

**UNITED STATES DISTRICT COURT
Northern District of California**

**Memorandum of Understanding Governing
Assessment of Indigence for Initial or Continuing Appointment of Counsel**

By and Between

**The United States Pre-Trial Services Agency; the CJA Unit of the Clerk's Office; and the
United States Attorney's Office**

This Memorandum of Understanding (MOU) is entered into between the Office of Pretrial Services (USPTS); the CJA Unit of the Clerk's Office (CJA Unit), and the United States Attorney's Office (USAO), collectively the Parties. This purpose of the MOU is to improve and enhance cooperation and coordination in sharing financial information for use by the court in assessing indigence for defendants seeking initial and ongoing appointment of counsel pursuant to the Criminal Justice Act (CJA). The court will consider this information, along with the information submitted by a defendant on a *Financial Declaration in Support of Attorney or Other Services Pursuant to the Criminal Justice Act*. Depending on the offenses alleged, the court may also choose to require a defendant to submit the expanded version of that form, which contains more categories of inquiry.

Responsibilities of the USAO

1. The Chief of the USAO Criminal Division will make best efforts to ensure that all Assistant United States Attorneys (AUSAs) pursuing criminal prosecutions are aware of the importance of sharing financial information that is relevant to a determination of whether a defendant is indigent and therefore eligible for appointed counsel pursuant to the Criminal Justice Act (CJA) with the court and, when feasible, defense counsel. Relevant financial information identified by or learned after appointment of counsel should be promptly brought to the attention of the presiding judge and, when feasible, defense counsel.
2. AUSAs will emphasize to case agents that securing and communicating complete and detailed information regarding a defendant's financial situation should be a priority. For example, the identification and location of real and personal assets, recent asset transfers, financial liabilities, and sources of income should be promptly shared with the magistrate judge at the time counsel is appointed or with the presiding judge during the course of litigation, unless there is a law enforcement purpose for not doing so. When feasible, that information should also be shared with defense counsel before or when it is provided to the court.

Responsibilities of the USPTS

USPTS Officers will take an active role in updating the presiding judge regarding a CJA defendant, who is under supervision by the USPTS, about materially changed financial circumstances (*i.e.*, new or improved employment, sale/transfer of property or a business, and so

forth) that may be relevant to whether continued appointment of counsel is appropriate and/or whether financial contribution should be ordered.

Responsibilities of the CJA Unit of the Clerk's Office

For certain cases in which a defendant is alleged in the indictment to have received significant financial gain, the CJA Supervising Attorney may periodically ask the CJA panel attorney to submit an updated financial affidavit from a defendant as a condition of processing a pending request for CJA funds to retain a service provider. If a defendant's financial circumstances have materially changed, the CJA Unit will forward this information to the appointing magistrate judge or to the presiding judge.

Distribution

Prior to execution by the parties, a draft copy of the MOU will be provided to the Chief United States District Judge for review and concurrence. Each of the signatories to this MOU will make a copy available to the appropriate personnel within the respective office to ensure that all employees are aware of the agreed upon provisions of the MOU.

Administration

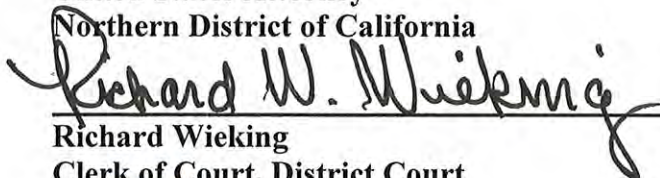
1. This MOU may be amended by written agreement of the Parties at any time.
2. The Parties agree to meet annually or as needed to discuss modifications to the MOU resulting from changes in inter-office policies and procedures, changes in inter-office relationships, changes in federal statutory authority, or other reasons.

Authorizing Signatures



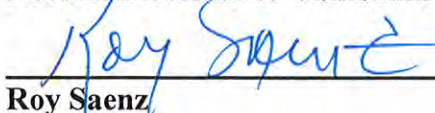
Melinda L. Haag
United States Attorney
Northern District of California

April 21, 2014
Date



Richard Wieking
Clerk of Court, District Court
Northern District of California

4/11/2014
Date



Roy Saenz
Chief, Pretrial Services
Northern District of California

4/11/2014
Date

Document Locator: G:\CJA\Financial Affidavit\MOU