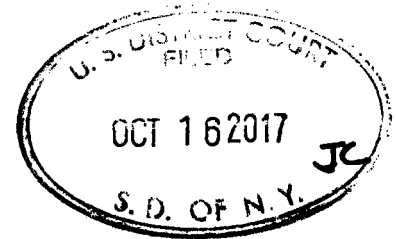


DOC # 4



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN THE MATTER OF THE REVISED PLAN
FOR FURNISHING REPRESENTATION
PURSUANT TO THE CRIMINAL JUSTICE
ACT OF 1964

**AMENDED
ORDER
M10-468**

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The Board of Judges of the Southern District of New York, on September 27, 2017, approved and adopted the following amendments to the Plan under the Criminal Justice Act of 1964. The added language is shown in bold; deleted, lined through.

V. PROCEEDINGS IN WHICH REPRESENTATION SHALL BE FURNISHED

Representation pursuant to this Plan shall be furnished to any person financially unable to obtain adequate representation (as defined in ¶ VI herein) in the circumstances set forth in 18 U.S.C. § 3006A and in the guidelines promulgated by the Administrative Office of the United States Courts **(including Part IV(A) of the 2016 Model Plan for Implementation and Administration of the Criminal Justice Act)**, ~~both of~~ which are incorporated by reference.

VII. PROCEDURES FOR APPOINTMENT OF COUNSEL

C. DISTRIBUTION OF APPOINTMENTS

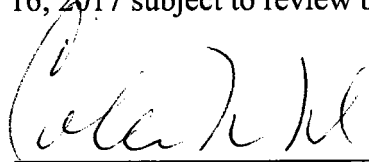
4. In an extremely difficult case, where the Court finds it in the interest of justice and so states, a district judge may appoint two **or more** attorneys to represent one defendant, and each attorney shall be paid for his or her services, not to exceed as to each, the limits provided in ¶ IX herein.

VIII. OBLIGATIONS OF APPOINTED COUNSEL

A. Counsel appointed by a magistrate judge or district judge shall, unless excused by order of the Court, continue to act as attorney of record for the party throughout the proceedings for which he or she was assigned. An appointed attorney may delegate to a partner or associate in his or her law firm such substantive tasks as he or she may deem appropriate but must **closely** supervise said partner or associate. **The appointed attorney should act as the lead attorney throughout the representation and should personally meet with the client to discuss all significant decisions. The appointed attorney should also personally make all court appearances absent special or unexpected circumstances and** ~~Appointed counsel~~ may not delegate responsibilities such as trials, plea allocutions, sentencing, or evidentiary hearings to a partner or associate without written consent of the defendant and the Court. The appointed attorney shall not delegate any substantive duties to an attorney who is not employed by his or her law firm without written consent of the defendant and the Court. Consent by the defendant and the Court on the record in open court satisfies the requirement of written consent. More than one attorney at one firm can be a member of this panel.

C. In the event that a criminal defendant enters a plea of guilty or is convicted following trial, appointed counsel shall advise the defendant of the right of appeal and of the right to counsel on appeal. If requested by the defendant, or upon the Court's own application, counsel must file a timely Notice of Appeal. **While there may be benefits to maintaining continuity of counsel, trial counsel may determine that the client's interests are best served by new appellate counsel. There should be a significant degree of deference to the position of trial counsel regarding whether, in each matter, continuity is in the best interests of the client and consistent with counsel's professional skills and obligations. Assigned counsel has the duty to file the Notice of Appeal, but thereafter may seek to be relieved by the Court of Appeals.** ~~When an appeal is taken, c~~ Counsel shall continue to represent the appellant unless or until he or she has been notified by the Court of Appeals that other counsel has been appointed or that his or her services are no longer required.

The amendment is effective October 16, 2017 subject to review by the Judicial Council.



COLLEEN McMAHON
Chief Judge

Dated: October 16, 2017
 New York, New York