquiring about the assignment. If Ms. Farrand responds, she will give the client the assigned attorney's name, address, and telephone number, and will copy the appointed attorney on the correspondence sent to the client. If a client writes to complain about an assigned attorney, Ms. Farrand will contact the attorney and, if appropriate, send a follow-up letter to the client.

## VI. TRAINING

The Federal Public Defender for the Central District of California plans an all-day Appellate Practice Seminar in the Spring of each year. This seminar is mandatory for Panel members, and open to other CJA attorneys. MCLE credit is available. Unexcused failures to attend the annual training will result in the suspension of appointments until the Panel member attends the next annual training. Requests to be excused from the training must be based on unavoidable conflicts, and must be communicated to Ms. Farrand as soon as possible.

Other trainings, including technology trainings, are offered on an ad hoc basis. Panel members will be notified of these trainings via email. Other practice materials are available on the Panel website (<http://cja.fpdacad.org>), maintained by the FPDO. The site includes a searchable resource bank, a blog, links, an expert list, and directories for the benefit of the CJA trial and appellate panels in the Central District.

## VII. MOOT COURTS

Ms. Farrand will arrange moot courts for any Panel member who so requests and will insist, to the extent possible, on moot courts for any Panel member arguing a case of exceptional significance to criminal defendants or habeas petitioners, or before an *en banc* panel of the Ninth Circuit or the United States Supreme Court.

## **VIII. INQUIRIES AND ASSISTANCE**

Ms. Farrand is available to answer inquiries from the Court and keeps in regular contact with the Ninth Circuit Appellate Commissioner. In addition, she troubleshoots for Panel members with the courts and federal agencies and otherwise is available to help resolve problems that arise in the course of their representation of their clients.

The FPDO also has a duty appellate attorney available each weekday to assist Panel members with substantive or procedural questions relevant to appeals. To speak with the duty attorney, call (213) 894-2854 and ask to be connected.