



PROCEDURES GOVERNING THE SELECTION, REAPPOINTMENT, AND REMOVAL OF FEDERAL PUBLIC DEFENDERS

UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

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By the Full Court

TABLE OF CONTENTS

CHAPTER 1. INTRODUCTION AND APPOINTMENT AUTHORITY	1
CHAPTER 2. QUALIFICATIONS	2
CHAPTER 3. SELECTION PROCESS	4
Section 3.01 Position Vacancy.....	4
Section 3.02 Public Notice.....	4
Section 3.03 Applications	4
Section 3.04 Appointment of Local Screening Committee.....	5
Section 3.05 Local Screening Committee Duties.....	6
Section 3.06 Standing Committee Selection Duties.....	8
Section 3.07 Selection by Court of Appeals	8
Section 3.08 Confidentiality of Selection Process	9
CHAPTER 4. REAPPOINTMENT PROCESS.....	11
Section 4.01 Request for Reappointment.....	11
Section 4.02 Performance Evaluation	11
Section 4.03 Standing Committee Recommendation.....	12
Section 4.04 Decision by Court of Appeals	13
Section 4.05 Confidentiality of Reappointment Process.....	13
CHAPTER 5. EXTENSION AND TEMPORARY DESIGNATION	15
Section 5.01 One-Year Extension of Term	15
Section 5.02 Designation of Acting FPD.....	15
Section 5.03 Appointment of Interim FPD	16
CHAPTER 6. REMOVAL AUTHORITY	17
CHAPTER 7. COMPLAINT PROCEDURES	18
Section 7.01 Overview	18
Section 7.02 Filing Procedures.....	18
Section 7.03 Standing Committee Duties	19
Section 7.04 Role of the Court of Appeals.....	20
Section 7.05 Additional Procedures	21

CHAPTER 1. INTRODUCTION AND APPOINTMENT AUTHORITY

Pursuant to the Criminal Justice Act (“CJA”), 18 U.S.C. § 3006A, a federal public defender organization may be established for a district in which at least 200 persons annually require the appointment of counsel. The CJA further provides that the circuit court of appeals appoint federal public defenders to a four-year term after considering recommendations from the courts to be served. *See* 18 U.S.C. § 3006A(g)(2)(A); *see also* *Guide to Judiciary Policy* (“*Guide*”), Vol. 7A, § 420.10.40(a) (noting Congressional intent to insulate the federal public defender from district court involvement by making selection and reappointment of defenders a function of the court of appeals rather than district court).

The CJA does not prohibit appointment to additional four-year terms, and Volume 7A, Chapter 4 of the *Guide* provides for the evaluation of an incumbent federal public defender by the court of appeals to determine if reappointment is warranted.

Federal public defenders exercise important powers and responsibilities as officers of the United States courts. It is imperative that highly qualified individuals are selected and retained as public defenders. For the expeditious and orderly achievement of this end, as well as to ensure that federal public defenders provide competent, independent counsel and vigorous representation to financially eligible persons, the United States Court of Appeals for the Ninth Circuit has adopted these procedures for the selection, reappointment, and removal of federal public defenders. The Ninth Circuit Standing Committee on Federal Public Defenders (“Standing Committee”) is responsible for administering these procedures, which are publicly available on the Court of Appeals website and provided to all federal public defenders within the Ninth Circuit and the chief district judges of the districts they serve.

The United States Court of Appeals for the Ninth Circuit is an equal employment opportunity employer and does not discriminate against, or grant preferential treatment to, any individual on the basis of race, color, sex, gender, gender identity, gender expression, marital status, pregnancy, parenthood, sexual orientation, religion, creed, ancestry, national origin, genetic information, age, disability, or service in the uniformed forces.

CHAPTER 2. QUALIFICATIONS

A qualified applicant for appointment to a four-year term as a federal public defender (“FPD”) must:

- A. Be admitted to practice before the highest bar of at least one state, the District of Columbia, the Commonwealth of Puerto Rico, the Territory of Guam, the Commonwealth of the Northern Mariana Islands, or the United States Virgin Islands, and be a member in good standing of every bar of which they are members.
- B. Have been engaged in the active practice of criminal law for a period of at least ten years, preferably with significant federal criminal trial and appellate experience.
- C. Possess the ability to lead, manage, and effectively administer a federal public defender’s office and a demonstrated commitment to maintaining an ethical and civil workplace environment, preferably with at least three years of supervisory or management experience.
- D. Possess a commitment to supporting a diverse¹ workforce and creating fair and equal opportunities for employees to succeed.
- E. Possess and have a verifiable reputation for:
 - (1) integrity and good character;
 - (2) a commitment to equal justice under the law and vigorous representation of those unable to afford counsel; and
 - (3) outstanding legal ability and competence (evidenced by substantial legal experience, ability to deal with complex legal problems, aptitude for legal scholarship and writing, and familiarity with courts and court processes).

¹ The terms “diverse” and “diversity” as used in these procedures encompass the broad range of human experiences that inform the skills, talents, perspectives, and approaches of our workforce.

- F. Not be related by blood or marriage to a judge of the Ninth Circuit Court of Appeals or to a judge of the district court to be served, within the degrees specified in 28 U.S.C. § 458 at the time of the initial appointment.

The Standing Committee may establish additional qualification standards appropriate for a particular FPD position, taking into account the specific responsibilities anticipated for that position.

CHAPTER 3. SELECTION PROCESS

Section 3.01 Position Vacancy

Selection of a FPD commences upon a FPD's death, receipt of written notification that a FPD intends to resign or retire from active service upon a date certain in the future, or a decision by the Court of Appeals to remove or not reappoint an incumbent FPD.

Section 3.02 Public Notice

- A. When a FPD position becomes vacant, the Office of the Circuit Executive must issue a public notice announcing that applications are being accepted for a four-year term for the position of FPD in the district to be served.
- B. The notice must state that the United States courts are an equal opportunity employer and that the Ninth Circuit encourages applications from all qualified individuals and seeks a diverse pool of applicants.
- C. The notice must be distributed to or published in sources that will reach a wide audience of qualified individuals, such as:
 - (1) state, local, and specialty bar association email list serves and websites;
 - (2) bar journals, newsletters, or other legal periodicals; and
 - (3) government email list serves and websites.

Section 3.03 Applications

- A. To apply, candidates must complete the form prescribed by the Standing Committee and provide copies of law school transcripts and certifications of good standing from every state or U.S. jurisdictional bar of which they are members.
- B. During the recruitment period, application forms may be downloaded from the Court of Appeals website or obtained from the Office of the Circuit Executive for the Ninth Circuit.

- C. If fewer than four applications are received after the application closing date, the Standing Committee may reopen the application period.

Section 3.04 Appointment of Local Screening Committee

- A. To assist the Court of Appeals and Standing Committee in reviewing and evaluating FPD applicants, an ad hoc Local Screening Committee (LSC) consisting of five to seven members shall be formed in the district where the vacancy exists.
- B. The Chief Circuit Judge shall appoint LSC members after consultation with the Standing Committee and Chief District Judge of the district to be served.
- C. The LSC must consist of persons knowledgeable in federal criminal defense issues and must not include probation, pretrial services, law enforcement, or prosecutorial personnel. In addition, the LSC should reflect the diversity of the legal profession.
- D. In appointing LSC members, the Chief Circuit Judge should consider individuals who possess the following experience or qualifications:
 - (1) the president or member of the governing board of the state bar association or the president or member of the governing board of a local bar association within the district where the vacancy exists;
 - (2) a federal public defender or community defender outside the district where the vacancy exists;
 - (3) a lawyer whose practice consists predominantly of criminal defense work in the federal courts, whether or not that lawyer is on the CJA panel;
 - (4) a federal district court judge from outside the district in which the FPD vacancy exists;
 - (5) the dean or associate dean of a law school, or a professor of criminal law, criminal procedure, or constitutional law from such law school; and
 - (6) a state or local public or community defender.

- E. The Chief Circuit Judge shall select one LSC member to serve as chair.
- F. LSC members may not receive compensation for their service but may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law.
- G. To ensure fairness and impartiality in the appointment process:
 - (1) the Chief Circuit Judge will consider whether the size and population of the district precludes the establishment of a locally composed LSC that can exercise its responsibilities in a manner that appears fair and impartial towards all likely applicants whether they reside within or outside the district;
 - (2) the Chief Circuit Judge may appoint LSC members from outside the district if doing so is necessary for the appearance of fairness and impartiality, but the LSC must include at least two members from the district where the vacancy exists;
 - (3) the Chief Circuit Judge may replace any LSC member who is listed as an applicant's personal or professional reference, is a close friend or related through family or marriage to an applicant, or has worked in the same office with an applicant if that member's service on the LSC would create an appearance of unfairness or partiality.

Section 3.05 Local Screening Committee Duties

- A. The LSC must examine all applications and evaluate all qualified candidates without regard to race, color, sex, gender, gender identity, gender expression, marital status, pregnancy, parenthood, sexual orientation, religion, creed, ancestry, national origin, genetic information, age, disability, or service in the uniformed forces.
- B. The LSC must determine which applicants meet the qualification standards set forth in Chapter 2 of these procedures and interview all qualified applicants.
- C. For applicants selected for an interview, the LSC must solicit the views and recommendations of district and magistrate judges of the

district to be served and of the courts in which the applicants have practiced, if different.

- D. Subject to the confidentiality provisions of Section 3.08 below, the LSC must investigate the background and qualifications of applicants selected for interview by soliciting information about the applicants from at least ten persons who are familiar with the applicants' qualifications, including members of the criminal defense bar, work colleagues, prosecutors, and other court or agency personnel. The group of interviewees must include a substantial number of persons who are not listed as references in the candidate's application.
- E. Upon completion of its duties described in Section 3.05 A through D above, the LSC must prepare a confidential report that includes the following:
 - (1) a description of the actions taken under Section 3.02 to distribute and advertise notice of the vacancy;
 - (2) the name and a brief description of the professional background of each LSC member;
 - (3) the names of all persons who submitted applications, and the names of those deemed by the LSC to be qualified for appointment under Chapter 2 of these procedures;
 - (4) the results of the LSC's investigation into the background of the qualified candidates, including a summary of the comments and recommendations of the judges in the district to be served;
 - (5) a preferential ranking of the applicants from among those the committee found best met the qualifications for appointment under Chapter 2 of these procedures; and
 - (6) the basis for the LSC's ranking of each of the persons found to be the best qualified applicants.
- F. LSC decisions are by a majority vote.
- G. The LSC's confidential report shall be submitted to the Chair of the Standing Committee within 45 days of completing applicant interviews.

Section 3.06 Standing Committee Selection Duties

- A. After receiving the LSC’s confidential report, the Standing Committee may conduct interviews and further investigate the candidates’ background and qualifications.
- B. If the Standing Committee concludes that the screening process has produced qualified candidates and been conducted in a fair and impartial manner, it shall nominate one candidate to the Court of Appeals for appointment as FPD.
- C. The Standing Committee’s nomination for appointment must be presented in a confidential report to the Court of Appeals. The Standing Committee’s report must include the LSC’s recommendations, any recommendations from judges in the district court to be served, and any additional information relied upon by the Standing Committee for its nomination.
- D. Should the Standing Committee find none of the candidates qualified for appointment, or should it find that the screening process materially deviated from these procedures, it must recommend to the Chief Circuit Judge and the Court of Appeals Executive Committee that the court initiate a new selection process.

Section 3.07 Selection by Court of Appeals

- A. The Standing Committee’s report and recommendation concerning appointment of a FPD must be presented for a vote of the Court of Appeals at the next meeting of the court, or if time constraints or exceptional circumstances warrant, a vote of the judges of the Court of Appeals may be conducted electronically at any time. All decisions must be by majority vote of all active judges voting.
- B. If one or more judges indicate a desire to discuss the report and nomination prior to tallying the vote, such discussion and vote will be conducted by telephone or video conference or at the next meeting of the court, as determined by the Chief Circuit Judge.
- C. Following selection of a final nominee, the name of the attorney selected shall be submitted to the Administrative Office of the U.S.

Courts, which will initiate the required Office of Personnel Management background investigation for High Sensitive Executive Positions in the federal judiciary. The Chief Circuit Judge will review the completed background investigation report and, if satisfactory, complete the order of appointment.

Section 3.08 Confidentiality of Selection Process

- A. The names of applicants and completed applications shall be kept in strict confidence, except as may be necessary to permit the Local Screening Committee, Standing Committee, and Court of Appeals to obtain necessary information about an applicant's qualifications for appointment.
- B. The Local Screening Committee, Standing Committee, and Court of Appeals may contact personal references listed in the application form without securing a waiver of confidentiality. No other disclosure of an applicant's name or solicitation of information about an applicant will occur unless the applicant has executed the application form's waiver of confidentiality.
- C. All information about applicants provided to the Local Screening Committee, Standing Committee, or Court of Appeals must be held in strict confidence, and the identity of any person providing such information must not be disclosed unless that person waives confidentiality and consents to disclosure.
- D. If the Standing Committee or Chief Circuit Judge determines that the identity of a person who made an adverse comment should be disclosed to the applicant to afford a fair opportunity to respond, that person will be given an opportunity to withdraw the comment prior to disclosure. If the comment is withdrawn, it will not be considered by the Local Screening Committee, Standing Committee, or Court of Appeals during the selection process, and the identity of the person who made the comment will remain confidential. If the adverse commenter waives confidentiality, that person's name may be revealed to the applicant, along with the substance of the comment.

- E. All memoranda, reports, or other documents generated by the Local Screening Committee or Standing Committee, as well as the committees' recommendations, shall be kept in strict confidence.
- F. All Court of Appeals, Standing Committee, and Local Screening Committee meetings concerning the review of applications or potential nominees shall be closed to preserve confidentiality.

CHAPTER 4. REAPPOINTMENT PROCESS

Section 4.01 Request for Reappointment

- A. At least 16 months before the FPD's four-year term is set to expire, the incumbent FPD must write to the Circuit Executive indicating whether the FPD intends to seek reappointment for an additional term.
- B. The expiration date of a four-year term is the day prior to the fourth anniversary of the date the FPD's oath of office was administered. The Administrative Office of the U.S. Courts determines the precise expiration date of the term of office.

Section 4.02 Performance Evaluation

- A. If a FPD requests reappointment to an additional term, the Standing Committee must conduct a comprehensive evaluation of the FPD in the following critical performance areas: (1) quality of representation of clients by the FPD and the FPD's office and employees; (2) level of commitment to vigorous representation and service to clients; (3) management and support of the CJA attorney panel consistent with the district's CJA Plan; and (4) leadership and effective administration of the FPD office. The Standing Committee's evaluation of office administration shall include the FPD's demonstrated quality of organizational, management, and human resources skills as well as the overall tenor of the workplace environment.
- B. FPDs are expected to regularly conduct self-assessments, solicit employee feedback, and engage in managerial training. The Standing Committee and its staff at the Office of the Circuit Executive are available and willing to facilitate these activities, upon request of the FPD.
- C. The Standing Committee's evaluation will be based on information received through the following sources:
 - (1) a public notice seeking comments about the FPD's performance and the quality of services provided by the FPD's office that is

- distributed to local media, advertised to the local community to the extent feasible, and posted to the Court of Appeals website.
- (2) a survey in a form prescribed by the Standing Committee and distributed within the district served by the FPD to district and magistrate judges, court personnel, the FPD's employees, attorneys who regularly practice criminal defense law in federal court, probation and pretrial officers, and prosecutors.
 - (3) views and recommendations of the Chief District Judge and other judges provided orally or in writing to the Standing Committee separate from the above survey;
 - (4) a written self-evaluation by the FPD in a format prescribed by the Standing Committee that assesses the strengths and weaknesses of the FPD's administration of the office; and
 - (5) financial audits and cyclical review reports provided by the Administrative Office of the U.S. Courts and its Defender Services Office.
- D. The Standing Committee may make any such additional inquiry as it considers appropriate and, with approval of the Chief Circuit Judge, may enlist consultants to assist with its evaluation.
- E. The Standing Committee will provide the FPD with an opportunity to review and respond to a summary of the evaluation feedback and should meet with the FPD to discuss the evaluation if such conference is warranted by the information received.

Section 4.03 Standing Committee Recommendation

- A. The Standing Committee will consider whether the incumbent has performed the duties of a federal public defender according to the high standards of performance regularly met by federal public defenders and demonstrated those characteristics and qualifications required of a federal public defender.
- B. After completing its performance evaluation, the Standing Committee will decide whether to recommend reappointment of the incumbent FPD to an additional term and will prepare a confidential report to the Court of Appeals with its recommendation. The Standing

Committee's report must include a summary of the information it reviewed, including any recommendations from judges in the district being served.

Section 4.04 Decision by Court of Appeals

- A. The Standing Committee's report and recommendation concerning reappointment of a FPD must be presented for a vote of the Court of Appeals at the next meeting of the court, or if time constraints or exceptional circumstances warrant, a vote of the judges of the Court of Appeals may be conducted electronically at any time. All decisions must be by majority vote of all active judges voting.
- B. If one or more judges indicate a desire to discuss the report and recommendation prior to tallying the vote, such discussion and vote will be conducted by telephone or video conference or at the next meeting of the court, as determined by the Chief Circuit Judge.
- C. If the decision is to reappoint, the Chief Circuit Judge will issue an order of appointment on behalf of the Court of Appeals. If the decision is to decline to reappoint, the Standing Committee must initiate the selection process as provided in Chapter 3 of these procedures.

Section 4.05 Confidentiality of Reappointment Process

- A. All information about the incumbent FPD or the administration of the FPD's office provided to the Standing Committee or Court of Appeals must be held in strict confidence, and the identity of any person providing such information must not be disclosed unless that person waives confidentiality and consents to disclosure.
- B. If the Standing Committee, with the consent of the Chief Circuit Judge, enlists consultants pursuant to Section 4.02 (D) of these procedures to assist it in considering the reappointment of a FPD, it may provide any confidential information to the consultants that it considers necessary or appropriate.

- C. In carrying out its duty under Section 4.02(E), the Standing Committee will provide the incumbent FPD with only a general description of the source and nature of any adverse comments. If the Standing Committee or Chief Circuit Judge determines that the identity of a person who made an adverse comment should be disclosed to the incumbent FPD to afford a fair opportunity to respond, that person will be given an opportunity to withdraw the comment prior to disclosure. If the comment is withdrawn, it will not be considered by the Standing Committee or Court of Appeals during the reappointment process, and the identity of the person who made the comment will remain confidential. If the adverse commenter waives confidentiality, that person's name may be revealed to the incumbent FPD, along with the substance of the comment.
- D. All Court of Appeals and Standing Committee meetings concerning the review of a FPD's performance or request for reappointment shall be closed to preserve confidentiality.

CHAPTER 5. EXTENSION AND TEMPORARY DESIGNATION

Section 5.01 One-Year Extension of Term

- A. As provided in 18 U.S.C. § 3006A(g)(2)(A), a FPD’s four-year term of office may be extended for up to one year to permit completion of the selection process for a successor FPD or the evaluation process for reappointment of the incumbent FPD to an additional four-year term.
- B. The order extending a FPD’s term for up to one year shall be entered by the Chief Circuit Judge on behalf of the judges of the Court of Appeals.

Section 5.02 Designation of Acting FPD

- A. An “Acting Federal Public Defender” must be designated if a FPD position is occupied but the incumbent FPD is temporarily unable to fulfill the FPD’s duties due to incapacitation, illness, absence, or other reason.
- B. When such situations arise, the Chief Circuit Judge will select the person to serve as Acting FPD, after consultation with the Standing Committee Chair and Chief District Judge of the district to be served, and issue an order on behalf of the Court of Appeals designating the Acting FPD.
- C. In selecting an Acting FPD, preference will be given to an assistant defender within the FPD’s office or a FPD from another district either within or outside the Ninth Circuit (after consultation with the chief circuit and chief district judge of the courts served by the FPD accepting the acting designation).
- D. Individuals serving as Acting FPD will continue to be compensated at their existing salary level.

Section 5.03 Appointment of Interim FPD

- A. An Interim FPD may be appointed in two situations: (1) if the FPD position becomes vacant prior to the expiration of the incumbent FPD's four-year term, and (2) if the FPD's term has expired, an extension of the incumbent's term has not been approved, and a successor FPD has not been appointed.
- B. When such situations arise, the Chief Circuit Judge will select the Interim FPD, after consultation with the Standing Committee Chair and Chief District Judge of the district to be served, and issue an order on behalf of the Court of Appeals appointing the Interim FPD.
- C. In selecting an Interim FPD, the Chief Circuit Judge may temporarily promote an assistant defender within the FPD office so long as that person does not intend to apply for the vacant FPD position or may designate a FPD from another district (after consultation with the chief circuit and chief district judge of the courts served by the FPD accepting the interim designation).
- D. After an attorney has been selected to fill a FPD vacancy, that person may be temporarily appointed as Interim FPD pending successful completion of the required Office of Personnel Management background investigation and appointment to a full four-year term.
- E. Individuals serving as Interim FPD will be compensated at the Federal Public Defender salary level.

CHAPTER 6. REMOVAL AUTHORITY

As provided in 18 U.S.C. § 3006A(g)(2)(A), Congress has determined that federal public defenders shall be appointed for a term of four years “unless sooner removed by the court of appeals of the circuit for incompetency, misconduct in office, or neglect of duty.” To ensure that FPDs perform their duties at the highest standard of competency, responsibility, and integrity, the Court of Appeals has adopted these procedures to respond to and investigate complaints, protect the independence and standing of the FPD, and provide for the removal of FPDs who engage in conduct that does not meet the standards expected of officers of the court and federal judiciary employees, or are otherwise unable to perform their duties.

These procedures are not intended to preclude remedies available through malpractice or negligence suits arising from the provision of representational services, or through internal office grievance procedures and the employment dispute resolution (EDR) complaint procedures provided in the EDR Policy for Ninth Circuit Federal Public Defenders and Staff. Nor may these procedures be used to disqualify a federal public defender from representing a client.

CHAPTER 7. COMPLAINT PROCEDURES

Section 7.01 Overview

- A. Any person who believes a FPD is incompetent, has engaged in misconduct, or has neglected the duties of the office to an extent warranting removal may submit a complaint to the Chief Circuit Judge.
- B. Complaints may be submitted against FPDs in the Ninth Circuit only.
- C. Complaints should be filed promptly so that fair consideration of the facts is possible. A complaint may be dismissed if the passage of time renders the facts incapable of being established through investigation.
- D. If the complainant is an employee of the FPD's office, that person may consult with the Ninth Circuit Office of Workplace Relations at any point in the complaint process regarding remedies available under the circuit's EDR policy.

Section 7.02 Filing Procedures

- A. A letter describing the circumstances of the complaint should be addressed to the Office of the Circuit Executive of the Ninth Circuit.
- B. The complaint should set forth with particularity the facts upon which the claim of misconduct, incompetency, or neglect of duty is based. The statement of facts should include:
 - (1) a description of what occurred;
 - (2) the time and place of the occurrence(s); and
 - (3) any other information that would assist an investigator in checking facts, such as the presence of witnesses and their names and addresses.
- C. The complaint may not exceed 5 pages or 1,200 words and should be typewritten if possible. If not typewritten, it must be legible.

- D. Any supporting documentation demonstrating incompetency, misconduct, or neglect of duty may be submitted with the complaint letter.
- E. The complaint must be in writing, signed, and the statements therein declared, under penalty of perjury, to be true. The complainant's address and daytime telephone number also must be provided. Anonymous complaints are not permitted.
- F. Within 10 working days of receipt of a complaint, the Office of the Circuit Executive shall send the complaint to the Chief Circuit Judge and the Standing Committee Chair.

Section 7.03 Standing Committee Duties

- A. Within 30 calendar days of receiving the complaint, the Standing Committee Chair may recommend to the Chief Circuit Judge that the complaint be summarily dismissed or that it merits an investigation.
- B. The Chief Circuit Judge may summarily dismiss a complaint if it:
 - (1) pertains to a question of representation resolvable by a court of law;
 - (2) is frivolous;
 - (3) is not based upon allegations of incompetence, misconduct, or neglect of duty; or
 - (4) was submitted by an employee of the FPD's office and the matter appears appropriate for resolution under the circuit's EDR plan for defenders.
- C. If the Chief Circuit Judge summarily dismisses the complaint, the FPD will receive a copy of the complaint with the order of dismissal.
- D. If the Chief Circuit Judge determines that the complaint merits investigation, the Standing Committee Chair will provide the complaint to the Standing Committee's members and to the FPD, unless the complaint relates to alleged criminal activity and disclosure to the FPD would jeopardize a related criminal investigation.

- (1) If the complaint is disclosed to the FPD, the FPD must formally respond to the complaint's allegations, in writing to the Standing Committee Chair, within 15 working days of receiving the complaint.
 - (2) If the complaint is not disclosed to the FPD, the Standing Committee Chair, in consultation with the Chief Circuit Judge, will decide how to proceed.
- E. The Standing Committee may undertake any relevant investigation and may enlist investigators or consultants as needed. The Standing Committee also may interview the complainant, the FPD, and any witnesses. The Standing Committee will provide the FPD an opportunity to respond to its investigative findings.
- F. Within 120 calendar days of first receiving the complaint from the Chief Circuit Judge, the Standing Committee will submit a written report to the Chief Circuit Judge with its findings and recommendations.

Section 7.04 Role of the Court of Appeals

- A. If the Standing Committee finds that the complaint is not of a nature serious enough to merit the FPD's removal, the Standing Committee should recommend that the Chief Circuit Judge dismiss the complaint. If the Chief Circuit Judge agrees, an order of dismissal will be sent to the complainant and FPD.
- B. If the Chief Circuit Judge disagrees with the Standing Committee's recommendation to dismiss the complaint or if the Standing Committee recommends the FPD's removal, the matter must be presented for a vote of the Court of Appeals at the next meeting of the court on whether to dismiss the complaint, investigate the matter further, remove the FPD, or take other action. All decisions must be by majority vote of all active judges voting. If time constraints or exceptional circumstances warrant, a vote may be conducted electronically.

Section 7.05 Additional Procedures

- A. The Chief Circuit Judge may extend any deadline for good cause.
- B. If the Court of Appeals votes to remove a FPD:
 - (1) the Chief Circuit Judge and/or Standing Committee Chair will orally advise the FPD of the court's vote and the effective date of separation;
 - (2) the Chief Circuit Judge's order of removal will state the effective date of separation;
 - (3) the removal order will be provided to the FPD, the Chief District Judge of the district served, and the Defender Services Office of the Administrative Office of the U.S. Courts;
 - (4) the complaint letter, any written response from the FPD, the Standing Committee's report, and the removal order will be attached to a completed Personnel Action Request and entered into the FPD's electronic personnel file with the Office of Personnel Management;
 - (5) the Chief Circuit Judge will appoint an Interim FPD as provided in Section 5.03 of these procedures; and
 - (6) the Standing Committee will initiate the selection process as provided in Chapter 3.
- C. Except for an order of the Court of Appeals removing a federal public defender, the entire complaint process shall remain confidential.