

CJA VOUCHER & POLICY TRAINING



June 2011

National Criminal Justice Act (CJA) Voucher Training

Criminal Justice Act of 1964



- ❑ The CJA (18 U.S.C. 3006A):
 - ❑ Establishes a comprehensive system for appointing and compensating lawyers to represent financially eligible defendants in federal criminal proceedings.
 - ❑ Also authorizes payment for investigative, expert, and other services necessary for an adequate defense.
 - ❑ Funded nationally through the Judicial Conference – Committee on Defender Services and through Congress.

Criminal Justice Act of 1964

- ❑ Districts required to create “Plans” on how the requirements of the Act will be enacted in that district.
- ❑ Establishes:
 - ❑ Office of the Federal Public Defender
 - ❑ Panel of Private Attorneys

Attorney Panel Management

- ❑ Appendix I – Plan for the Composition, Administration, and Management of the Panel of Private Attorneys under the CJA
- ❑ 100 Panel Members – Camden – 20; Trenton – 20; Newark – 60
- ❑ Serve 3-year terms and can reapply
- ❑ Rotational assignments to representations

Attorney Panel Management

- ❑ “List Keepers” in each vicinage
- ❑ Assignments “in the interest of justice”, or direct assignments
- ❑ Firms / Associates

On-Line Reference Tool (ORT)

- ❑ Location and Purpose of the ORT
- ❑ Navigation and Search Strategies
- ❑ Type of material you will find in the ORT

Location and Purpose

- ❑ Located on uscourts.gov and the J-NET
- ❑ Also located locally at njd.uscourts.gov
- ❑ Rapid access to voucher submission and processing procedures and policies
- ❑ Content conveniently organized
 - ❑ By Topics
 - ❑ By Roles

Access Content by Topics



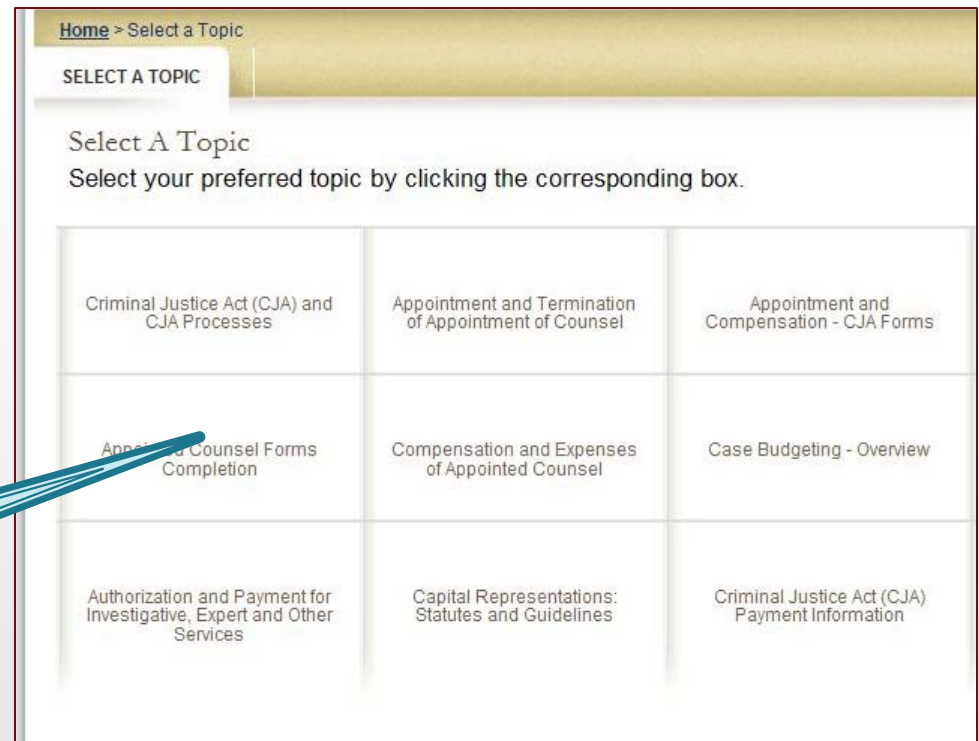
The screenshot shows the top navigation bar of the United States Courts website. On the left is the United States Courts logo featuring an eagle and the text "UNITED STATES COURTS". To the right of the logo is a red button labeled "Back to U.S. Courts Homepage". Below the navigation bar are two tabs: "HOME" and "TOPICS". The "TOPICS" tab is highlighted with a blue callout bubble that says "Click Topics." Below the tabs is a white box containing the following text:

Welcome to the National CJA Voucher Program

The purpose of the Online Reference Tool (ORT) is to provide access to information concerning the procedures and policies of the National Criminal Justice Act (CJA) Program. The information is conveniently organized and categorized by topics and roles and is accessible through a variety of menus.

Click Topics.

Click on preferred topic.



The screenshot shows the "Select A Topic" page. At the top, there is a breadcrumb trail: "Home > Select a Topic". Below this is a yellow header with the text "SELECT A TOPIC". The main content area is titled "Select A Topic" and includes the instruction: "Select your preferred topic by clicking the corresponding box." Below the instruction is a 3x3 grid of topic options, each in a white box with a thin border:

Criminal Justice Act (CJA) and CJA Processes	Appointment and Termination of Appointment of Counsel	Appointment and Compensation - CJA Forms
Appointment of Counsel Forms Completion	Compensation and Expenses of Appointed Counsel	Case Budgeting - Overview
Authorization and Payment for Investigative, Expert and Other Services	Capital Representations: Statutes and Guidelines	Criminal Justice Act (CJA) Payment Information

Access Content by Roles

Click Roles.

[Back to U.S. Courts Homepage](#)

National CJA

Text Size **S** **M** **L**

SEARCH:

TOPICS

ROLES

[Home](#) > [Select a Role](#)

SELECT A ROLE

Select A Role

Select your preferred role by clicking the corresponding box.

Attorney

Reviewer

Click your preferred role.

Click the preferred topic

[Home](#) > [Select a Role](#) > [Select a Topic](#)

SELECT A TOPIC

Select A Topic

You have selected the role of Attorney.

Select your preferred topic by clicking the corresponding box.

Criminal Justice Act (CJA) and CJA Processes

Appointment and Termination of Appointment of Counsel

Appointment and Compensation - CJA Forms

Appointed Counsel Forms Completion

Compensation and Expenses of Appointed Counsel

Case Budgeting - Overview

Navigating Content



Click Next or Prev.

1

Use the "Bread Crumbs"

4

[Home](#) > [Select a Topic](#) > [Appointment and Termination of Appointment of Counsel](#) > Appointment of Coun

APPOINTMENT OF COUNSEL

Appointment of Counsel

[Prev](#) [1](#) [2](#) [3](#) [4](#) [Next](#)

New Appointments Following

[\[Guide, § 220.30\]](#)

A new appointment on Form CJA 20 should be person represented in the following proceedings:

- new trial after motion, mistrial, reversal, or remand on appeal;
- probation revocation proceedings;
- appeal, including interlocutory appeals;
- appeals to a court of appeals;
- writs;
- condition hearings under:

Use expandable menu.

2

Click Next, Prev, or specific page number

3

Use the **ORT** for...

- Linking to the CJA Guidelines (Volume 7, Part A), also referred to as “the Guide”

Use the ORT for...

- ❑ Accessing forms/vouchers and instructions
 - ❑ In-text reference to fill-able forms and instructions
 - ❑ National Contacts and Resources > CJA Contact and Information

Use the ORT for...

- Reviewing policy about current rates and statutory limits
- Compensation and Expenses of Appointed Counsel > Authorized Compensation and Limitations > Hourly Panel Attorney Rates and Case Compensation Maximums

Use the ORT for...

- Reviewing information about expenses
 - Compensation and Expenses of Appointed Counsel > Reimbursable and Non-Reimbursable Expenses section

Submitter's Role

CJA Panel Attorney



Appointed Counsel - Submitter

- ❑ Role Overview
- ❑ Advance Approvals
- ❑ Attorney Voucher Submission Procedures
- ❑ Common Submission Errors

Appointed Attorney Vouchers - Submitter

- ❑ Appointed attorneys
 - ❑ complete and sign Form CJA 20 and attach supporting documentation
 - ❑ make separate claims to district and appellate courts
 - ❑ should submit voucher no later than 45 days after final disposition of the case, unless good cause is shown in writing

CJA – Statutory Limitations - Submitter

- Hourly Panel Attorney Compensation Rates
 - \$125.00 – Non-Capital
 - \$178.00 – Capital

- Attorney Case Compensation Maximums
 - \$9,700.00 – Non-Capital
 - \$2,100.00 – “Other” Representations (e.g., Grand Jury Target)

Advance Approvals - Submitter

Advance approvals are required:

- ❑ To claim compensation for work of lawyers who are neither appointed nor a partner or associate of the appointed attorney
- ❑ For interim payment of compensation

Work of Co-Counsel/Associates

Submitter

- ❑ Only appointed counsel may submit vouchers for attorney services.
 - ❑ Co-counsel or other attorneys who are not appointed may not.
- ❑ Appointed counsel may submit claims for services furnished by a partner or associate (or other attorney with prior authorization), within the attorney case compensation maximum.

Interim Payment Request - Submitter

- ❑ An appointed attorney requests prior approval to submit claims for interim payment of compensation.

- ❑ The request should include:
 - ❑ an explanation why interim payment is necessary

 - ❑ proposed Order submitted to trial judge

- ❑ Approval of the chief circuit judge (or designee) is required where excess compensation is anticipated.

Interim Payment Requests - Submitter

- ❑ Procedures for interim billing:
- ❑ Order for interim billing found on our website at www.njd.uscourts.gov
- ❑ Submit a separate voucher for each interim payment

Interim Payment Requests - Submitter

- ❑ “Interim” vouchers must be submitted through ending date of service
- ❑ “Interim” vouchers submitted during course of the representation, 1/5th (20%) of attorney service claims are withheld, expenses paid in full
- ❑ “Final” voucher submitted, details the time and expenses claimed for the entire case, including copies of supporting documentation from the “interim” vouchers
- ❑ The 1/5th (20%) withheld is released upon final approval of District/Magistrate Judge and Circuit Judge designee

Compensation and Expenses (Counsel) Submitter

- ❑ Authorized Compensation for Non-Capital Cases
- ❑ Reimbursable and Non-Reimbursable Expenses
- ❑ Voucher Completion and Submission
- ❑ Common Issues

Authorized Compensation Submitter

- Hourly Rates
- Case Compensation Maximums
- Hourly rates and compensation maximums can be accessed through the on-line reference tool

Excess Compensation Vouchers

Submitter

- ❑ Submit applicable voucher (Form CJA 20)

- ❑ Attach explanation justifying claim that:
 - ❑ Representation was provided in an extended or complex case, and
 - ❑ Excess payment is necessary to provide fair compensation.

- ❑ Attorney may use:
 - ❑ Certification of Excess Compensation
 - ❑ Form CJA 26 (District Court)

Reimbursable Attorney Expenses

Submitter

- ❑ Reimbursement is authorized for expenses reasonably incurred for the representation
 - ❑ Claimed on Form CJA 20/30
- ❑ Reimbursement is not limited by attorney case compensation maximums
- ❑ Approvers determine whether amounts claimed are reasonably incurred

Reimbursable Expenses

Submitter

- Reimbursable out-of-pocket expenses:
 - Computer-assisted legal research
 - Travel expenses
 - Telephone toll calls and facsimile transmissions
 - Copying, postage, and messenger services

Attorney Travel Expenses

Submitter

- ❑ Request advance approval to receive government travel rates when travelling outside of the District
- ❑ To avoid issues later about reimbursement for travel expenses, it is *advisable* for counsel to obtain the court's prior authorization for travel

Travel Authorization Form



WILLIAM T. WALSH
CLERK

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY
OFFICE OF THE CLERK
Martin Luther King Jr. Federal Bldg & U.S. Courthouse
50 Walnut Street, Room 4015
Newark, New Jersey 07101

CAMDEN OFFICE
Mitchell H. Cohen U.S. Courthouse
One John F. Gerry PLAZA
Fourth & Cooper Streets, Room 1050
Camden, New Jersey 08101

TRENTON OFFICE
Clarkson S. Fisher U.S. Courthouse
402 East State Street, Room 2020
Trenton, NJ 08608

REPLY TO: TRENTON

TRAVEL AUTHORIZATION

(Please complete this form and submit to the Court for approval)

Name:

Case Caption:

Travel Dates: (May be nonspecific if confidentiality is required).

Purpose of Travel: (Destination/reason for trip. May be nonspecific if confidentiality is required).

Pursuant to Section 702 of the Federal Courts Administration Act of 1992, Public Law 102-572, 106 Stat. 4506, you are hereby authorized to obtain government travel rates for the above-described trip in connection with your representation under the Criminal Justice Act.

You are authorized to contact Omega World Travel at 1-866-450-0401 to request reservations and airline tickets. You must identify yourself as a CJA Panel Attorney (or Expert) in the District of New Jersey and advise Omega that your tickets are to be charged to this court's account. You should instruct Omega where to deliver your tickets.

A copy of this Travel Authorization, as well as a copy of the airline tickets which were provided by Omega, must be attached to your voucher for audit purposes.

Date of Request

U.S.D.J.

Internal Reference Number
(For Court Use Only)

Date

(Rev. 4/11)

Non-Reimbursable Expenses

Submitter

- ❑ General office overhead is not reimbursable:
 - ❑ Rent
 - ❑ Telephone service
 - ❑ Secretarial expenses
 - ❑ Supplies

- ❑ CJA attorneys are expected to use their own office resources, including secretarial help, for work on CJA cases.

Non-Reimbursable Expenses

Submitter

- ❑ PACER fees
- ❑ Items of a personal nature for defendant (clothes, meals, travel)

Supporting Documentation

Submitter

- ❑ Attach required supporting documentation:
 - ❑ Split Rate Worksheet
 - ❑ An itemized statement of the services provided; billing sheets should be separated by categories as broken down on voucher form, with subtotals; hours **must** be in tenths (e.g., 2.8 hrs., **not** 2.75 hrs.)
 - ❑ An itemized statement of all expenses
 - ❑ Receipts for single-item expenses exceeding \$50
 - ❑ Utilize correct mileage rate (chart available at www.njd.uscourts.gov)
 - ❑ Certification for excess compensation and/or CJA Form 26

Questions

Submitter



Reviewer



Attorney Submission Procedures

Reviewer

- ❑ Completing and Submitting Voucher Forms
 - ❑ Make separate claims to District and Appellate Courts
- ❑ Attaching Supporting Documentation

Attorney Voucher Submission

Reviewer

- ❑ To request payment, appointed counsel:
 - ❑ Completes Form CJA 20/CJA 30
 - ❑ Attaches supporting documentation
 - ❑ Signs voucher form

- ❑ *To prevent errors, verify accuracy of all data (e.g., dates of service, rates, and calculations) prior to submitting voucher.*

Attorney Voucher Submission Reviewer

- All CJA Vouchers are to be mailed to:

ANNA M. CONNELLY
U.S. DISTRICT COURT
CLARKSON S. FISHER
U.S. COURTHOUSE
402 EAST STATE STREET
ROOM 2020
TRENTON, NJ 08608



Common Review Submission Errors

Reviewer

- ❑ Incomplete voucher forms
- ❑ Incorrect hourly rates claimed
- ❑ Incorrect mileage rates claimed
- ❑ Mathematical errors
- ❑ Reporting of hours
- ❑ Missing authentic signatures
- ❑ Incomplete documentation of time or expenses
- ❑ Missing explanations or justifications

Common Review Submission Errors

Reviewer

- ❑ Excess compensation memorandum required if claimed compensation for the representation exceeds case maximums (CJA 26 Form on website). This is also required and reviewed by Circuit designee.

Time Limit Reviewer

- ❑ Appointed attorneys should submit vouchers no later than 45 days after case disposition.
- ❑ If submission is over 45 days, good cause must be shown in writing.

Miscellaneous Issues

Reviewer

- ❑ Fees not payable out of CJA Appropriations:
 - ❑ Witness fees, travel costs and expenses for service of subpoenas

(Rule 17, Fed.R.Crim.P and 28 U.S.C. 1825)

Miscellaneous Issues

Reviewer

- General Office overhead; items of a personal nature purchased on behalf of person
- Filing fees or PACER fees (panel attorney should obtain a login and password as a CJA attorney from the PACER Service Center)
- Travel, housing or subsistence of represented party not in custody (contact U.S. Marshal's Service for information)

Miscellaneous Issues

Reviewer

- ❑ Change of Address, Phone numbers, E-mail addresses, Firms or Tax reporting information
 - ❑ Notify CJA Administrator - Immediately
 - ❑ Supply updated Panel Attorney Information Sheet
 - ❑ Tax Information will **NOT** be changed without form

Key Points for Reviewers:

- ❑ Is it a **Interim (Withholding 20%)**, **Interim without withholding**, **Supplemental** or **Final** Voucher

- ❑ Are hourly rates applied correctly – current rate \$125. p/hr. for non-capital representations
 - ❑ Re-calculate all hours at applicable rate
 - ❑ Verify that all hours are entered in hours and tenths of an hour

- ❑ Are billing sheets and receipts submitted with voucher, mileage rate for travel applied correctly

- ❑ Who billed for time? Other attorneys at firm, or paralegals

Key Points for Reviewers:

- ❑ Identify possible non-compensable services or non-reimbursable expenses
- ❑ Contact Attorney (e.g., if questions arise or reduction is proposed or voucher is being returned)

Key Points for Reviewers:

- ❑ Mathematical and Technical review of all vouchers submitted for payment PRIOR to submission to Judge for consideration
- ❑ Voucher forms completed and signed; billing records, invoices, receipts (if necessary) supplied; prior authorizations obtained (if required)
- ❑ Do Vouchers have all approvals/signatures
- ❑ Submit to District or Magistrate Judge for review and approval, and to Circuit designee (if required)

Questions

Reviewer



Approvers/Excess Approvers

- ❑ CJA Statutory Limitations
- ❑ Approver Role Overview
- ❑ Excess Approver Role Overview
- ❑ Appointment of Counsel
- ❑ Prior Approvals (Attorney Claims)
- ❑ Prior Authorizations (Other Services)
- ❑ Case Budgeting
- ❑ CJA Voucher Reviews

Approver – U.S. District Judge/U.S. Magistrate Judge

- ❑ CJA Vouchers (Payment Claims)
 - ❑ Approvers are judges (or delegates) who approve/disapprove CJA voucher amounts for payment within the level of their statutory or delegated authority
 - ❑ Presiding Judge (Approver) determines whether the compensation claimed should be approved as necessary and *reasonable* to provide adequate representation
 - ❑ Approver also determines whether claimed expenses should be reimbursed as reasonably incurred
 - ❑ for amounts within (or not limited by) a statutory attorney case compensation maximum
 - ❑ for claims submitted by appointed panel attorneys and service providers
 - ❑ for representation of eligible CJA clients

Approver – Role Overview

- ❑ Approvers make other related decisions (within their statutory or delegated authority):
 - ❑ Approval/disapproval of requests to obtain “other necessary services” on behalf of an eligible client
 - ❑ Approval/disapproval of proposed case budgets
 - ❑ Approval/disapproval of interim payment requests
 - ❑ Ensuring that required prior notifications are made for proposed reductions of CJA attorney vouchers, and that the attorney is given an opportunity to address the matter

Proposed Voucher Reductions - Approver

- ❑ It is Judicial Conference policy that courts should provide the attorney with prior notice of a proposed reduction, a brief statement of the reasons for it, and an opportunity to address the matter (unless based on mathematical or technical errors).
- ❑ Reviewers may assist the court in providing these notifications and in communicating with the attorneys.

Approver – Role Overview

- ❑ CJA Vouchers (Excess Payment Claims)
 - ❑ Approvers evaluate CJA claims that exceed statutory limits, certify the excess amounts are authorized and reasonable, and make recommendations to the Excess Approver.
 - ❑ The Excess Approver is the chief judge of the circuit or circuit judge delegate.

Excess Approver – Role Overview

- ❑ Excess Approvers are chief circuit judges (or judge delegates) who approve/disapprove:
 - ❑ CJA voucher amounts that exceed statutory limits
 - ❑ Requests to obtain “other necessary services”
 - ❑ for costs expected to exceed statutory limits
 - ❑ Proposed case budget amounts
 - ❑ where expected to exceed statutory limits
 - ❑ Requests for interim payments
 - ❑ where costs are expected to exceed statutory limits

Questions

Approvers / Excess Approvers



CJA 21'S/31'S

AUTHORIZATION AND PAYMENT

FOR SERVICES

OTHER THAN COUNSEL

Authorization and Payment for Services Other Than Counsel

- ❑ Authorization Requests
- ❑ Voucher Completion and Submission
- ❑ Reimbursable and Non-Reimbursable Expenses
- ❑ Common Issues

Investigative, Expert and Other Services -- Contrast with Counsel Claim

- ❑ The costs of obtaining necessary investigative, expert, or other services under the CJA, subsection (e), are **NOT** considered appointed attorney out-of-pocket expenses.
- ❑ Attorneys request authorization for the services using the Form CJA 21/31.
- ❑ Claims for payment are submitted by the service providers on the Form CJA 21/31.
- ❑ The appointed attorneys should not claim these costs on the Form CJA 20/30.

Investigative, Expert and Other Services

- ❑ Services necessary for an adequate representation, paid for out of appropriated funds (CJA 21/31 Forms)
- ❑ If **anticipated** costs for a **service** exceeds \$800.00, prior authorization must be obtained, unless a Judge finds that timely procurement of necessary services could not await prior authorization
- ❑ If total compensation to a service provider exceeds \$2,400.00, payment requires Circuit review and approval

Authorization Requests - **Submitter**

- ❑ Attorneys must obtain prior authorization for investigative, expert, or other necessary services, where the cost exceeds \$800.
- ❑ Unless waived by the presiding judge, upon a finding that, in the interest of justice, timely procurement of necessary services could not await prior authorization.
- ❑ The attorney uses the Form CJA 21 or Form CJA 31 to request prior approval.

Authorization Requests - Submitter

- ❑ Prior authorization should be obtained when it is anticipated the cost of other services will exceed statutory limits.
 - ❑ Guide, Appendix 3A
- ❑ Statutory Limits:
 - ❑ Non-capital: \$2400, excluding expenses
 - ❑ Capital: \$7500, total per case for costs (fees and expenses) for other service providers

Authorization Requests - Submitter

- ❑ The request should include:
 - ❑ Reasons for requesting service
 - ❑ Provider's relevant experience and qualifications
 - ❑ Hourly rate requested
 - ❑ Fee arrangement, as applicable
 - ❑ Specific service and expenses to be included
 - ❑ Whether additional services/funding may be requested from/for this provider (as applicable)
- ❑ Counsel should communicate the specific terms of the approval to the service provider.

Attorney's Role - Submitter

- ❑ Upon receiving a provider's voucher, the appointed attorney:
 - ❑ Reviews the voucher, including attachments
 - ❑ Communicates with the service provider as appropriate regarding the services provided
 - ❑ Certifies the services were provided as claimed, by signing the voucher
 - ❑ Provides the voucher to the designated reviewer
 - ❑ Provides additional explanations as appropriate or required by the court
 - ❑ It is the panel attorney's responsibility to ensure that the CJA 21/31 voucher form is completed correctly and that the claimed amounts are reasonable and accurate

Service Provider Vouchers - Submitter

- ❑ Claims submitted by other service providers are subject to waivable statutory payment limits:
 - ❑ Non-capital cases: \$2400, excluding expenses
 - ❑ Capital cases: \$7500, total per case for costs (fees and expenses) for all other service providers
 - ❑ Note: These limits do not apply to transcripts
- ❑ Presiding judges or delegates determine whether claims are reasonable and should be approved
 - ❑ for amounts within or not subject to the statutory limits
- ❑ Reimbursement is authorized for expenses reasonably incurred for the representation.

Service Provider's Role

- ❑ Completes applicable voucher form:
 - ❑ Form CJA 21 (non-capital cases)
 - ❑ Form CJA 31 (capital cases)
 - ❑ Form CJA 24 (transcripts)

- ❑ After verifying all data and signing the form:
 - ❑ Attaches supporting documentation
 - ❑ Provides voucher to appointed or retained attorney, directly or through the court, for review and certification that services were rendered

Service Provider's Role

Supporting Documentation

- ❑ Attach required supporting documentation:
 - ❑ An Itemized statement of the services provided
 - ❑ An explanation of the fee arrangement
 - ❑ Timesheets, worksheets, memoranda
 - ❑ An itemized statement of all expenses
 - ❑ Receipts for all single-item expenses in excess of \$50 and itemized receipts for lodging (if applicable)

Service Provider's Expenses

- ❑ Non-capital cases

- ❑ Reimbursable if reasonably incurred

- ❑ \$2400 statutory limit does not apply to expenses

- ❑ Capital cases

- ❑ Reimbursable if reasonably incurred

- ❑ \$7500 statutory limit applies to total fees and expenses in a case for “other services”

- ❑ Request prior approval if it is anticipated that costs will exceed the statutory limit

Service Provider's Reimbursable Expenses

- ❑ Service providers claim reimbursement for expenses reasonably incurred in performing authorized services on the Form CJA 21/31.
- ❑ Reimbursable travel expenses include reasonably incurred transportation, lodging, meals, and miscellaneous expenses.
- ❑ Reimbursement is for actual expenses only; per diem is not authorized.
- ❑ Travel Authorization Form is required for travel outside the District. (www.njd.uscourts.gov)

Service Provider's Non-Reimbursable Expenses

- ❑ Non-reimbursable items (examples):
 - ❑ alcoholic beverages
 - ❑ entertainment (e.g., movies, sporting events, and sightseeing tours)
 - ❑ parking fines or fees for traffic violations
 - ❑ personal automobile expenses (e.g., Personal Accident Insurance and Personal Effects Coverage)

Common Errors - Reviewer

- ❑ No prior authorization executed on form (Sections 12-15) or no copy of order attached
- ❑ Incomplete voucher forms
- ❑ Incorrect mileage rates claimed
- ❑ Mathematical errors
- ❑ Missing authentic signatures
- ❑ Incomplete documentation of time or expenses
- ❑ Invoices of Service Provider are often not attached to CJA 21
- ❑ Invoices should be detailed (hours, travel, expenses, including mileage, etc.

Questions

CJA 21's/31's



Miscellaneous – Service Provider’s, Experts, etc.



Psychiatric or Psychological Evaluations

- ❑ Not always funded by CJA
- ❑ Required to be “defense related” to be paid by CJA
 - ❑ Example: If a defendant is being evaluated to determine his ability to stand trial, that is not considered “defense related” and should be paid for by Department of Justice

Interpreters

- ❑ Panel attorneys pre-sign the CJA 21/31 certification that services have been rendered **BEFORE** the interpreter enters the payment claim information
- ❑ Double billing for interpreter services for half or full day work for different court units (Panel Attorneys, Court, Probation, Pretrial and Public Defender)
- ❑ Double billing of travel time and expenses when traveling detention facilities for more than one client

Computer Hardware/Software

- ❑ Purchase of computer hardware/software or payment for related services with CJA funds requires advance approval.
- ❑ Consult with the AO's Office of Defender Services (and, as part of the request, attach the ODS recommendation) regarding:
 - ❑ Computer hardware/software exceeding \$500 or
 - ❑ Utilization of computer resources with an expected combined cost exceeding \$10,000.
- ❑ Purchases remain U.S. property and must be returned.

Questions



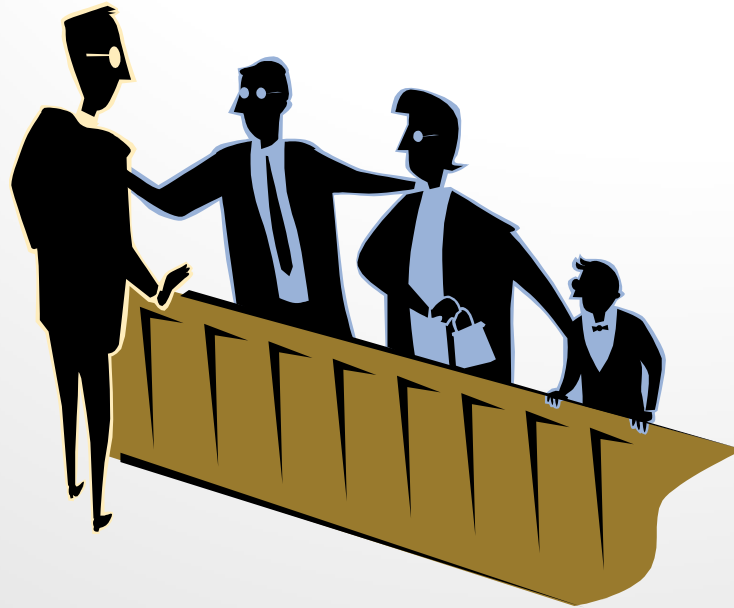
CJA 24's TRANSCRIPTS



CJA Transcripts

- ❑ Transcripts must be authorized by presiding judge on a CJA 24 Form
- ❑ Counsel should not claim transcript expense on CJA 20
- ❑ Special Authorizations for delivery other than ordinary (14 day; Expedited; Daily; Hourly; Real time) and for certain trial transcripts (Opening Statement, Voir Dire, etc.)
- ❑ Panel Attorney's obligation to obtain authorizations and to certify that the page rate and delivery schedules referenced on voucher are accurate and were adhered to

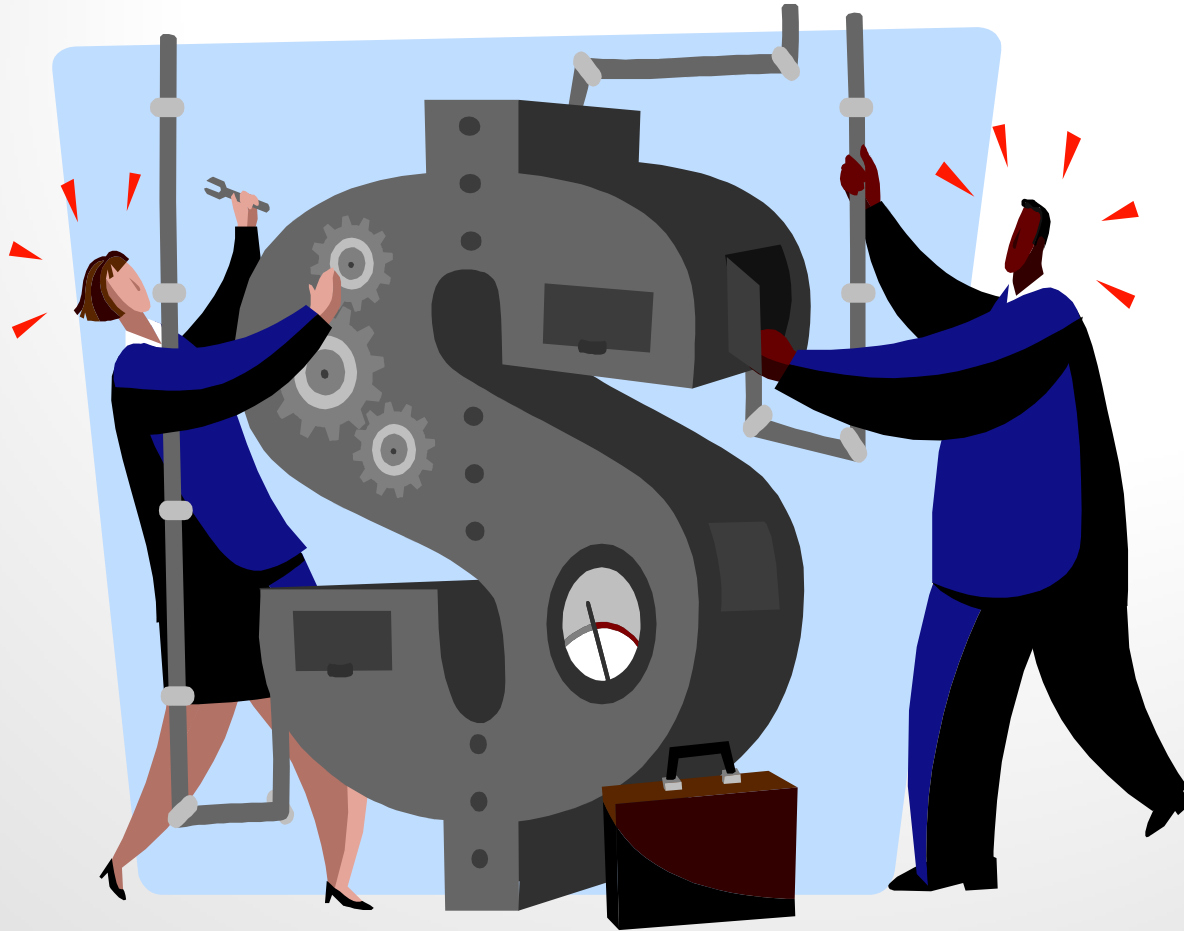
Capital Case Representations



Capital Case Representations

- ❑ CJA 30/31 Forms utilized
- ❑ Interim Billing / Capital Case Interim Order required
- ❑ No 20% withholding or Circuit approvals needed for attorney vouchers (CJA 30)
- ❑ If the total costs of ALL expert, investigative and other services combined are anticipated to exceed \$7,500, advanced authorization from District Judge and certification by Chief Judge of U.S.C.A. required

Case Budgeting



What is a “Mega Case?”

- ▶ More than 300 hours
- ▶ More than \$30,000



Case Budgeting

- ❑ Counsel submits initial litigation budget.
 - ❑ Proposed costs of attorney work
 - ❑ Use of investigative, expert, and other services
- ❑ Budgets should be submitted *ex parte*.
- ❑ Courts may approve requests to obtain other services before the budget is submitted and approved, where prompt authorization is necessary for adequate representation.

Case Budgeting – Submission

- ❑ Budget Approval Process:
 - ❑ Presiding judicial officer sends the budget to the chief judge of the court of appeals (for approval consistent with statutory limits or specific court policies).

- ❑ Counsel should advise the court of significant changes to the estimates.

Case Budgeting – Worksheets

- ❑ AO case-budgeting worksheets and instructions are available at www.fd.org for:
 - ❑ non-capital cases (Forms CJA 28A - 28H)
 - ❑ federal capital prosecutions

- ❑ There are Ninth Circuit Excel Worksheets for:
 - ❑ federal capital prosecutions
 - ❑ capital habeas corpus 2254 representations

- ❑ Contact the ODS Legal and Policy Branch Duty Day Attorney at (202) 502-3030.

Case-Budgeting Assistance

- ❑ Case-budgeting expert services for judges
 - ❑ The AO's Office of Defender Services has secured the services of expert litigators to help judges assess proposed case budgets.
- ❑ Circuit case-budgeting attorneys (Second, Sixth, Ninth) assist judges and CJA attorneys
- ❑ Federal Death Penalty Resource Counsel Projects assist judges and CJA attorneys
- ❑ Other Online Resources
 - ❑ Federal Judicial Center (www.fjc.gov)

Administrative Office Audits



Administrative Office Audit of CJA Claims for Payment

- ❑ All claims for payment under the CJA are subject to an audit by the Administrative Office of the U.S. Courts.
- ❑ Maintain contemporaneous time and attendance records and expense records for three (3) years.
- ❑ Additional information on auditing is in a memo available through the online reference tool (ORT).

Questions



LOCAL POLICY



- ❑ Annual Procedures Letter 2011
- ❑ Paralegal Benchmark Limitation
- ❑ Investigators Benchmark Limitation
- ❑ Interpreters

Annual Procedures Letter 2011

Answers commonly asked questions:

- Hourly Rates/Travel Expenses
- Investigators/Paralegal Rates
- CJA 20's, CJA 21's & CJA 24's
- CJA 30's & 31's
- Fees not Payable out of CJA Appropriations
- **NEW INFORMATION HIGHLIGHTED IN RED**

Paralegal Benchmark Limitation

- Paralegal **Benchmark** Limitation:
 - \$60.00 p/hr.
 - Paralegal time should be submitted in “Other Expense” Category of Attorney’s CJA 20

Investigators & Interpreters Benchmark Limitations

Investigators/Benchmark Limitation:

\$85.00 p/hr.

Interpreters:

Did they also work for the court/other agency during the same day?

Review Questions ??????

- ❑ What expenses can be reimbursed?
- ❑ Where can current rates, case maximums and mileage rates be found?
- ❑ In a multi-defendant case do compensation maximums apply to each defendant or to each case?
- ❑ May CJA resources be used to purchase clothing for a defendant?

“TIME IS MONEY”



“The Future” – CJA E-Vouchering



TRAINING IS ADJOURNED

