

United States Court of Appeals For the First Circuit

NOTICE TO CJA COUNSEL REGARDING COMPLETION OF REPRESENTATION AND SUBMISSION OF A FINAL VOUCHER

Court-appointed counsel's attention is directed to 1st Cir. R. 46.5(c). If an appeal is denied, counsel must:

- Inform the client of the loss on appeal, the right to petition for a writ of certiorari, and the time period for doing so.
- Prepare and file a petition for a writ of certiorari if there are reasonable grounds to do so and the client requests it.
- If counsel determines that there are no reasonable grounds and declines to file a petition for a writ of certiorari requested by the client, counsel must so inform the Court and request leave to withdraw from the representation by written motion stating that counsel has reviewed the matter and determined that the petition would be frivolous, accompanied by counsel's certification of the date when a copy of the motion was furnished to the client.
- If the client does not wish to apply for certiorari or does not respond to the notification, counsel shall so inform the court by letter.

For more detailed information, counsel should consult 1st Cir. R. 46.5(c). Under all circumstances, counsel should either file a petition for a writ of certiorari or move to withdraw following the procedures set forth in Rule 46.5(c). The 45-day time period for filing a final CJA voucher runs from the filing of the petition or the order allowing the motion to withdraw.

In the event counsel does move to withdraw rather than file a petition for a writ of certiorari, counsel is advised to do so promptly and well in advance of the deadline for filing a petition. The court makes its own determination as to frivolousness before allowing a motion to withdraw. Occasionally, the court denies a motion to withdraw and requires counsel to file a petition.