

NATIONAL
CRIMINAL JUSTICE ACT (CJA)
VOUCHER TRAINING

Agenda

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- Criminal Justice Act (CJA) and Processes
- Compensation and Expenses of Appointed Counsel
- Authorization and Payment for Other Services
- Online Reference Tool (ORT)
- CJA20 Calculating Spreadsheet and Policy Guidance on Billing Practices
- Review of Attorney Voucher Submission
- Wrap-up and Questions

CJA – Scope

3

- Representation of financially eligible persons
 - for specified federal criminal matters, including capital cases
 - at every stage of the proceedings, including appropriate ancillary matters
 - delivered according to the District's CJA Panel Plan
- The CJA Panel Plan for the Northern District of Ohio is attached as Appendix A.

CJA – Scope

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- Qualified CJA counsel shall be selected from:
 - a panel of private attorneys (CJA Panel), and/or
 - a federal defender organization (FDO).
- CJA panel management varies by district.
 - The Northern District of Ohio CJA Panel Selection Committee assists the court by selecting, reviewing and training qualified Panel members.
 - Size of Northern District of Ohio CJA Panels:
 - Cleveland 70; Toledo 45; Akron/Youngstown 30

CJA – Statutory Limitations

5

- Hourly Panel Attorney Compensation Rates
- Attorney Case Compensation Maximums
- Payment Limits for Other Service Providers
 - Prior approval for costs exceeding \$800
 - Other compensation limits
 - Non-capital: \$2400, excluding expenses
 - Capital: \$7500, fees and expenses (case total for other providers, not including transcripts)
 - Payments: For services necessary for adequate representation and expenses reasonably incurred

National Judiciary Guidelines

6

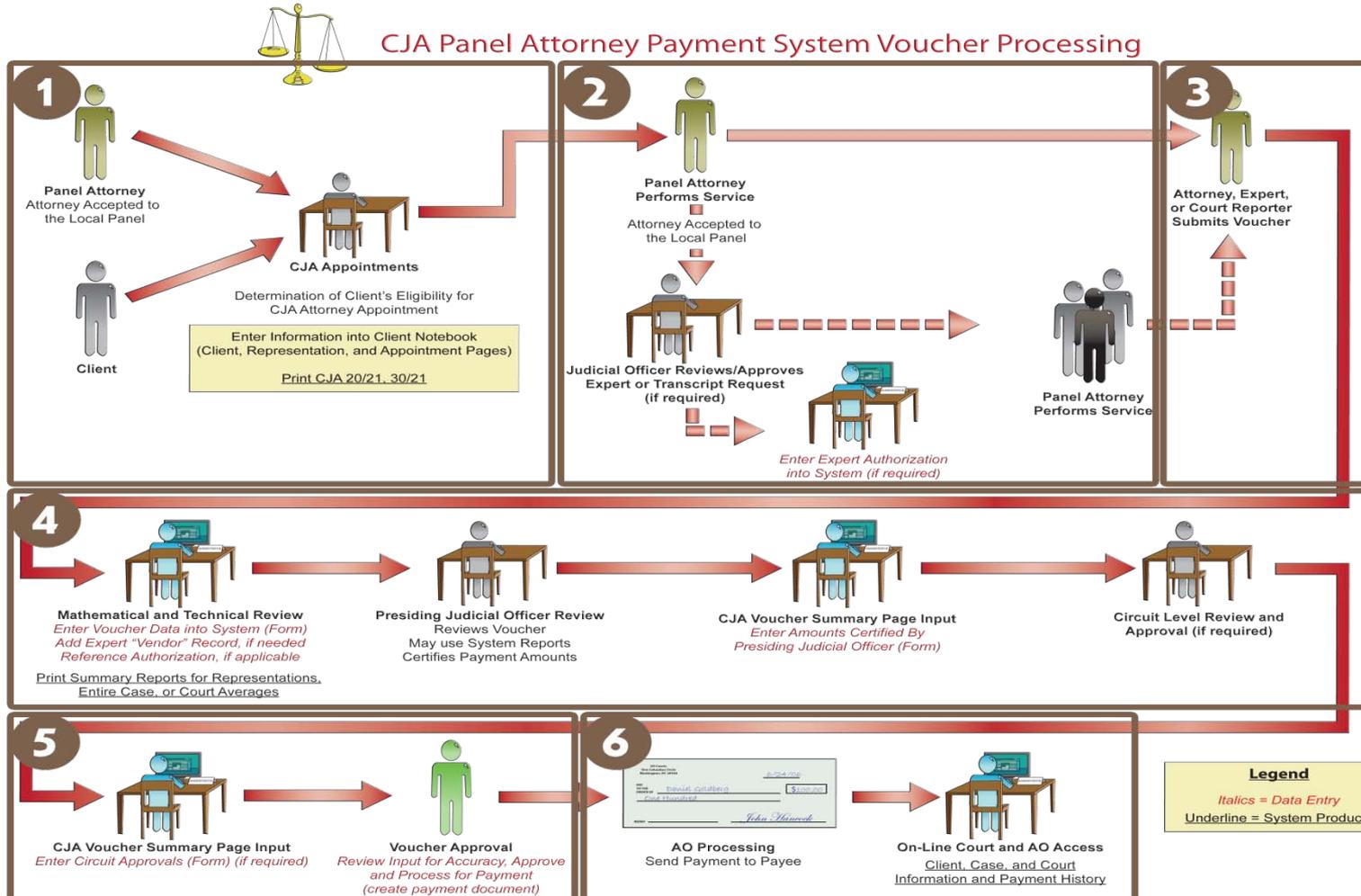
- The CJA Guidelines contain Judicial Conference policies for:
 - appointment of counsel under the CJA and related statutes;
 - payment of private “panel” attorneys;
 - authorization and payment for services other than counsel in federal criminal representations; and
 - federal defender organizations.

Roles in Voucher Processing

7

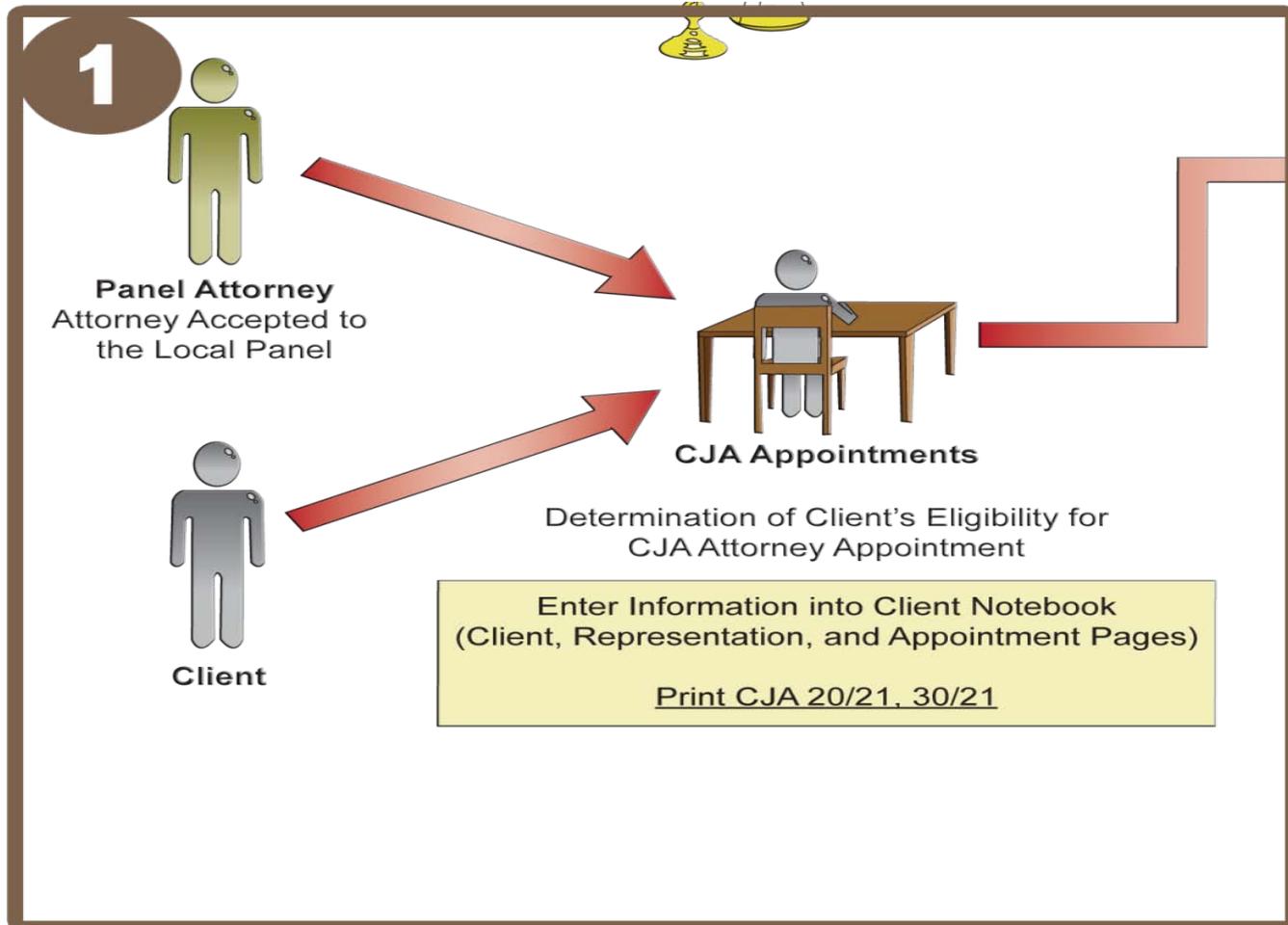
- **Submitters** – CJA Panel Attorneys and Other Service Providers
- **Processors** – Court staff who enter information into the CJA Panel Attorney Payment System
- **Reviewers** – Court staff who review submitted vouchers
- **Approvers** – Judges (or delegate) who approves/disapproves or certifies voucher amounts for payment (within the levels of their authority)
- **Excess Approvers** – Chief Circuit Judges (or judge delegate) who approves/disapproves voucher amounts in excess of statutory maximums

Voucher End-to-End Process

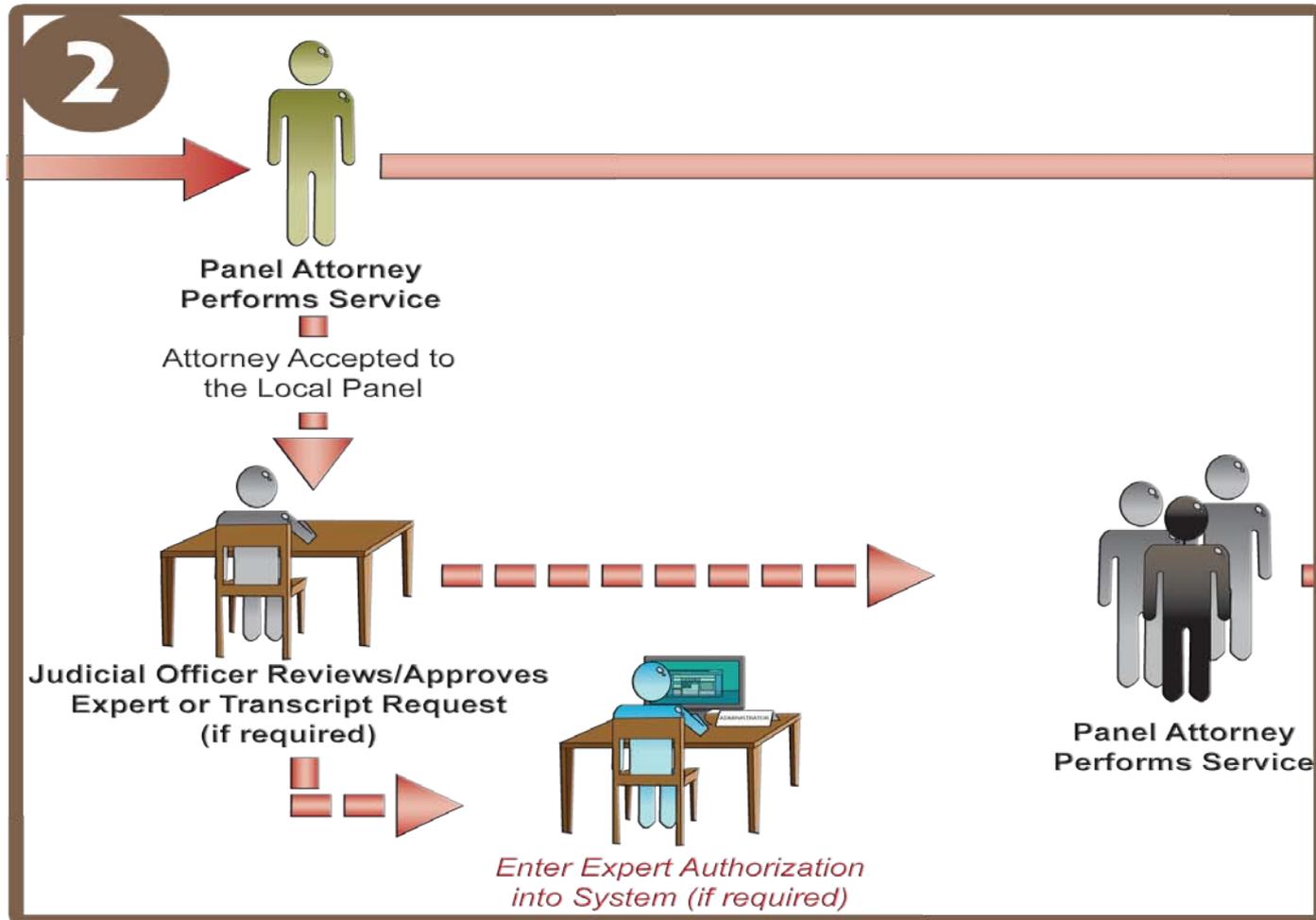


Voucher End-to-End Process

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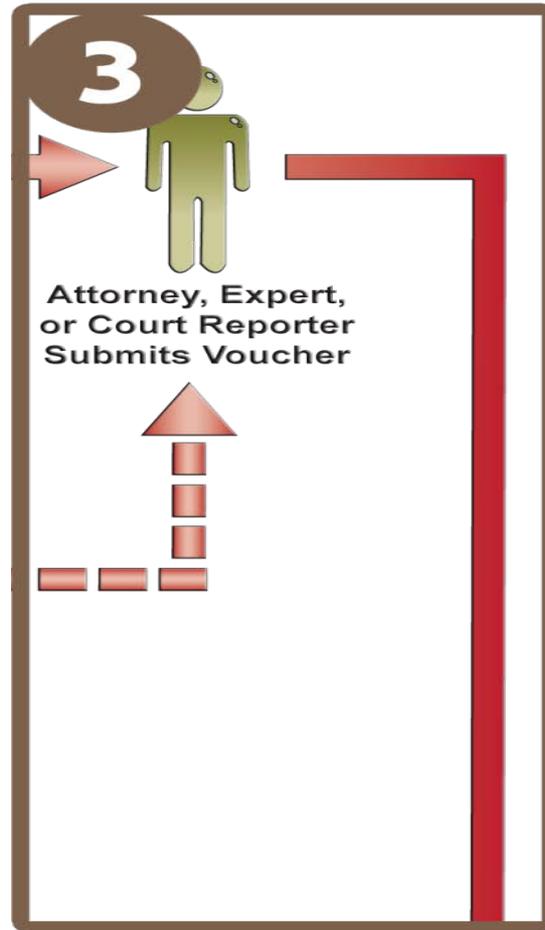


Voucher End-to-End Process



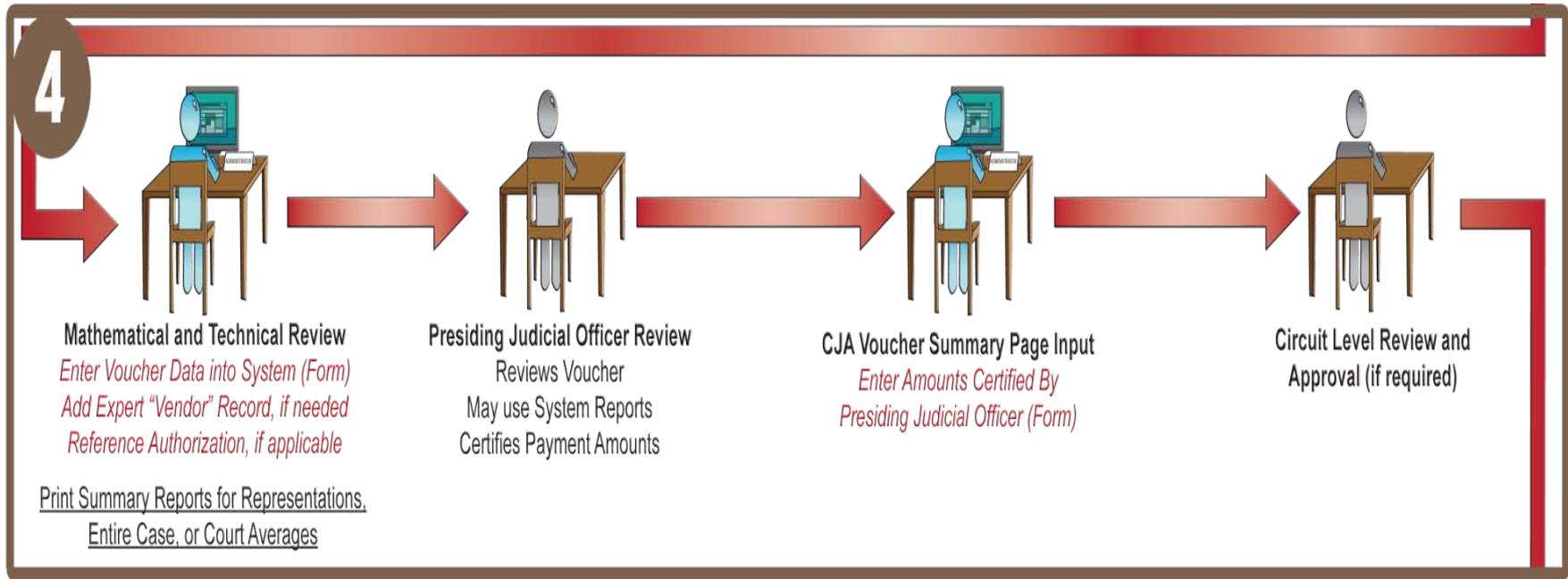
Voucher End-to-End Process

11



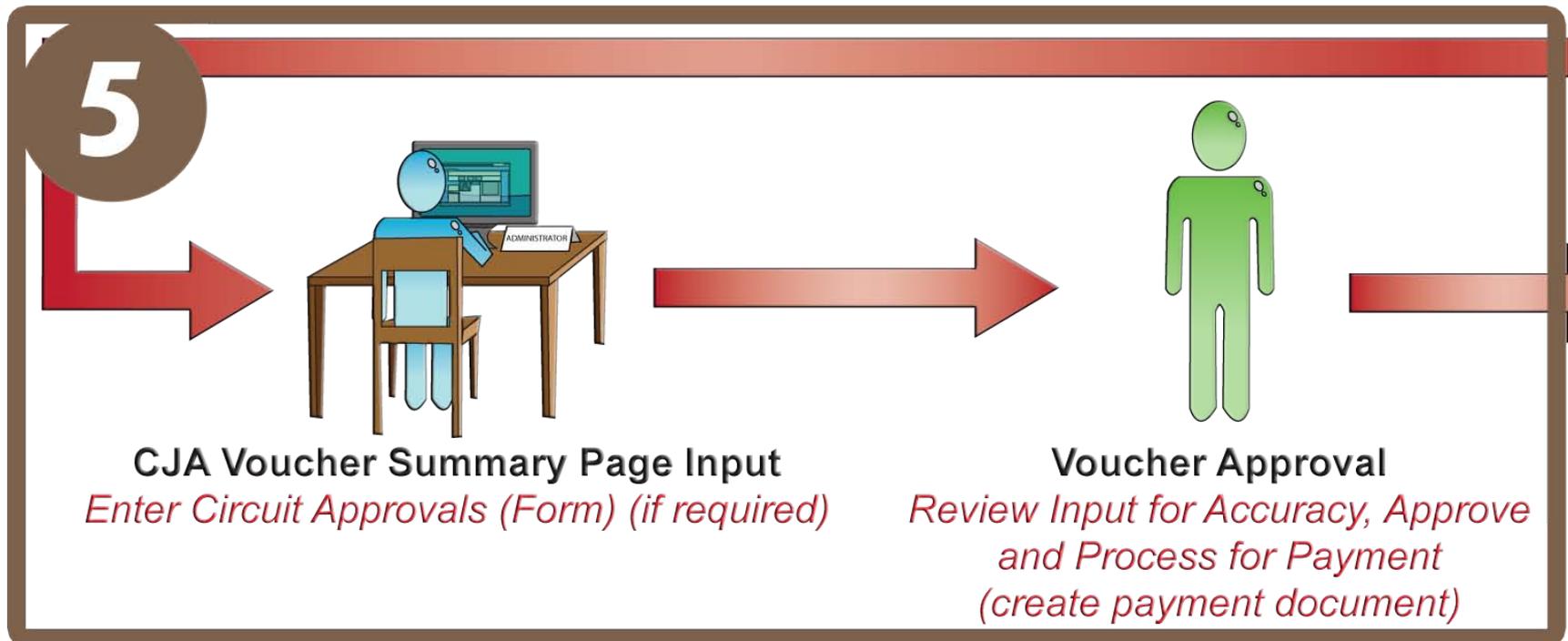
Voucher End-to-End Process

12



Voucher End-to-End Process

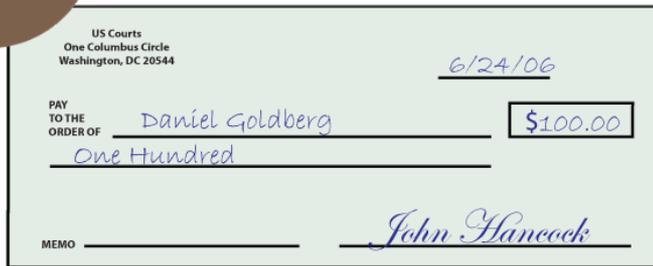
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Voucher End-to-End Process

14

6



US Courts
One Columbus Circle
Washington, DC 20544

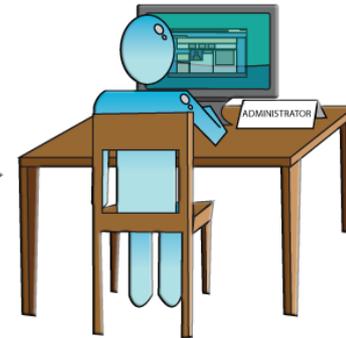
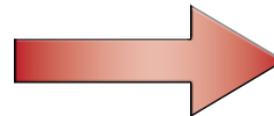
6/24/06

PAY TO THE ORDER OF Daniel Goldberg \$100.00

One Hundred

MEMO _____ John Hancock

AO Processing
Send Payment to Payee



On-Line Court and AO Access
Client, Case, and Court
Information and Payment History

Questions

15



Counsel's Compensation and Expenses

16

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

Authorized Compensation

17

- Hourly Rates
- Case Compensation Maximums
- Hourly rates and compensation maximums can be accessed through the on-line reference tool.
- Appointed Counsel have on-line access to a wealth of information and forms at:
<http://www.ohnd.uscourts.gov/home/attorney-information/appointment-of-counsel-cja/>

Reimbursable Expenses

18

- Reimbursement is authorized for expenses reasonably incurred for the representation
- Claim on Form CJA 20 or Form CJA 30
- Reimbursable out-of-pocket expenses:
 - Computer-assisted legal research
 - Travel expenses
 - Telephone toll calls and facsimile transmissions
 - Copying, postage, and messenger services
 - Court-authorized transcripts (Form CJA 24)

Non-Reimbursable Expenses

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- General office overhead is **not** reimbursable:
 - Rent
 - Telephone service
 - Secretarial expenses
- CJA attorneys are expected to use their own office resources, including secretarial help, for work on CJA cases.

Non-Reimbursable Expenses

20

- Non-reimbursable expenses include:
 - ▣ Items and services of a personal nature
 - ▣ Filing fees
 - ▣ Printing briefs
 - ▣ Service of process
 - ▣ Taxes
 - ▣ Alcoholic beverages
 - ▣ Entertainment
 - ▣ Parking fines or fees for traffic violations
 - ▣ Personal automobile expenses

Compensation: Common Issues

21

- Advance Approvals
- Policy when Limits are Exceeded
- Case Budgeting
- Interim Payments

Advance Approvals

22

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 and/or expenses
- For travel

Excess Compensation

23

Payments that exceed the attorney case compensation limit may be authorized when:

- Certified by the presiding judge and
- Approved by the chief judge of the circuit (or judge delegate) as:
 - Necessary to provide fair compensation
 - For extended or complex representation

Case Budgeting

24

- Judicial Conference policy encourages case budgeting for:
 - Federal capital prosecutions
 - Capital habeas corpus representations
 - Non-capital representations extraordinary in terms of cost

Case Budgeting

25

- Counsel submits initial litigation budget, including:
 - Proposed costs of attorney work, and
 - Use of investigative, expert, and other services.
- Budgets should be submitted *ex parte* and filed/maintained under seal.
- 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

26

- Budget Approval Process
 - Presiding judicial officer sends the budget to the chief circuit (for approval consistent with statutory limits or specific court policies).
- Counsel should advise the court of significant changes to the estimates.

Interim Payment Request

27

- An appointed attorney requests prior approval to submit claims for interim payment of compensation and/or expenses.
- The request should include:
 - An explanation why interim payment is needed.
- Approval of the chief circuit judge is needed where excess compensation is anticipated.

Submission of Claims for Payment

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- Appointed attorneys:
 - complete and sign Form CJA 20/30 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

Supporting Documentation

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- Attach supporting documentation:
 - An itemized statement of services provided
 - An itemized statement of all expenses
 - Timesheets and worksheets
 - Receipts for single item expenses over \$50
- Include explanatory memoranda/justifications
 - Claims above case compensation maximum
 - Good cause for submitting voucher after 45 days

Common Errors

30

- ❑ Incomplete voucher forms
- ❑ Incorrect hourly rates
- ❑ Incorrect mileage rates
- ❑ Mathematical errors
- ❑ Reporting of hours
- ❑ Missing authentic signatures
- ❑ Incomplete documentation of time or expenses
- ❑ By using the calculating spreadsheet, some of these error will be eliminated

Questions

31



Authorization and Payment for Expert Services (ex. Interpreters)

32

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

Authorization Requests

33

- 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

34

- The request should also 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.

Expenses of Other Service Providers

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- 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.

Non-Reimbursable Expenses

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- 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 Issues

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- Advance Approvals
- Policy when Limits are/may be Exceeded
- Case Budgeting
- Interim Payments
- Double billing (Interpreter Fact Sheet handout)

Advance Approvals

38

- Attorneys must obtain advance approval for other services where cost exceeds \$800
 - Unless waived by the presiding judge upon a finding that, in the interest of justice, timely procurement could not await prior authorization
- This requirement applies in non-capital and capital cases.

Authorization Requests

39

- Attorneys should also obtain prior approval when it is anticipated the cost of other services will exceed these statutory limits:
 - Non-Capital Cases: \$2400, excluding expenses
 - Capital Cases: \$7500, total per case for costs (fees and expenses) for other service providers
 - The Guide, Appendix 3A, provides a sample format for the request

When Limits are Exceeded

40

- Payments for services other than counsel that exceed statutory limits are authorized when
 - certified by the presiding judge or court and
 - approved by the chief judge of the circuit (or judge delegate)
- as necessary to provide fair compensation for services of an unusual character or duration.

Case Budgeting

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- Case budgeting is encouraged for:
 - Federal capital prosecutions
 - Capital habeas corpus representations
 - Non-capital representations that are extraordinary in terms of cost
- Counsel submits an initial budget that includes proposed costs of other services

Interim Payment Requests

42

- The presiding judge may arrange for interim payments for other service providers.
- The interim payment request should include:
 - length of time interim payments will be needed and
 - a justification of need.
- Chief circuit judge (or delegate) approval may be required.
- The provider submits a separate voucher for each interim payment claim and attaches prior approval.

Submission of Claims

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- Service provider:
 - Completes voucher form
 - Form CJA 21 (non-capital cases)
 - Form CJA 31 (capital cases)
 - Form CJA 24 (transcripts)
 - Attaches supporting documentation
 - Provides voucher to the attorney (directly or through the court) for review and certification that services were rendered as claimed

Supporting Documentation

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- Attach supporting documentation:
 - An itemized statement of services provided
 - An explanation of the fee arrangement
 - Timesheets, worksheets, memoranda
 - An itemized statement of all expenses
 - Receipts for single-item expenses over \$50
 - Itemized receipts for lodging
- The attorney may also provide explanatory memoranda (e.g., where costs exceed statutory limitations).

Common Errors

45

- ❑ Incomplete voucher forms
- ❑ Incorrect mileage rates claimed
- ❑ Mathematical errors
- ❑ Missing authentic signatures
- ❑ Incomplete documentation of time or expenses

Questions

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On-line Reference Tool (ORT)

47

- Location and purpose of the ORT
- Navigation and search strategies
- Type of material you will find in the ORT

Location and Purpose

48

- Located on uscourts.gov and fd.org
- Rapid access to voucher submission and processing procedures and policies
- Content conveniently organized
 - ▣ **By Topics**
 - ▣ **By Roles**

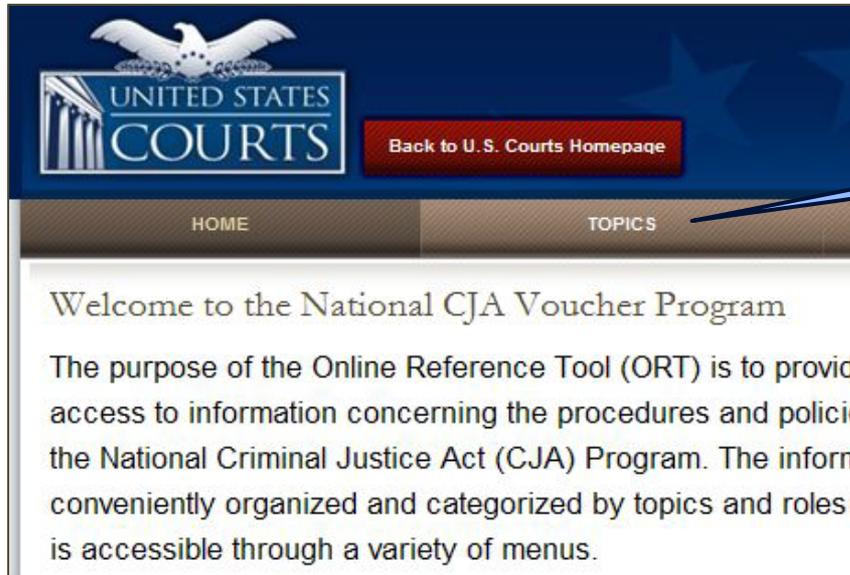
Navigation and Search Strategies

49

- ORT Navigation
 - ▣ **By Topics**
 - ▣ **By Roles**
 - ▣ Through a **Search** of Key Terms

Access Content by Topics

50



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.



Home > Select a Topic

SELECT A TOPIC

Select A Topic

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
Authorization and Payment for Investigative, Expert and Other Services	Capital Representations: Statutes and Guidelines	Criminal Justice Act (CJA) Payment Information

Access Content by Roles

51



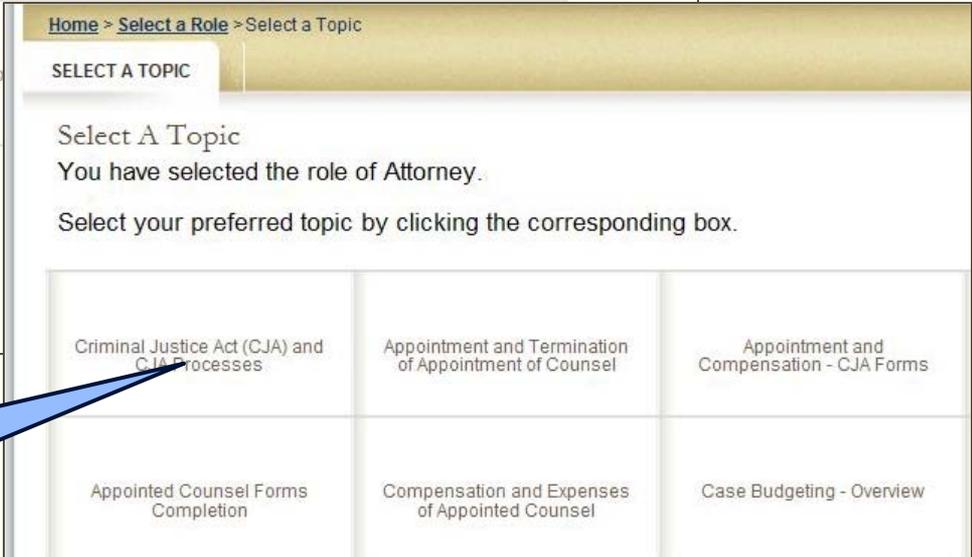
Click Roles.

ational CJA Voucher Program
line Reference Tool (ORT) is
concerning the procedures a
Justice Act (CJA) Program. T
d and categorized by topics a
a variety of menus.



Click your preferred role.

Click the preferred topic.



Access Content by Searching

52



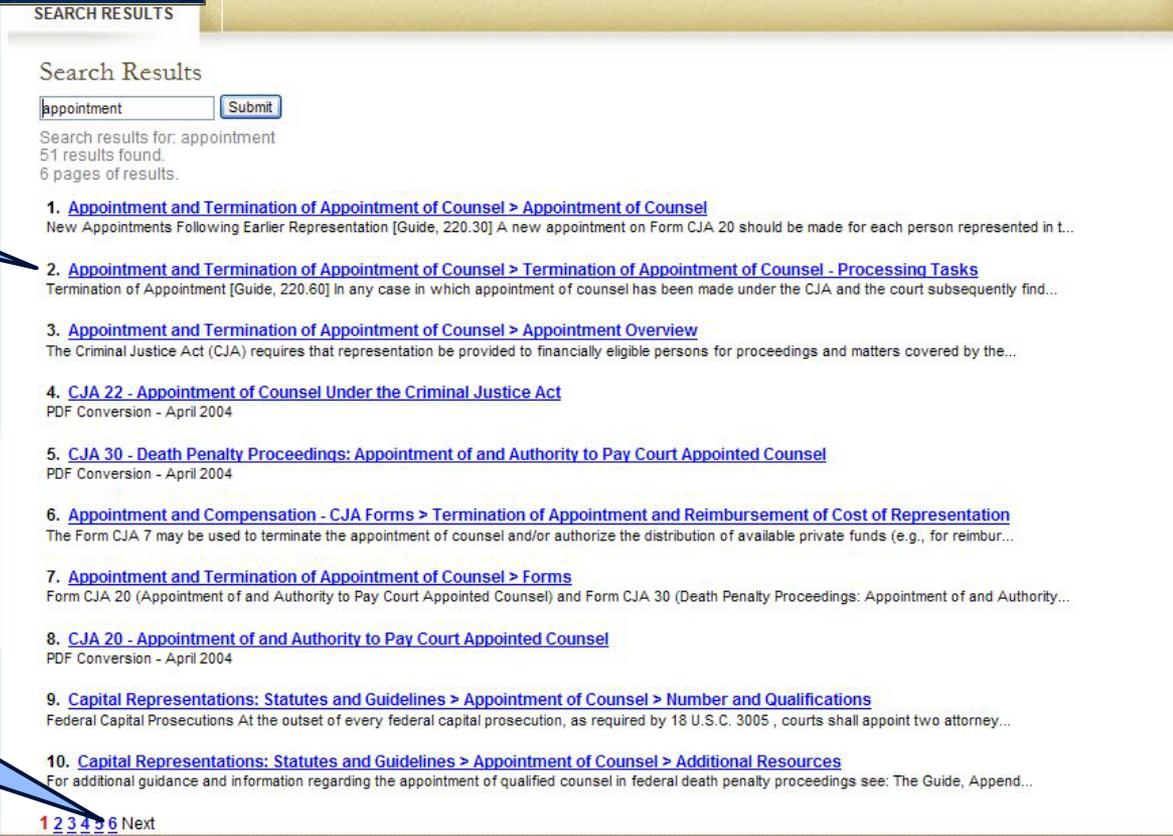
National CJA Voucher Program

Text Size **S** **M** **L** SEARCH: **GO**

RESOURCES

Click the applicable result.

Click **Next** or a page number to display additional research pages (if applicable).



SEARCH RESULTS

Search Results

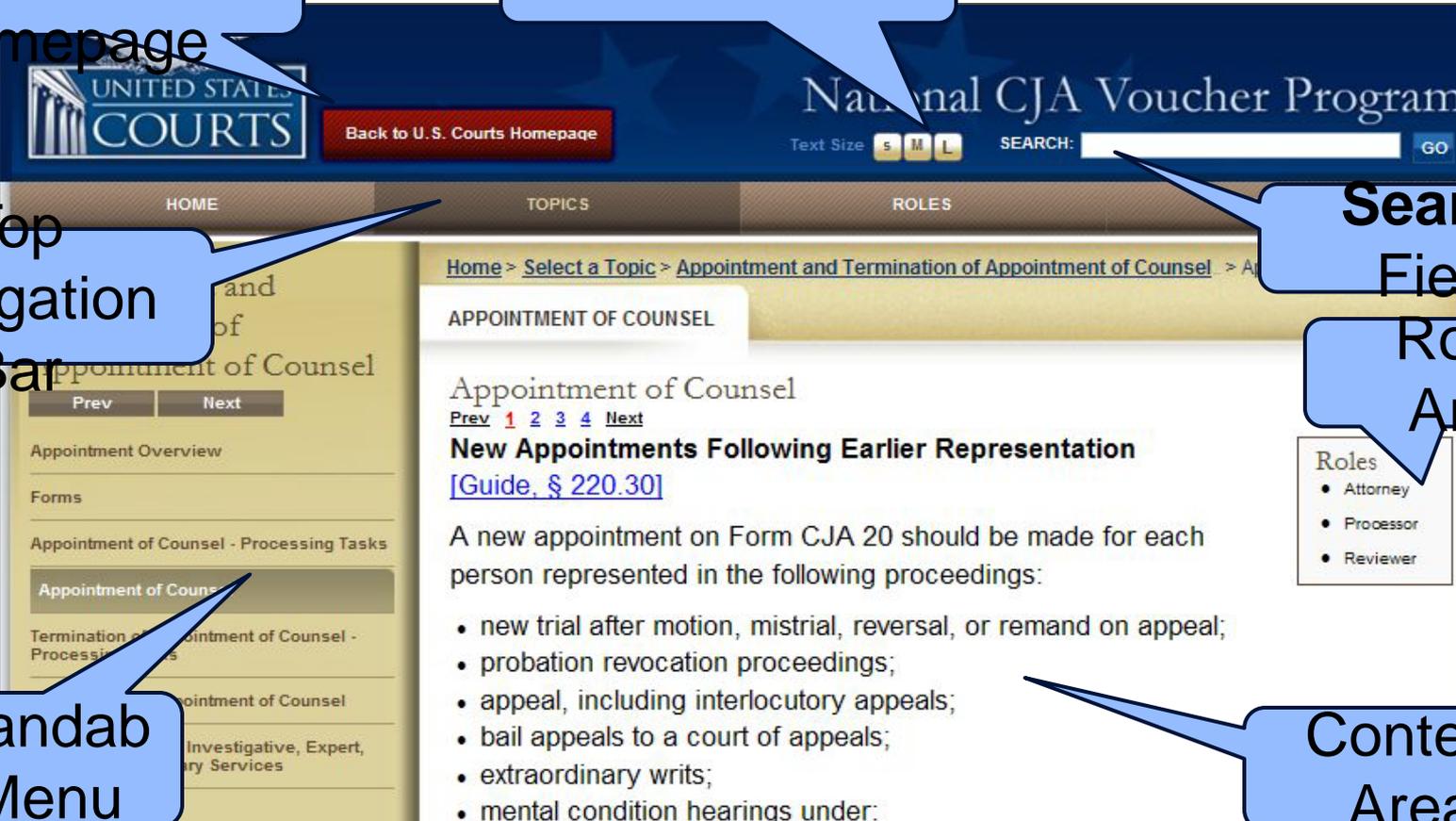
Search results for: appointment
51 results found.
6 pages of results.

- [Appointment and Termination of Appointment of Counsel > Appointment of Counsel](#)
New Appointments Following Earlier Representation [Guide, 220.30] A new appointment on Form CJA 20 should be made for each person represented in t...
- [Appointment and Termination of Appointment of Counsel > Termination of Appointment of Counsel - Processing Tasks](#)
Termination of Appointment [Guide, 220.60] In any case in which appointment of counsel has been made under the CJA and the court subsequently find...
- [Appointment and Termination of Appointment of Counsel > Appointment Overview](#)
The Criminal Justice Act (CJA) requires that representation be provided to financially eligible persons for proceedings and matters covered by the...
- [CJA 22 - Appointment of Counsel Under the Criminal Justice Act](#)
PDF Conversion - April 2004
- [CJA 30 - Death Penalty Proceedings: Appointment of and Authority to Pay Court Appointed Counsel](#)
PDF Conversion - April 2004
- [Appointment and Compensation - CJA Forms > Termination of Appointment and Reimbursement of Cost of Representation](#)
The Form CJA 7 may be used to terminate the appointment of counsel and/or authorize the distribution of available private funds (e.g., for reimbur...
- [Appointment and Termination of Appointment of Counsel > Forms](#)
Form CJA 20 (Appointment of and Authority to Pay Court Appointed Counsel) and Form CJA 30 (Death Penalty Proceedings: Appointment of and Authority...
- [CJA 20 - Appointment of and Authority to Pay Court Appointed Counsel](#)
PDF Conversion - April 2004
- [Capital Representations: Statutes and Guidelines > Appointment of Counsel > Number and Qualifications](#)
Federal Capital Prosecutions At the outset of every federal capital prosecution, as required by 18 U.S.C. 3005 , courts shall appoint two attorney...
- [Capital Representations: Statutes and Guidelines > Appointment of Counsel > Additional Resources](#)
For additional guidance and information regarding the appointment of qualified counsel in federal death penalty proceedings see: The Guide, Append...

1 2 3 4 5 6 Next

Page Layout

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The screenshot shows the National CJA Voucher Program website. The header includes the United States Courts logo, a 'Back to U.S. Courts Homepage' button, and the program title 'National CJA Voucher Program'. Below the header is a top navigation bar with 'HOME', 'TOPICS', and 'ROLES' links. A search field is located to the right of the navigation bar. The main content area is titled 'APPOINTMENT OF COUNSEL' and contains a list of roles: Attorney, Processor, and Reviewer. The left sidebar contains an expandable menu with items like 'Appointment Overview', 'Forms', and 'Appointment of Counsel - Processing Tasks'.

United States Courts Homepage

Text Size Icons

Search Field

Roles Area

Content Area

Expandable Menu

Top Navigation Bar

Navigating Content

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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 Eas

[\[Guide, § 220.30\]](#)

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:

Click **Next**, **Prev**, or specific page number

3

Use expandable menu.

2

Use the ORT for...

55

- Linking to the CJA Guidelines (Volume 7, Part A), also referred to as “the Guide”
 - In-text citations
 - Link to U.S. Courts publications page

Use the ORT for...

56

- Finding guidance for death penalty representations
 - “Capital Representations: Statutes and Guidelines” Section
 - National Contacts and Resources > Federal Death Penalty Representation

Use the ORT for...

57

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

Use the ORT for...

58

- 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...

59

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

Use the ORT for...

60

- Accessing Quick Reference Sheets (QRS)
 - Resources (Top Navigation Bar)

Use the ORT for...

61

- Getting help through the National Contacts and Resources Link
 - ▣ Office of Defender Services (ODS), AO contacts
 - ▣ CJA Payment System Help Desk and Payment Information
 - ▣ Office of Accounting and Finance (AFSD), Administrative Office of the U.S. Courts (AO)
 - ▣ CJA Resource Counsel Program
 - ▣ Federal Death Penalty Representation
 - ▣ Litigation Support
 - ▣ National Websites
 - ▣ Directories
 - ▣ Publications

Questions

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CJA20 Voucher/Worksheet

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- The CJA20 Voucher/Worksheet is a calculating spreadsheet.
- There is a seven minutes demonstration on our website on how to use the Voucher/Worksheet.
- In your handout, there are instructions on how to download the Voucher/Worksheet.

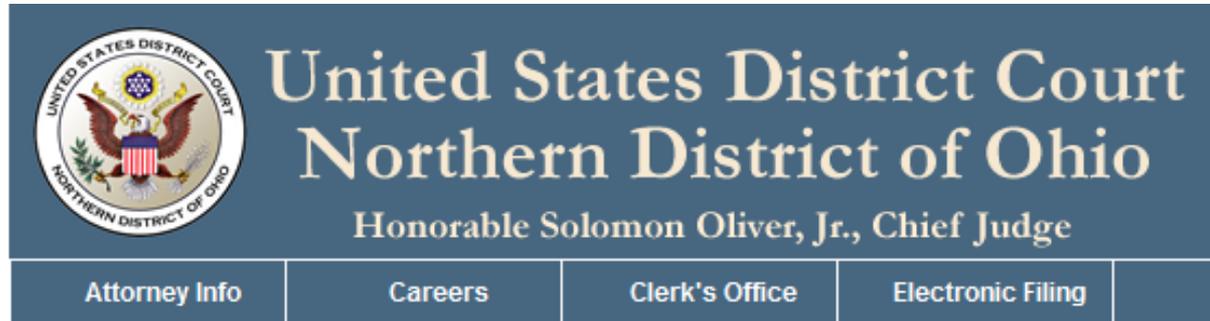
CJA20 Voucher/Worksheet Tips

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- After you download the Voucher/Worksheet be sure to save the blank form to your computer.
 - Complete all the fields on the Voucher tab.
 - Electronically sign the voucher (you may print the voucher, sign it, and then scan the documentation and email it).
 - Be certain to scan and attach all supporting documentation (receipts).
 - Email it to: OHNDdb_CJA@ohnd.uscourts.gov

CJA20 Voucher/Worksheet Tips

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[Home](#) » [Attorney Information](#) » [Appointment of Counsel \(CJA\)](#) » CJA20 Voucher and Information

CJA20 Voucher and Information

[CJA20 Voucher - Worksheet](#)

[CJA20 Voucher - Worksheet Registration](#)

[Demonstration](#)

[FAQs](#)

[Top 10 Voucher Preparation Errors](#)

[Hourly Spreadsheet Setup and Instruction Guide](#)

Questions and Comments

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New Policy Guidance on Billing Practices

67

- Billing procedures for time spent and expenses incurred in common with more than one CJA representation:
 - Panel attorneys must prorate time spent in common with another CJA representation;
 - Service providers have the option of prorating time spent in common with another CJA representation or billing it all to one representation; and
 - Both panel attorneys and service providers must bill expenses incurred in common to one of the representations.

Policy Guidance on Billing Practices

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- Disclosure requirements for travel and other work that is done for both a CJA and non-CJA purpose:
 - Panel attorneys and service providers must disclose to the court when travel or other work is for a purpose in addition to representing the CJA client so that the court can determine whether the time or expenses should be apportioned.

Policy Guidance on Billing Practices

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- Contemporaneous time records and record retention requirements for service:
 - Service providers must keep contemporaneous time records and retain these records for three years.

Revisions to the *Guide to Judiciary Policy*, Vol. 7 (Defender Services), Part A (Guidelines for Administering the CJA and Related Statutes) are attached as an appendix.

Questions and Comments

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Appointed Counsel Submission

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- Role Overview
- Advance Approvals
- Case Budgeting
- Attorney Voucher Submission Procedures
- Other Service Provider Vouchers - Attorney's Role
- Common Submission Errors

Attorney's Role - Overview

72

- Obtain prior authorizations, i.e., advance approvals
- Initiate voucher claims
- Review and certify claims submitted by other service providers

Advance Approvals for Experts

73

- Advance approvals are required:
 - To claim compensation for work of lawyers who are neither appointed nor a partner or associate of the appointed attorney
 - To obtain investigative, expert, and other services, where costs are expected to exceed \$800
 - For attorneys or other service providers to submit interim payment claims

Work of Co-Counsel/Associates

74

- 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.
 - Use Form CJA 20 or Form CJA 30.

Attorney Travel Expenses

75

- Travel authorization must be submitted and approved prior to travel.
- When booking travel requests through the Court use Omega Travel to ensure the government rate.

Services Other Than Counsel

76

- Investigative, expert, or other services necessary for adequate representation are available to eligible persons.
- Attorneys must request advance approval for other services in excess of \$800.
 - Form CJA 21 (non-capital cases)
 - Form CJA 31 (capital cases)

Services Other Than Counsel

77

- The request should include:
 - Reasons for requesting service
 - Provider's relevant experience and qualifications
 - Hourly rate requested
 - Fee arrangement, as applicable
 - Specific services and expenses to be included
 - Whether additional services/funding may be requested from/for this provider (as applicable)
 - Other relevant information

Services Other Than Counsel

78

- 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

Transcripts

79

- Appointed attorneys may be reimbursed for costs of authorized transcripts.
- Use Form CJA 24 to request transcripts.
 - Attorney signs box 15 on Form CJA 24 to initiate the request.
- Service provider may claim compensation directly from the court (preferred method).
- Statutory limits on costs for other services do not apply to transcripts.

Computer Hardware/Software

80

- When the need arises to make a purchase of computer hardware/software or payment for related services with CJA funds requires advance approval.
- You must consult with the AO's Office of Defender Services.
- Purchases remain U.S. property.

Expenses of Other Service Providers

81

- 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

Expenses of Other Service Providers

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- The Court may require advance authorization for specific expenses.
- Travel Expenses
 - Service providers' travel expenses can be included as part of the prior authorization to obtain other services.
 - Counsel should seek the court's prior authorization for service providers' travel.

Interim Payment Requests

83

- Appointed Attorneys
- Other Service Providers

Appointed Attorneys

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- Procedures for interim payment request:
 - ▣ Non-Capital Cases: Appendix 2C
 - ▣ Death Penalty Cases: Appendix 2D
- Request should include:
 - ▣ The length of time interim payments will be needed, and
 - ▣ An explanation why the interim payment is needed.
- Approval of chief circuit judge (or delegate) is needed where excess compensation is anticipated.
- Submit a separate voucher for each interim payment; attach authorization for interim vouchers.

Other Service Providers

85

- Procedures for interim payment request:
 - Non-Capital Cases: Appendix 3B
 - Death Penalty Cases: Appendix 3C
- Request by Motion to the Court should include:
 - An explanation why the interim payment is needed.
- Chief circuit judge (or delegate) approval may be required where costs are expected to exceed statutory limits.
- Submit a separate voucher for each interim payment claim; attach prior authorization.

Case Budgeting – Submission

86

- Judicial Conference policy encourages case budgeting for:
 - Federal capital prosecutions
 - Capital habeas corpus representations
 - Non-capital representations extraordinary in terms of cost
- Counsel submits initial litigation budget:
 - Proposed costs of attorney work
 - Use of investigative, expert, and other services
- Budgets should be submitted *ex parte* and filed/maintained under seal

Case Budgeting – Submission

87

- Budget Approval Process
 - The presiding judicial officer sends the budget to the chief circuit judge (for approval consistent with statutory limits or specific court policies).
 - If there are significant changes to the estimates, counsel should advise the court.

Case Budgeting – Worksheets

88

- AO case-budgeting worksheets and instructions are available at www.fd.org for:
 - Non-capital cases (Forms CJA 28A - 28H) and
 - Federal capital prosecutions
- Contact the ODS, Legal and Policy Branch Duty Day Attorney at (202) 502-3030.

Case Budgeting – Assistance

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- Circuit case-budgeting attorneys (Second, Sixth, Ninth) assist appointed attorneys.
- Federal Death Penalty Resource Counsel Projects assist appointed attorneys.
- On-line Resources
 - Capital Defense Network (www.capdefnet.org)
 - CJA Case Budgeting Worksheets (www.fd.org)
 - CJA Guidelines on Case Budgeting (www.uscourts.gov)
 - CJA Forms (www.uscourts.gov)
 - Federal Judicial Center (www.fjc.gov)

Attorney Submission Procedures

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- Completing and Submitting Voucher Forms
- Attaching Supporting Documentation

Attorney Voucher Submission

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- To request payment, appointed counsel:
 - Completes Form CJA 20 or Form 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.

Supporting Documentation

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- Attach required supporting documentation
 - An itemized statement of the services provided
 - An itemized statement of all expenses
 - Timesheets and worksheets
 - Receipts for single-item expenses exceeding \$50
 - Itemized receipts for all lodging expenses
- Explanatory memoranda or justifications for:
 - Claims above case compensation maximum
 - Good cause for submitting voucher after 45 days
 - Other – Check local policy

Time Limit

93

- Appointed attorneys should submit vouchers no later than 45 days after case disposition, unless good cause is shown.

Excess Compensation Vouchers

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- Submit applicable voucher (Form CJA 20/30)
- 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:
 - Form CJA 26 (district court)

Other Service Provider Vouchers

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- Attorney's role in review, certification, and submission of service provider's voucher
- Payments for services other than counsel where costs exceed statutory limits

Certification and Submission

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- Upon receiving a provider's voucher, the 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

Contrast with Counsel Claim

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- 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.

Excess Payments

98

- Payments for services other than counsel that exceed statutory limits are authorized when
 - certified by the presiding judge or court, and
 - approved by the chief circuit judge (or judge delegate)as necessary to provide fair compensation for services of an unusual character or duration.
- If excess costs are anticipated, advance approval should be obtained.

Common Submission Errors

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- ❑ 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

Questions

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Death Penalty Representations

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- Appointment of Qualified Counsel
- Compensation and Expenses of Appointed Counsel
- Authorization and Payment for Services Other than Counsel
- Case Budgeting
- Interim Payment Requests

Death Penalty Representations

102

- Pertinent Statutes
 - 21 U.S.C. 848(q), as amended by the Antiterrorism and Effective Death Penalty Act of 1996 and recodified as 18 U.S.C. 3599
 - For proceedings commenced on/after April 24, 1996
 - 18 U.S.C. 3005; 28 U.S.C. 2254 and 2255
- Judicial Conference Guidelines
 - The Guide, Chapter 6 provides capital-specific guidance; Chapters 1-3 also include pertinent information about capital matters.

Appointment of Qualified Counsel

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- Form CJA 30 is used for the appointment of counsel to represent eligible persons in death penalty proceedings.
- At the outset of a federal capital case, two attorneys must be appointed (as required by 18 U.S.C. 3005); more than two may be appointed if necessary for adequate representation.
- For capital habeas corpus proceedings, at least one attorney must be appointed.
 - Judicial Conference policy is that, due to the complex, demanding, and protracted nature of capital habeas proceedings, judicial officers should consider appointing at least two attorneys
- The attorneys appointed in capital cases must possess special experience and qualifications as required by statute.

Appointment of Qualified Counsel

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- Consultation with Federal Defender
 - In districts served by a federal defender organization, courts consider recommendations from the federal defender in making appointments of qualified counsel in capital cases.
 - In districts not served by an FDO, courts contact the AO's Office of Defender Services for appropriate consultations.

Compensation and Expenses

105

- Appointed attorneys:
 - Maximum hourly compensation rate
 - \$178 effective January 1, 2010
 - No attorney case compensation maximum
 - Appointed attorneys use Form CJA 30 to submit their claims for compensation and reimbursement of expenses.

Death Penalty Not Sought

106

- After appointment in a capital case, if it is determined the death penalty will not be sought:
 - The court considers the number of counsel and compensation rate needed for the duration of the proceeding
 - Factors: Guide 630.30.20 and 630.30.30
 - Continue to use Forms CJA 30 and 31 through completion of representation

Services Other than Counsel

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- Prior approval is required for services where cost exceeds \$800, unless waived by presiding judge.
- Total payments may not exceed \$7500 per representation (fees and expenses) unless:
 - excess is certified by the presiding judge and approved by chief circuit judge (or delegate) as necessary to provide fair compensation for services of an unusual character or duration.

Services Other than Counsel

108

- Attorneys not appointed may be authorized to provide “other services” (e.g., as experts or consultants) in non-capital or capital cases.
- For capital cases, for example, attorneys may provide “light consultation” services in:
 - ▣ records completion,
 - ▣ determination of need to exhaust state remedies,
 - ▣ identification of issues,
 - ▣ review of draft pleadings and briefs, and
 - ▣ authorization process to seek the death penalty.

Case Budgeting

109

- Judicial Conference policy encourages case budgeting in:
 - Federal capital prosecution cases
 - Capital habeas corpus representations
- The budget is sent to the chief judge of the court of appeals for approval
 - Consistent with statutory limits on payments to other service providers or specific court policies

Case Budgeting Resources

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- AO case-budgeting worksheets for capital prosecutions are available at www.fd.org
- There are Ninth Circuit Excel worksheets for capital prosecutions and capital habeas corpus representations
- Contact the ODS, Legal and Policy Branch Duty Day Attorney at (202) 502-3030
- Use ORT for additional on-line resources

Case Budgeting Assistance

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- The Circuit Case-Budgeting Attorney in the Sixth Circuit is Robert Ranz (513) 564-7358.
- Federal Death Penalty Resource Counsel Projects assist judges and panel attorneys.
- Contact the ODS, Legal and Policy Branch Duty Day Attorney or use ORT to find contact information.

Interim Payment Requests

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- Judicial Conference policy urges courts to permit interim payments in capital cases for appointed counsel and other service providers.
- See Appendix 2D and Appendix 3C for:
 - Procedures for effecting the interim payments
 - Sample memorandum orders

Questions

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