



ADMINISTRATIVE OFFICE OF THE
UNITED STATES COURTS

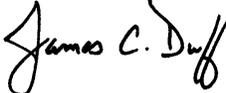
JAMES C. DUFF
Director

WASHINGTON, D.C. 20544

February 22, 2019

MEMORANDUM

To: Judges, United States Courts of Appeals
Judges, United States District Courts
United States Magistrate Judges
Circuit Executives
Federal Public/Community Defenders
District Court Executives
Clerks, United States Courts of Appeals
Clerks, United States District Courts
Senior Staff Attorneys
Circuit CJA Case-Budgeting Attorneys

From: James C. Duff 

RE: IMPLEMENTATION OF INCREASES UNDER THE CRIMINAL JUSTICE ACT
OF HOURLY RATES AND CASE COMPENSATION MAXIMUMS
(IMPORTANT INFORMATION)

This memorandum provides information about increases to hourly rates and case compensation maximums under the Criminal Justice Act (CJA), 18 U.S.C. § 3006A, as a result of the “Consolidated Appropriations Act of 2019,” which provided fiscal year 2019 funding for the Judiciary’s Defender Services account.

CJA Panel Attorney Hourly Rate Increases

The panel attorney hourly rates increase to \$148 (up from \$140) for non-capital work and to \$190 (up from \$188) for capital work. The new rates apply to services performed on or after February 15, 2019. Where appointment of counsel occurred before February 15, 2019, the new hourly compensation rates apply to that portion of services provided on or after the effective date.

CJA Panel Attorney Case Compensation Maximums (in Non-Capital Cases)

Because of the increase in the non-capital hourly rate,¹ the waivable case compensation maximum amounts for non-capital representations increase to:

\$11,500 (previously \$10,900);
\$8,200 (previously \$7,800);
\$3,300 (previously \$3,100); and
\$2,500 (previously \$2,300).

The new case compensation maximums apply to a voucher submitted by appointed counsel if that person furnished any CJA-compensable work on or after February 15, 2019. The former case compensation maximums apply to a voucher submitted by appointed counsel if that person's CJA-compensable work on the representation was completed before February 15, 2019.

Investigative, Expert, or Other Services Case Compensation Maximums

In addition, the federal pay raise results in increases to the case compensation maximums for investigative, expert, or other services.²

The new case compensation maximum amount without prior authorization is \$900 (up from \$800). This limitation applies to the total compensation, excluding expenses, allowed for all subsection (e) services combined for which prior judicial authorization was not obtained (absent the court finding in the interest of justice that timely procurement of necessary services could not await prior authorization). The limitation does not apply to each service provider individually.³

¹ Subparagraph (d)(2) of the CJA, 18 U.S.C. § 3006A, amended in October 2008, provides that the panel attorney case compensation maximums for non-capital representations rise “simultaneously” with aggregate percentage increases in the hourly rate rounded to the nearest \$100, since the case maximums were last amended by Congress.

² Subparagraph (e)(5) of the CJA, amended in May 2010, provides for the case compensation maximum amounts set forth in subsections (e)(2) and (e)(3) for investigative, expert, or other services to increase simultaneously with any cumulative adjustments under section 5303 of title 5 in the rates of pay under the General Schedule (currently calculated based on the annual Employment Cost Index adjustment), rounded to the nearest \$100.

³ See *Guide to Judiciary Policy*, Vol. 7A, § 310.20.30.

The new waivable case compensation maximum amount with prior authorization is \$2,600 (up from \$2,500). The \$2,600 maximum, which excludes expenses, applies to each individual service provider in a non-capital representation.⁴ (This limitation does not apply in capital representations; the case maximum for investigative, expert, or other services in capital representations is governed by a different statute and has not changed.⁵)

The new case compensation amounts apply to a voucher submitted by a service provider if that provider furnished any CJA-compensable work in the representation on or after February 15, 2019. The former case compensation amounts apply if the provider's work on the representation was completed before February 15, 2019.

eVoucher System Instructions

The new hourly rate and case compensation maximums will be updated in eVoucher and an announcement will be sent to verify the completion of the update. Please call the National Support Desk at 210-536-5000, with any eVoucher inquiries. If a court's CJA Administrator updates the court's attorney rate or case maximum tables before the national update is completed, there will be no negative impact.

* * *

The JNet charts ([Current CJA Rates and Case Compensation Maximums](#) and [History of CJA Rates](#)) indicate the new and previous hourly rates and case compensation maximums. The charts in the publicly accessible Guidelines for Administering the CJA and Related Statutes (*Guide to Judiciary Policy*, Volume 7A) are in the process of being revised.

Questions concerning the CJA hourly rates or case compensation maximums may be directed to the Defender Services Office, Legal and Policy Division Duty Attorney at (202) 502-3030, or via email to dso_lpd@ao.uscourts.gov.

cc: CJA Panel Attorney District Representatives

⁴ *Id.*, § 310.20.10(b).

⁵ *See* 18 U.S.C. § 3599(g)(2).