

NOTICE TO COURT APPOINTED COUNSEL OF PUBLIC DISCLOSURE OF ATTORNEY FEE INFORMATION

NEW RULES APPLICABLE TO CASES COMMENCED ON OR AFTER JANUARY 25, 1998

The Criminal Justice Act ("CJA"), 18 U.S.C. § 3006A, now requires that the amounts paid to court appointed attorneys be made publicly available upon the court's approval of the payments. The court may disclose an unredacted copy of a payment voucher submitted by defense counsel, or it may release a redacted copy of a voucher, indicating only the amounts approved for payment according to categories of services listed in the statute. (The text of the new statutory provision, 18 U.S.C. § 3006A(d)(4), is set forth on the back of this notice.) The extent of disclosure depends on whether the case is pending and on whether the court determines that certain interests (enumerated in subpart (d)(4)(D) of the CJA and listed below in part B.1) require the redaction of detailed information on the voucher. Upon court approval of a voucher claim, payment information will be released as follows:

A. BEFORE OR DURING TRIAL: After redacting any detailed information provided to justify the expenses, the court will make available to the public only the amounts approved for payment, divided into the categories set forth in subpart (d)(4)(B)(ii) of the CJA. Upon the completion of trial, unredacted copies of the vouchers may be released, depending on whether an appeal has been noted and whether the court determines that one or more of the interests listed in part B.1 require the redaction of information.

B. AFTER THE TRIAL IS COMPLETED: The court shall release either redacted or unredacted vouchers as follows:

1. If trial court proceedings have been completed and appellate review is not being pursued or has concluded at the time payment is approved: The court will make an unredacted copy of the payment voucher available to the public unless it determines that one or more of the interests listed below justify limiting disclosure to the amounts approved for payment in the manner described in part A. The interests that may require limiting disclosure include:

- (1) the protection of any person's 5th Amendment right against self-incrimination;
- (2) the protection of the defendant's 6th Amendment rights to effective assistance of counsel;
- (3) the defendant's attorney-client privilege;
- (4) the work product privilege of the defendant's counsel;
- (5) the safety of any person; and
- (6) any other interest that justice may require.

2. If appellate review is being pursued at the time payment is approved: The court will release only the amounts approved for payment in the manner described in part A unless it finds that none of the interests listed above in part B.1 will be compromised.

If counsel believes that any of the interests listed above in part B.1 justify limiting disclosure to the amounts approved for payment, counsel should submit to the court a written request, identifying the interests at risk and arguments in support of providing protection, AT OR BEFORE THE TIME A CLAIM FOR PAYMENT IS MADE. Failure to do so could result in the public release of unredacted copies of your vouchers without further notice.

FORM OF THE APPLICATION

All applications for fees submitted under this statute must be legible and typewritten. All expenditures made for which reimbursement is sought shall be evidenced by affixing a legible copy of a receipt or bill.

This constitutes notice as required under 18 U.S.C. § 3006A(d)(4)(E). You will NOT receive additional notice before any payment information is made available to the public.