

NEW JERSEY CJA PROCEDURES

Please be advised that your acceptance of an appointment and representation of a defendant in a case is considered by the Court to be an obligation on your part to represent a defendant at every stage of the proceedings, from initial appearance before the Magistrate or the District Judge through appeal, including appropriate ancillary matters. It is also your responsibility to comply with applicable procedures and guidelines.

If an appeal is taken and you are appointed by the United States Court of Appeals, any motion to be relieved as the assigned counsel for the defendant should be filed with the Clerk of the United States Court of Appeals.

Pursuant to the Guidelines for Administering CJA, Volume 7, Chapter 2 § 230.13, vouchers should be submitted no later than 45 days after the final disposition of the case.

(A) Attorney Services: Waivable Maximum Compensation:

Case compensation maximums are established for Non-Capital representations, and apply to attorneys fees only (expenses excluded). **See CJA Guidelines for current maximums.** Claims for services of Court appointed and Court authorized counsel in excess of the maximum amounts **must be accompanied by a detailed memorandum**, supporting and justifying that the representation given was in an extended or complex case and that excess payment is warranted to provide fair compensation. **(See CJA 26 and 26A posted on our website, for additional assistance.)**

(B) Partners/Associates/Other Counsel :

See Third Circuit Guidelines effective January 1, 2016 for additional information.

- (C) **Travel outside the District (Attorneys and/or Experts, Investigators, etc.)** - If travel outside the District is deemed necessary, authorization must be obtained from the presiding judicial officer. If air travel is necessary, arrangements must be made and Government rates obtained through National Travel Service. You must complete and submit a Travel Authorization in eVoucher. Additional information on reimbursement for lodging, meals and incidental expenses can be obtained from the Clerk's Office. You will be notified when travel has been authorized and may then proceed to make your travel arrangements.

All travel expenses and miscellaneous expenses which exceed \$50 **must be supported** by documentation (receipts, cancelled checks, etc.).

(D) **Investigative, Expert and other Services:**

(1) **Benchmark Limitations:**

Investigators:	Hourly Rate:	\$85.
Paralegals:	Hourly Rate:	\$60.

See **Third Circuit Guidelines effective January 1, 2016 for additional information.**

(2) **CJA 21 Voucher: Non-Capital Representations:**

(a) **Prior Authorization:** Prior Court authorization is required if it is anticipated that the total cost of the service will exceed \$800. Circuit authorization and approval is required if the total payment to the service provider exceeds \$2,500.

(b) **Investigators/Paralegals:** As noted above, hourly benchmark limitations have been established for investigators and paralegals. Prior authorization must be obtained to exceed these benchmark rates. Claims for payment in excess of these established rates without prior authorization will be reduced by the Clerk's office prior to submission to the presiding judge. Prior authorization requests for investigators and paralegal services **must include** the hourly rate used to calculate the amount of authorization requested. If higher hourly rates are charged at the time of billing without prior authorization from the judge, the amount claimed will be reduced to the maximum hourly rate.

(3) **CJA 31 Voucher: Capital Case Representations:**

A maximum threshold of \$7,500 has been established for the **total** costs of fees and expenses for investigative, expert and other services. If it can be anticipated that such payments will exceed this maximum, **advance** approval should be obtained from the District or Magistrate Judge, with subsequent approval sought from the Circuit Court. **A sample memorandum is posted on our website.**

(4) **Interpreter Services:** It is your responsibility as a CJA Panel Attorney to negotiate the most reasonable rate based on the contract interpreter's qualifications. **Attached is a listing of the current rates by qualification.** If you need assistance in locating qualified interpreters, contact Irene Caramuta at (973) 645-4621.

(5) **Psychiatrists, Psychologists, and Related Experts:**

CJA Funds are used to pay for psychiatric and related services upon a determination that the services are "necessary for an adequate defense." The CJA Guidelines refer to these services as "defense services" where the defendant selects the expert and controls the disclosure of the expert's report. There are also many circumstances in which payment for the services are from a source other than the CJA appropriation, usually paid by the Department of Justice (DOJ) funds. An example of which would be an exam to determine the mental competence of a defendant to stand trial. These are considered "non-defense" or "Court Ordered" examinations. Please consult the CJA Specialist for additional information or assistance.

See Third Circuit Guidelines effective January 1, 2016 for additional information.

(E) **Case Budgeting:**

For Non-Capital representations, Courts are **encouraged** to use case-budgeting techniques in representations that appear likely to become or have become extraordinary in terms of potential costs. These are considered to be **representations expected to exceed 300 hours or total expenditures are expected to exceed 300 times the prevailing CJA panel attorney non-capital hourly rate, rounded up to the nearest thousand.** If it's agreed between appointed counsel and the Court that a budget is appropriate, counsel should submit a proposed initial litigation budget for Court approval. For Capital representations, Courts are encouraged to **require** submission of a case budget. For additional information, please consult § 230.26 of the Guidelines, or contact Renee Edelman, Case Budgeting Attorney at (267) 232-0210, for assistance.

(F) **Transcripts: CJA 24 Voucher : Authorization and Voucher for Payment of Transcripts**

Production of transcripts must be authorized by the presiding judge. **Special Authorizations** are required for delivery of transcripts other than ordinary delivery (14 days, Expedited, Daily, Realtime) and for certain trial transcripts (Opening Statements, Voir Dire, etc.).

It is the CJA Panel Attorney's responsibility to obtain required authorizations and to certify that the page rates and delivery schedules referenced on the CJA 24 voucher are accurate and in compliance with the guidelines. Generally, persons proceeding under the CJA may only receive the original or a copy of a transcript. **Multiple copies are not permitted.**

(G) **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);**

General Office overhead; items of a personal nature purchased on behalf of person represented;

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). (18 U.S.C. § 4285).

(H) Public Disclosure of CJA Attorney Payment Information:

The Criminal Justice Act (CJA), 18 U.S.C. § 3006A, was amended in 1998 to require that the amounts paid to Court-Appointed attorneys be made publicly available upon the Court's approval of the payments. **(See the Notice of Public Disclosure on our website.)**

(I) Mandatory Electronic Filing/Exemption from Electronic Public Access Fees:

It is **mandatory** that CJA Panel attorneys become registered users of the Court's Electronic Filing system. Please see our website under the "**CM/ECF**" link for information and details. Attorneys appointed under the Criminal Justice Act (CJA) are exempt from payment of electronic public access (EPA) fees for work that is performed pursuant to such appointment in **all** Federal Courts. Please contact the PACER Service Center at (800) 676-6856 to establish your exempt account.

(J) Guidelines and Order for Obtaining Computer Hardware/Software:

Pursuant to Volume VII of the Guide to Judiciary Policies and Procedures, § 320.70.40, or Litigation Support Services, counsel may make an application to the Court for an Order authorizing the acquisition of computer hardware/software. **Prior to making that application**, counsel **must** consult with the Defender Services Division of the Administrative Office of the United States Courts (202) 502-3030.

(6/29/2018)

2018 FEES FOR CONTRACT COURT INTERPRETERS

Federal Certified and Professionally Qualified Interpreters Rates:	
Full Day	\$418
Half Day	\$226
Overtime	\$59 per hour or part thereof

Federal Language Skilled (Non-Certified) Interpreter Rates:	
Full Day	\$202
Half Day	\$111
Overtime	\$35 per hour or part thereof

<u>New Jersey State Rates in Effect July 1, 2018- June 30, 2019</u>						
Classification of Interpreter	Preparation Time (Hourly)	Interpreting on Site			Interpreting By Telephone	
		Half-Day	Full Day	Premium Time (Hourly)	First 30 Minutes	Each Additional 15 Mins.
Approved: Master	\$34.68	\$239.83	\$411.84	\$57.12	\$46.92	\$23.97
Approved: Journeyman	\$26.52	\$188.53	\$328.84	\$45.90	\$41.31	\$20.91
Conditionally Approved	\$17.34	\$127.33	\$237.36	\$34.68	\$29.58	\$15.30

Effective as of 1/1/15 Lang Skilled and Federally Certified
 Effective as of 07/1/18 NJ State Rates