

# A Conversation with CJA Panel Attorney Bill Brammell

Interviewed by Evan Nixon

The Sixth Amendment of the Constitution guarantees every person accused of a crime the right to counsel. In federal court, the Criminal Justice Act (CJA) translates that guarantee into practice, establishing a system for appointing and compensating attorneys who represent defendants unable to afford a lawyer. In the Western District of

Kentucky, that roster of private attorneys serves as a critical complement to the Federal Public Defender's Office, stepping in when the FPD has a conflict, when multiple co-defendants require separate counsel or when the volume of cases exceeds what the office can absorb.

Bill Brammell has served on the CJA Panel for close to seven years. Brammell currently serves as

the CJA Panel Representative for the Western District of Kentucky. His path to the CJA Panel began

during his clerkship with Judge Gregory F. Van Tatenhove, where he watched seasoned panel attorneys navigate the complexities of federal criminal practice. Through his observations, Brammell came to believe that the CJA Panel is not only one of the most essential forms of public service, but also invaluable practical experience for any attorney.

I sat down with Mr. Brammell to discuss the program, the work and why he believes more attorneys should consider joining the panel.

### The Path to the Panel

When asked what first drew him to CJA work, Brammell pointed to his clerkship experience. "I saw lots of criminal cases and panel attorneys during my clerkship," he said, "and I was inspired by the dedication to public service and the quality of the lawyers on the panel." Beyond the call of public service, Brammell identified a practical incentive that any litigator would recognize: "There is no better way to regularly practice in federal court than by being on the CJA Panel."

The Western District assigns CJA attorneys in each of its four divisions: Louisville, Bowling Green, Owensboro and Paducah. Attorneys are typically appointed to cases within the division where they reside and practice. The panel accepts applications each March and is always looking for more qualified candidates.

### The Work

Cases are randomly assigned by the clerk's office, and ap-

pointed counsel is usually in place shortly before the initial appearance. "Not only is competent representation critical at every stage of the criminal process, but you also need to begin building that relationship with the client on day one," Brammell noted. Once appointed, the work is the same as any other criminal defense case: reviewing discovery, evaluating defenses and building theories of the case.

The types of cases that come through CJA appointments span the full breadth of the federal criminal docket. "You see the full gamut," Brammell said. "A lot of drug cases, but usually with the added wrinkles of firearms or immigration complications. We've seen an uptick in immigration-related cases recently." He observed that the composition of the docket tends to shift with the priorities of the United States Attorney's Office. "If they're going after more street-level offenses, there are typically more appointments. If the emphasis shifts to white-collar cases, there are typically fewer."

Typically, a panel member should expect between four and six cases per year Brammell noted.

### No Second-Class Representation

When asked how CJA work compares to retained criminal defense representation, Brammell's answer was unequivocal: "There is no difference, and there shouldn't be. All cases and defendants are entitled to competent and professional representation, regardless of their ability to pay."

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Building trust with clients who did not choose their own attorney requires deliberate effort. Brammell described his approach: “I explain the role of the CJA, assure them they’ll receive the same level of attention and care, and then actually deliver on that. Keeping clients regularly updated on the progress of the case goes a long way towards ensuring a healthy attorney-client relationship.”

The importance of that commitment was illustrated by one case Brammell recalled in particular. A client had been indicted for armed robbery and faced a substantial sentence. “Through diligent review of the evidence and the record, we were able to demonstrate and convince the government that not only did they not have a case, but they may have had the wrong person entirely,” he said. “They ended up dismissing the case.” Without appointed counsel willing to dig into the details and put in the hard work, the outcome could have been profoundly different.

### **The Challenges of the Work**

The work is not without its difficulties. “Maintaining regular communication with incarcerated clients can be challenging,” Brammell acknowledged, “but local jails have become more accommodating recently.” A more persistent challenge involves managing client expectations around sentencing. “The difference between the state and federal system can be particularly jarring for clients who may have been involved in the state system but not the federal system before,” he explained. “Managing those sentencing expectations can be difficult sometimes.”

On the subject of compensation, Brammell noted that CJA rates are set at the national level and adjusted on a semi-regular basis. “There has been a major push recently by the ABA and practitioners across the country to raise the rates,” he said, “but at the end of the day this is a public service first and foremost.” When panel attorneys need additional re-

sources such as investigators, expert witnesses or mitigation specialists, they can petition the court for authorization and funding, a process Brammell described as straightforward and routine.

### **Training, Mentorship and Professional Growth**

The Western District invests in the development of its panel attorneys. There are semi-annual training sessions and panel members are invited to participate in trainings offered by the Eastern District as well. Panel attorneys can also attend national trainings and conferences at discounted rates, as well as enjoy discounted membership rates to national criminal defense attorney organizations.

Perhaps most notably, the CJA Mentorship Program has been a welcome development. Brammell described the program as a pipeline for developing the next generation of panel members. “The Mentorship Program lets less experienced attorneys work cases with experienced panel members, with the goal and expectation that they’ll then be eligible to become full panel members themselves.” He added that the collegial culture extends beyond the formal program: “Panel members are always willing to provide help and insight on cases.”

Serving on the panel has also shaped Brammell’s broader perspective as a lawyer. “Exposure to different people from different backgrounds who have been failed by the system and social safety nets has given me new insights and perspectives into my work as both a criminal and civil attorney,” he reflected. That experience has also given new meaning to his work on the Board of the Home of the Innocents, reinforcing the connection between courtroom advocacy and the wider community.

### **A Call to the Bar**

For attorneys considering the CJA panel, Brammell’s message was direct: “You don’t need extensive federal criminal

experience to get involved. There is support available to assist people who want to be involved and make a difference. We always need more qualified attorneys. The right attitude is more important.”

Asked whether the panel offers a good opportunity for younger lawyers in particular, Brammell broadened the point. “There’s no better way for any lawyer, not just young lawyers, to get experience in federal court.”

If there is one thing Brammell would change about the CJA program, it would be the level of public awareness surrounding the enterprise. “Public criminal defense needs to be properly and consistently funded in order to preserve the integrity of the criminal justice system for all people,” he said. For lawyers prepared to serve that mission, the CJA Panel remains the place to begin.

For more information about the CJA program, the Mentorship Program or panel eligibility requirements, visit [www.kywd.uscourts.gov/cja](http://www.kywd.uscourts.gov/cja), contact the CJA Panel Committee at [CJA\\_Committee@kywd.uscourts.gov](mailto:CJA_Committee@kywd.uscourts.gov) or reach out to any panel member (including Bill Brammell, [bill@wickerbrammell.com](mailto:bill@wickerbrammell.com)).

*Bill Brammell defends individuals and entities who have been accused of violating the law, public servants who have been sued while doing their job and businesses who need his help. Beyond that, Bill has experience litigating an array of other matters — from personal injury and whistleblower lawsuits, to voting rights and campaign finance challenges.*

*Evan Nixon represents individuals, public officials and businesses in a wide range of legal matters, with focuses on constitutional challenges and federal criminal defense. His practice also spans voting rights, commercial litigation and administrative appeals. ■*



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