

## Compensation and Expenses of Appointed Counsel

### Appointed Attorney Compensation

The Criminal Justice Act (CJA) establishes maximum hourly panel attorney compensation rates for capital and non-capital cases. Current rates can be found at [http://www.fd.org/odstb\\_CJARates.htm](http://www.fd.org/odstb_CJARates.htm).

The CJA also sets waivable limits on the total compensation payable to an appointed attorney in a non-capital representation, by case type. These amounts also can be found at [http://www.fd.org/odstb\\_CJARates.htm](http://www.fd.org/odstb_CJARates.htm). Payments exceeding these amounts may be authorized for extended or complex representations, where the presiding judge certifies that the excess payment is necessary to provide fair compensation for an extended or complex representation and the chief judge of the circuit (or judge delegate) approves the payment.

In a case in which the total compensation claimed by the appointed attorney is more than the statutory maximum, the appointed attorney must submit with the voucher (Form CJA 20) a detailed memorandum (or the Form CJA 26/Form CJA 27) supporting and justifying the counsel's claim that:

- The representation given was in an extended or complex case.
- The excess payment is necessary to provide fair compensation.

### Non-Compensable Hours

Hours that are not compensable under the CJA include the following:

- Time completing the voucher claim.
- Time spent as a guardian ad litem appointed under 18 U.S.C. § 5034.
- Time providing services of a personal nature — CJA Guideline 230.66.20.

### Reimbursable Expenses (Examples)

- Out-of-pocket expenses reasonably incurred:
  - Computer-assisted legal research
  - Telephone toll calls
  - Facsimile (fax) transmissions
  - Copying
  - Postage
  - Court-authorized transcripts
  - Travel expenses involving CJA work (examples)
    - Subsistence (e.g., lodging and meals)
    - Miscellaneous expenses (e.g., taxi fares and tips to the taxi driver, checked baggage fees)
    - Airfare, rental car, private auto mileage, etc. depending upon circumstances

### Non-Reimbursable Expenses (Examples)

- General office overhead:
  - Rent
  - Telephone service
  - Secretarial expenses
- Items of a personal nature purchased for or on behalf of the person represented:
  - New clothing or having clothing cleaned
  - Haircut
  - Cigarettes, candy, or meals
- Printing briefs
- Taxes paid on attorney compensation received under CJA
- Alcoholic beverages
- Entertainment (e.g., movies, sporting events, sightseeing tours)
- Parking fines or fees for traffic violations
- Personal automobile expenses (e.g., personal accident insurance and personal effects coverage)