

RULES OF THE CRIMINAL JUSTICE ACT

PERTAINING TO VOUCHER

<u>PROCEEDINGS</u>	<u>RATE</u>	<u>LIMIT</u>
In-Court hours	\$90.00 per hour	
Out-of-Court hours	\$90.00 per hour	
Felony		\$5,200.00
Misdemeanor		\$1,500.00
Appeal		\$3,700.00
Other		\$1,200.00

If total compensation for time exceeds the maximum, an itemized statement must be attached to voucher including dates, description of work performed, and time spent for each item. All excess compensation requested will be submitted to the chief judge of the 6th circuit for approval.

The completed voucher form should be submitted to the trial judge within forty-five (45) days after final disposition of the case.

See 18 U.S.C. SEC. 3006A

REMINDER TO APPOINTED COUNSEL

(If Change in Client's Financial Status)

The Criminal Justice Act Plan of the United States District Court for the Southern District of Ohio requires, *inter alia*, that appointed counsel advise the Court if the client's financial circumstances change sufficiently to enable him/her to pay, in whole or in part, for legal representation. *CJA Plan*, Part V(D) (2).

If you become aware (through non-privileged communications) of a significant change in your client's employment or financial circumstances, you must promptly notify the judicial officer (either District or Magistrate Judge) who made the original appointment.

While a change in your client's financial status will likely not result in a change of counsel, the Court may order your client to reimburse it for some or all of the costs associated with his/her defense.

INSTRUCTIONS FOR CJA FORM 20
APPOINTMENT AND AUTHORITY TO PAY COURT APPOINTED COUNSEL

Read these instructions carefully before completing the form. Accuracy and thoroughness will aid in the prompt payment of the claim. If possible, use a typewriter to complete the form; otherwise, write legibly with a ball point pen (preferably black or dark blue ink). If the form is system generated, Items 1 through 12 and 14 will be preprinted on the form. Attach an itemized statement of the services provided and expenses incurred. Give the date and the number of hours claimed for each service provided. Provide dates for and a description of the expenses incurred. For additional guidance, see the *Guidelines for the Administration of the Criminal Justice Act and Related Statutes (CJA Guidelines)*, Volume VII, *Guide to Judiciary Policies and Procedures*, which is available for reference in the Clerk's office.

Appointed counsel may obtain investigative, expert, and other services necessary for adequate representation in accordance with the procedures set forth in subsection(e) of the Criminal Justice Act (CJA), 18 U.S.C. §3006A. Prior authorization from the presiding judicial officer is required for all such services where the cost, excluding expenses, will exceed \$300. Failure to obtain prior authorization will result in the disallowance of any amount claimed for compensation in excess of \$300, unless the presiding judicial officer, in the interest of justice, finds that timely procurement of necessary services could not await prior authorization. Payment for these services should be claimed directly by the service provider on a CJA Form 21, "Authorization and Voucher for Expert and Other Services."

VOUCHERS SHALL BE SUBMITTED NO LATER THAN 45 DAYS AFTER THE FINAL DISPOSITION OF THE CASE, UNLESS GOOD CAUSE IS SHOWN (PARAGRAPH 2.21A, CJA GUIDELINES). ALL PAYMENTS MADE PURSUANT TO THIS CLAIM ARE SUBJECT TO POST-AUDIT; CONTEMPORANEOUS TIME AND ATTENDANCE RECORDS AS WELL AS EXPENSE RECORDS MUST BE MAINTAINED FOR THREE YEARS AFTER APPROVAL OF THE FINAL VOUCHER (PARAGRAPH 2.32, CJA GUIDELINES). ANY OVERPAYMENTS ARE SUBJECT TO COLLECTION, INCLUDING DEDUCTION OF AMOUNTS DUE FROM FUTURE VOUCHERS

- Item 1.** **CIR./DIST./DIV. CODE:** This six-character location code is the circuit, district, and divisional office codes of the court where the proceedings for the person represented are held.
- Item 2.** **PERSON REPRESENTED:** Give the full name of the person whom you were appointed to represent.
- Items 3-6.** **DOCKET NUMBERS:** Provide the case file or miscellaneous number assigned by the court. Enter the number using the last two digits of the calendar year (YY), the sequential number assigned by the court (NNNNN), and the defendant number (DDD) as shown on the indictment or charging document. Thus, the format of the docket number is YY-NNNNN-DDD. **Note:** If two or more cases are heard or

tried together for the person represented, complete a separate voucher for each case in which representation is provided (i.e., for each docket number listed). Prorate the total time among the cases. On supporting documentation, cross reference all related claims for which costs are prorated.

Item 7. IN CASE/MATTER OF (CASE NAME): In criminal cases, enter *U.S. vs. Defendant's Name*. If it is a multiple defendant case, give the case cite as provided on the indictment or information (e.g., *U. S. vs. Lead Defendant's Name, et al*). If the person represented is not a defendant (e.g., material witness), enter the first named defendant in the court's recording of the case. If this is a civil case (e.g., habeas corpus), enter the *Name of the Petitioner vs. the Name of the Respondent* and include the respondent's title. If other than a civil or criminal case (i.e., miscellaneous matters), enter "*In the Matter of*" followed by the *Name of the Person Represented*.

Item 8. PAYMENT CATEGORY: Check the appropriate box that establishes the statutory threshold for representation in this case type. If "Other" payment category is checked, specify the category within the scope of the CJA. See paragraph 2.22 B(2) of the *CJA Guidelines*.

Item 9. TYPE PERSON REPRESENTED: Check the box that defines the legal status of the person represented.

Item 10. REPRESENTATION TYPE: From the list below, select the code that describes the type of representation:

- CC A defendant charged in a criminal case with an offense(s) that is a felony, misdemeanor, or petty offense under the United States Code, or an assimilated crime under a state code including ancillary matters.
- NT A new trial either directed from the court of appeals on remand or as a result of a mistrial
- MA Motion attacking a sentence (28 U.S.C. § 2255)
- MC Motion to correct or reduce sentence (Fed. R. Crim. P. 35)
- HC Habeas corpus, non-capital (28 U.S.C. § 2254)
- BP Bail Presentment
- WI Material Witness (in custody)
- WW Witnesses (Grand Jury, a Court, the Congress, a Federal Agency, etc.)
- PR Probation Revocation
- PA Parole Revocation
- SR Supervised Release Hearing
- EW Extraordinary Writs (Prohibition, Mandamus)
- CH Mental Competency Hearings (see Chapter 313 of Title 18 U.S. Code)
- PT Pretrial Diversion

EX Extradition Cases (Foreign)
Other (e.g., line ups, consultations, prisoner transfer, etc.)

**FOR DEATH PENALTY CASES, USE THE CJA FORM 30 AND
APPLICABLE TYPE OF REPRESENTATION CODES**

Item 11. **OFFENSE(S) CHARGED:** Cite the U.S. Code, with title and section, or other code citation of the offense or offenses (list up to five) with which the person represented is charged. If other than a federal code is cited, state the statutory maximum period of confinement authorized for the offense. If a civil matter, such as a habeas corpus representation or a motion attacking sentence, cite 28 U.S.C. § 2254 or 28 U.S.C. § 2255, respectively. For direct appeals from a case disposition, cite the major offense (U.S. Code, title and section) for which the defendant was convicted.

Items 12/14 **ATTORNEY'S NAME AND MAILING ADDRESS and NAME AND MAILING ADDRESS OF LAW FIRM:** Complete Item 12 with the legal name and address of the attorney appointed to represent the person whose name is shown in Item 2. If prior to your appointment for representation, you had a pre-existing agreement with a law firm or corporation, including a professional corporation, indicating that CJA earnings belong to the law firm or corporation, rather than to the court-appointed attorney/payee, provide the name and mailing address of that law firm or corporation in Item 14. This information will allow earnings to be reported to the Internal Revenue Service (IRS) on a 1099 Statement as earnings of the law firm or corporation and not as the earnings of the attorney appointed. (*Note: Information about a pre-existing agreement, including the Taxpayer Identification Number (TIN) of the law firm or corporation, should be provided to the court staff when the attorney is admitted to the panel or at initial appointment to a case.*)

Item 13: **COURT ORDER:** Check the box that describes the type of counsel appointed. If appointed as a substitute counsel, give the name of the previous counsel and the appointment date. If appointed as a "Standby Counsel," check "Other" and attach a court order establishing this type of appointment in accordance with paragraph 2.17 of the *CJA Guidelines*. Also check "Other" if counsel is appointed pursuant to 28 U.S.C. § 1875(d)(1) to protect a juror's employment rights, and attach the court order appointing counsel for this purpose. The remaining portion of this item will be completed by the clerk of court or other court-designated person. The presiding judicial officer or clerk of court must sign and date this court order to validate the appointment. If services were provided prior to court appointment, the presiding judicial officer must ratify the previous service by indicating a "nunc pro tunc" date that covers the services prior to appointment. No other court order is necessary. Indicate whether the court orders full or partial repayment of the cost

for representation from the person represented at the time of appointment by checking "Yes" or "No."

Item 15. IN-COURT SERVICES: Enter the total number of hours claimed (in hours and tenths of an hour) for each applicable in-court service category. To support the totals entered in each category, attach to the voucher an itemization of services, by date, and indicate the number of hours for each service. Enter the total in-court hours where required on the form, and multiply the total number of in-court hours claimed by the hourly rate in effect for the place of holding court in which the representation is provided or the attorney maintains his or her principal office. If the case is an appeal to the court of appeals, enter the higher of the rates per hour in effect for the place of holding court in which the attorney maintains his or her principal office or the place of holding court out of which the case arose. Enter the total amount claimed in the appropriate box on the form.

Item 16. OUT-OF-COURT SERVICES: Complete according to the instructions above for in-court time, using the applicable out-of-court hourly rate of compensation.

NOTE: The "FOR COURT USE ONLY" column will reflect any mathematical or technical adjustments to the claim during the judicial approval process or changes during a required additional review of the chief judge of the court of appeals (or delegate).

Item 17. TRAVEL EXPENSES: Travel related expenses that are incidental to the representation (e.g., transportation, lodging, meals, car rental, parking, bridge, road and tunnel tolls, etc.) must be itemized on a separate sheet, indicating dates the expense was incurred. Attach supporting documentation (receipts, canceled checks, etc.) for all travel expenses. Travel expenses by privately owned automobile, motorcycle, or aircraft should be claimed at the rate in effect for federal employees at the time of travel. For overnight travel, reasonable expenses for lodging and meals will be reimbursed on an actual expense basis; per diem is not allowed. Counsel should be guided by prevailing limitations for travel and subsistence expenses of federal employees. The clerk of court can advise you of applicable rates and federal government travel regulations.

Item 18. OTHER EXPENSES: Itemize all reimbursable out-of-pocket expenses incidental to representation. Provide dates and a brief description of the expense. Enter the total claimed where required on the form. Submit supporting documentation (receipts, canceled checks, etc.) for single item expenses in excess of \$50. Reimbursable expenses may include, in some circumstances, payments to law students or law clerks for legal research and assistance and the cost of computer assisted legal research (CALR) when conducted by counsel. See paragraphs 2.31 and 3.15 of the *CJA Guidelines* for an explanation. The following are not

reimbursable expenses, and should not be claimed:

1. General office overhead, such as rent, telephone services, and secretarial services.
2. Expenses for items of a personal nature for the client (e.g., clothes, haircuts).
3. The cost of printing briefs. However, the cost of photocopying or similar copying service is reimbursable.
4. Fact witness fees, witness travel costs, and expenses for service of subpoenas. These expenses are not paid out of the CJA appropriation, but instead are paid by the Department of Justice pursuant to Fed. R. Crim. P. 17, and 28 U.S.C. § 1825. Contact the United States Marshal for payment procedures. See paragraph 3.13 of the *CJA Guidelines* for guidance on payment of witness fees generally.
5. Filing fees. These fees are waived for persons proceeding under the CJA.
6. The cost of allowable investigative, expert, or other services. (See Chapter III of the *CJA Guidelines*). Such services should be requested using a CJA Form 21.
7. Compensation taxes. Taxes paid on attorney compensation, whether based on income, sales or gross receipts are not reimbursable expenses.

Totals: Enter the Grand Totals where required by adding "in-court" and "out-of-court" totals, "travel" and "other expenses."

Item 19. CERTIFICATION OF ATTORNEY/PAYEE FOR PERIOD OF SERVICE: The person appointed by the court must certify dates of service for the representation. Indicate, where required, the date range for the services claimed on the voucher.

Item 20. APPOINTMENT TERMINATION DATE, IF OTHER THAN CASE COMPLETION: If the appointment is discontinued by order of the court (i.e., substitute counsel or reasons other than disposition of the defendant's case, such as fugitive defendant, appointment of federal defender, or retention of counsel by a defendant), give the effective date for termination of appointment.

Item 21. CASE DISPOSITION: Indicate case disposition for the person represented (e.g., dismissed, convicted/final plea guilty, probation revoked, other, etc.). Select a code from the table below.

	Type of Disposition	Code
District Court Criminal and Other Proceedings	Dismissed	1

	Type of Disposition	Code
	Acquitted by court, or government motion for judgment of acquittal granted	2
	Acquitted by jury	3
	Convicted/final plea guilty	4
	Convicted/final plea nolo	5
	Convicted/court trial	8
	Convicted/jury trial	9
	Mistrial	C
	Not Guilty/insane/court trial	E
	Guilty/insane/court trial	F
	Not guilty/insane/jury trial	G
	Guilty/insane/jury trial	H
	Other (PTD matters, other reps. Transfers)	X
Appeals	Affirmed	A
	Reversed	R
	Remanded	0
	Reversed in Part/Affirmed in Part	RA
	Affirmed in Part/Reversed in Part	AR
	Dismissed	I
Probation/Parole/ Supervised Release	Revoked	RV
	Restored	RS
Habeas/Petitions/Writs	Granted	GR
	Denied	DE

Item 22. CLAIM STATUS: Indicate, by checking the appropriate box, whether the voucher is (1) the final payment for the services, (2) an interim payment, or (3) a supplemental payment (an additional claim submitted after a final payment is made). If an interim payment, indicate the interim payment number. Complete the remaining portion of Item 22, and sign and date the affirmation statement before submitting the claim for court approval.

Items 23-28a. APPROVED FOR PAYMENT: The presiding judicial officer will indicate the amount approved for payment in each category (Items 23 - 26). These amounts will reflect any mathematical and technical adjustments to your claim. The **"TOTAL AMOUNT APPROVED/CERTIFIED"** for payment equals the amount approved in the major categories, less any amounts withheld for an interim payment.

SIGNATURE OF THE PRESIDING JUDICIAL OFFICER: If the total amount approved for payment (both in-court and out-of-court), not including expenses, is less than or equal to the statutory limitation, the claim will be processed for payment. The presiding judicial officer will sign and date the voucher indicating approval of the amount to be paid in Item 27. If compensation exceeds the statutory threshold for the representation, submit a detailed memorandum, supporting and justifying that the representation was provided in a complex or extended case and that the claim for the excess amount is necessary to provide fair compensation. Upon preliminary approval of the claim, the presiding judicial officer will (1) signify approval by circling the word "cert" (for word certified) in Item 27 and (2) forward the voucher to the chief judge of the court of appeals (or delegate) for approval of the excess amount. The **JUDGE CODE** will be provided by the court staff.

Item 29-33 APPROVED FOR PAYMENT: For payments in excess of the statutory limitation, the chief judge for the court of appeals (or delegate) will indicate the amount approved for payment in Items 29 - 32. This amount will reflect any adjustments in your claim resulting from additional technical or mathematical review by the chief judge (or delegate). The chief judge of the court of appeals (or delegate) will indicate the **TOTAL AMOUNT APPROVED** for payment of the claim, less any amounts withheld for an interim payment in Item 33.

Item 34. SIGNATURE OF CHIEF JUDGE, COURT OF APPEALS (OR DELEGATE): Before the claim is paid for the excess amount, the chief judge of the appeals court (or delegate) must sign and date Item 34, approving payment for compensation that exceeds the statutory threshold. If approval is not granted, compensation will be limited to the statutory maximum for the representation and expenses as approved. The **JUDGE CODE** will be provided by the court staff.

In Court Hourly Worksheet-

This Worksheet was devised to standardize the itemization and documentation of Hourly Totals and In Court Services performed by Court Appointed Counsel in the defense of a client under the Criminal Justice Act. Each attorney should provide the following on the worksheet:

- 1.) The Case Number and CJA 20 Voucher Number pertaining to the claim.
- 2.) For each In Court Service rendered provide the following:
 - a.) The date the service was performed
 - b.) A brief description of the service performed
 - c.) the time spent performing the service

The time spent performing the service will be reported in quarter hours, using percentages, i.e., .25, .50, .75. In addition, the time reported will be listed under the appropriate In Court Service category, i.e., Arraignment and/or Plea, Motions and Requests, Bail Hearings, etc.

Once all In Court Services have been documented the hours column pertaining to each service category will be totaled. If more than one page is required, a page total should be provided on each page. A grand total of all page totals should be provided on the final page. The grand total hours for each service category will then be transferred to Item 19 of the CJA 20 and listed across from the applicable In Court Service and totaled to arrive at the total hours for all In Court Services. The In Court Compensation should then be calculated multiplying the applicable rate per hour by the total hours.

- 3.) Each page should be numbered, i.e., Page 1 of 2, Page 2 of 2, etc.

Once all necessary information has been completed and transferred to the CJA 20, the In Court Hourly Worksheet must be attached to the CJA 20.

ENCLOSURE

Out of Court Hourly Worksheet

This Worksheet was devised to standardize the itemization and documentation of Hourly Totals and Out of Court Services performed by Court Appointed Counsel in the defense of a client under the Criminal Justice Act. Each attorney should provide the following on the worksheet:

- 1.) The Case Number and CJA 20 Voucher Number pertaining to the claim.
- 2.) For each Out of Service rendered provide the following:
 - a.) the date the service was performed
 - b.) a brief description of the service performed
 - c.) the time spent performing the service

The time spent performing the service will be reported in quarter hours, using percentages, i.e., .25, .50, .75. In addition, the time reported will be listed under the appropriate Out of Court Service category, i.e., Interviews and conferences, Obtaining and reviewing records, Legal research and brief writing, etc.

Note: Travel time to and from court (or the place where service is rendered) may not be claimed if the round-trip time is less than one hour.

Once all Out of Court Services have been documented the hours column pertaining to each service category will be totaled. If more than one page was required a page total should be provided on each page. A grand total of all page totals should be provided on the final page. The grand total hours for each service category will then be transferred to Item 20 of the CJA 20 and listed across from the applicable Out of Court Service and added to arrive at the total hours for all Out of Court Services. The Out of Court Compensation should be calculated multiplying the applicable rate per hour by the total hours.

- 3.) Each page should be numbered, i.e., Page 1 of 2, Page 2 of 2, etc.

Once all necessary information has been completed and transferred to the CJA 20, the Out of Court Hourly Worksheet must be attached to the CJA 20.

OUT OF COURT HOURLY WORKSHEET

Case Number: 82-80390
 Voucher Number: 824390

Date	Brief Description of Services	Interviews and conferences	Obtaining and reviewing records	Legal research and brief writing	Travel time	Investigative and other work
6/18/85	T/Conf. with F.D.O.	.25				
6/19/85	Conference with client	1.00			1.25	
6/19/85	Travel Time - Conference with client					
6/25/85	Pre-Trial Conference - Magistrate Morgan	1.50			1.25	
6/25/85	Travel Time - Pre-Trial Conference					
6/26/85	T/Conf. with client re: Pre-Trial	.25				
7/1/85	RRC re: Discovery Materials	.50	2.50			
7/5/85	T/Conf. with client re: Discovery	.50				
7/10/85	Conference with client	2.50				
7/26/85	T/Conf. with AUSA re: Plea	.50				
7/26/85	T/Conf. with client re: Plea	.50				
8/1/85	T/Conf. with client re: Plea and Trial	.25				
8/8/85	T/Conf. with AUSA re: Trial & Adj.	.50				
8/8/85	T/Conf. with client re: Trial & Adj.	.25				
8/9/85	RRC from AUSA re: Trial		.25			
8/12/85	RRC from Court re: Trial Notice		.25			
8/17/85	RRC from AUSA re: Jencks Material		1.00			
8/22/85	T/Conf. with client re: Trial	.25				
8/26/85	Conference with client re: Trial Preparation	2.50				
8/28/85	T/Conf. with Court re: Trial Date	.25				
8/28/85	T/Conf. with client re: Trial Date	.25				
9/12/85	T/Conf. with Court re: Trial Date	.25				
9/12/85	T/Conf. with client re: Trial Date	.25				
9/16/85	T/Conf. with Court re: Trial Date	.25				
	Page Total	12.00	4.00		2.50	
	Grand Total	12.00	4.00		2.50	

Other Expense Worksheet

This Worksheet was devised to standardize the itemization of other reimbursable expenses incurred by Court Appointed Counsel in the defense of a client under the Criminal Justice Act. Each attorney should provide the following on the worksheet:

- 1.) The Case Number and CJA 20 Voucher Number pertaining to the claim.
- 2.) For each item of Other Expense incurred provide the following:
 - a.) the date incurred
 - b.) a brief explanation of the expense
 - c.) the amount of expense incurred

Attach supporting documentation, i.e., receipts, canceled checks and invoices for all expenses in excess of \$50.00. Such expense items as mileage and copying should show the total miles and pages, respectively, multiplied by the applicable rate to arrive at the expense incurred. The expenses incurred should then be listed under the appropriate other expense category, i.e., Mileage, Parking, Meals, etc.

Once all Other Expenses have been itemized total each column listing the Total Amount. Transfer and list other expense categories and their applicable totals, using the space provided on item 21 of the CJA 20. The Other Expense Worksheet along with any supporting documentation must be attached to the CJA 20.

2.) Law Students

In some districts and circuits, arrangements have been made for the use of qualified law students to assist assigned counsel in trial preparation and in drafting briefs and arguments on appeal. Payment under the CJA in such instances may be made to assigned counsel only for compensable time spent by counsel plus allowable expenses. Allowable expenses for the attorney may include compensation paid to law students for legal research, but do not include reimbursement for expenses incurred by a law student in assisting appointed counsel.

3.) Computer Assisted Legal Research

The cost of use, by appointed counsel, of computer assisted legal research equipment, may be allowed as a reimbursable out-of-pocket expense, provided that the total amount approved for computer assisted legal research does not exceed the total amount of attorney compensation that reasonably would have been approved if counsel had performed the research manually. Whenever appointed counsel incurs charges for computer assisted legal research, counsel should attach to the compensation voucher the following:

- a.) a brief statement on the issue or issues that were the subject matter of the research; and
- b.) an estimate of the number of hours of attorney-time that would have been required to do the research manually; and
- c.) a copy of the bill and receipt for the use of equipment or an explanation of the precise basis of the charge (e.g., indicating the extent to which it was derived by proration of monthly charges, or by charges identifiable to the specific research).

4.) Other Expenses

This would include items such as telephone toll call, telegrams, copying (except printing), postage and photographs. Other expenses in excess of \$50.00 must be substantiated by proof of payment, i.e. receipts, canceled checks, and invoices.

GENERAL INFORMATION FOR OTHER EXPENSES

General

Frequently, payment of a voucher is held up because of the failure to itemize or supply sufficient documentation of expenses, i.e., receipts, canceled checks, and invoices. In addition, delay is often caused when pertinent court orders are not submitted with the vouchers. Vouchers for attorneys under the Act must include a description of the services - a breakdown of how the hours were spent, and on what dates the services were performed. Travel expenses must be adequately explained: vouchers should include date, destination, and purpose of travel. As noted above receipts for expenses in excess of \$50.00 must be submitted.

Allowable Expenses- Court Appointed Counsel (CJA) Form 20

Out of pocket expenses reasonably incurred may be claimed on the CJA 20 voucher, and must be itemized and reasonably documented. Expenses for investigations or other services under subsection (e) of the Act shall not be considered out of pocket expenses and thus, such expenses should not be claimed on the CJA 20 voucher. A CJA 21 should be filed by the investigator or other expert. Out of pocket expenses would include:

1.) Travel Expenses

Travel by a privately owned automobile should be claimed at the rate prescribed (currently 36¢ per mile) for federal judiciary employees who use a private automobile for conducting official business, plus parking fees, ferry fares, and bridge, road and tunnel tolls. Other means of transportation should be claimed on an actual expense basis.

Counsel's expenses for meals and lodgings, incurred in the representation of the defendant, constitute reimbursable out of pocket expenses.

In determining whether actual expenses incurred are "reasonable," counsel should be guided by the prevailing limitations placed upon travel and subsistence expenses of Federal judiciary employees in accordance with existing government travel regulations. Proof of payment for expenses pertaining in excess of \$50.00 must be attached to the voucher.

2.) Law Students

In some districts and circuits, arrangements have been made for the use of qualified law students to assist assigned counsel in trial preparation and in drafting briefs and arguments on appeal. Payment under the CJA in such instances may be made to assigned counsel only for compensable time spent by counsel plus allowable expenses. Allowable expenses for the attorney may include compensation paid to law students for legal research, but do not include reimbursement for expenses incurred by a law student in assisting appointed counsel.

3.) Computer Assisted Legal Research

The cost of use, by appointed counsel, of computer assisted legal research equipment, may be allowed as a reimbursable out-of-pocket expense, provided that the total amount approved for computer assisted legal research does not exceed the total amount of attorney compensation that reasonably would have been approved if counsel had performed the research manually.

Whenever appointed counsel incurs charges for computer assisted legal research, counsel should attach to the compensation voucher the following:

- a.) a brief statement on the issue or issues that were the subject matter of the research; and
- b.) an estimate of the number of hours of attorney-time that would have been required to do the research manually; and
- c.) a copy of the bill and receipt for the use of equipment or an explanation of the precise basis of the charge (e.g., indicating the extent to which it was derived by proration of monthly charges, or by charges identifiable to the specific research).

4.) Other Expenses

This would include items such as telephone toll call, telegrams, copying (except printing), postage and photographs. Other expenses in excess of \$50.00 must be substantiated by proof of payment, i.e. receipts, canceled checks, and invoices.

**GUIDANCE TO ATTORNEYS IN DRAFTING THE MEMORANDUM REQUIRED FOR A COMPENSATION CLAIM IN EXCESS OF THE
CASE COMPENSATION MAXIMUM: DISTRICT COURT**

Paragraph 2.22 C(2) of the *Guidelines for the Administration of the Criminal Justice Act (CJA Guidelines)*, Volume VII, *Guide to Judiciary Policies and Procedures*, provides:

In any case in which the total compensation claimed is in excess of the statutory case compensation maximum, counsel shall submit with the voucher a detailed memorandum supporting and justifying counsel's claim that the representation given was in an extended or complex case, and that the excess payment is necessary to provide fair compensation.

Paragraph 2.22 B(3) of the *CJA Guidelines* states that a case is complex if the "legal or factual issues...are unusual, thus requiring the expenditure of more time, skill and effort by the lawyer than would normally be required in an average case," and that a case is extended if "more time is reasonably required for total processing than the average case". Paragraph 2.22 B(3) lists the following criteria as useful in determining fair compensation in extended or complex cases: responsibilities involved measured by the magnitude and importance of the case; manner in which duties were performed; knowledge, skill, efficiency, professionalism, and judgement required of and used by counsel; nature of counsel's practice and injury thereto; any extraordinary pressure of time or other factors under which services were rendered; and any other circumstances relevant and material to a determination of a fair and reasonable fee.

To assist counsel in writing a "detailed memorandum supporting and justifying counsel's claim that the representation given was in an extended or complex case, and that the excess payment is necessary to provide fair compensation," the following topics are provided for counsel's consideration. Some of these issues may not apply to a particular case or may not be noteworthy for this memorandum. Counsel, of course, may address topics other than those listed below.

Length of appointment to case; total number of in-court hours, specifying pre-trial hearings, trial, sentencing hearings, and other; and total number of out-of-court hours.

Offenses charged; number of counts charged; and other pending cases of defendant during the representation.

Number of co-defendants.

The sentences guideline range found by the court and whether a mandatory minimum was found or at issue at sentencing.

Discovery materials (nature and volume) and/or discovery practices.

Motions, legal memoranda, jury instructions, and sentencing documents, or legal research not resulting in such, which were drafted originally for this case (do not include standardized motions, etc., unless content was modified significantly).

Investigation and case preparation (e.g., number and accessibility of witnesses interviewed, record collection, document organization).

Use of investigative, expert, or other services (CJA 21 voucher).

The following client considerations: communication with client/family, language difference, accessibility of client, other.

Any expense (see Item 19 of the CJA 20 voucher) greater than \$500.

Any other noteworthy circumstances regarding the case and the representation provided to support this compensation request. Include, if applicable: negotiations with the U.S. Attorney's office or law enforcement agency; complexity or novelty of legal issues and factual complexity; responsibilities involved measured by the magnitude and importance of the case; manner in which duties were performed and knowledge, skill efficiency, professionalism, and judgment required of and used by counsel; nature of counsel's practice and hardship or injury resulting from the representation; any extraordinary pressure of time or other factors under which services were rendered.

**SUPPLEMENTAL INFORMATION STATEMENT FOR A COMPENSATION CLAIM IN EXCESS OF THE STATUTORY CASE
COMPENSATION MAXIMUM DISTRICT COURT**

THIS FORM PROVIDES INFORMATION TO SUPPORT COUNSEL'S CLAIM THAT THE REPRESENTATION GIVEN WAS IN AN EXTENDED OR COMPLEX CASE, AND THAT THE EXCESS PAYMENT IS NECESSARY TO PROVIDE FAIR COMPENSATION. PARAGRAPH 2.22 B(3) OF THE *GUIDELINES FOR THE ADMINISTRATION OF THE CRIMINAL JUSTICE ACT*, VOLUME VII, *GUIDE TO JUDICIARY POLICIES AND PROCEDURES*, DEFINES THE TERMS "EXTENDED" AND "COMPLEX," AND SUGGESTS CRITERIA FOR DETERMINING "FAIR COMPENSATION." THIS FORM SERVES AS COUNSEL'S MEMORANDUM REQUIRED BY PARAGRAPH 2.22 C(2) OF THOSE *GUIDELINES*, AND DOES NOT REPLACE ANY OTHER DOCUMENTATION REQUIRED TO SUPPORT THE PAYMENT REQUEST. IF EXTRA SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS OF PAPER.

ATTORNEY NAME:

CASE NAME:

DOCKET NUMBER:

DEFENDANT NUMBER:

VOUCHER NUMBER:

1 PERIOD OF APPOINTED (DATES):

TOTAL NUMBER OF IN-COURT HOURS: _____ SPECIFYING: PRETRIAL HEARING _____ TRIAL _____
 SENTENCING HEARINGS _____ ALL OTHER IN-COURT _____
 TOTAL NUMBER OF OUT-OF-COURT HOURS: _____

2 OFFENSES CHARGED:

NUMBER OF COUNTS CHARGED: _____ NUMBER OF CO-DEFENDANTS: _____

OTHER PENDING CASES (DOCKET NUMBERS) OF DEFENDANT DURING REPRESENTATION:

IF APPLICABLE, SENTENCING GUIDELINE RANGE FOUND BY THE COURT FOR SENTENCING:

WAS A MANDATORY MINIMUM FOUND OR AT ISSUE AT SENTENCING? YES _____ NO _____

3 DESCRIBE DISCOVERY MATERIALS (NATURE AND VOLUME) AND/OR DISCOVERY PRACTICES WHICH ARE A NOTEWORTHY FACTOR IN THE NUMBER OF HOURS CLAIMED:

4 LIST AND DESCRIBE MOTIONS, LEGAL MEMORANDA, JURY INSTRUCTIONS, AND SENTENCING DOCUMENTS, OR LEGAL RESEARCH NOT RESULTING IN SUCH, WHICH ARE A NOTEWORTHY FACTOR IN THE NUMBER OF HOURS CLAIMED AND WHICH WERE DRAFTED ORIGINALLY FOR THIS CASE (DO NOT INCLUDE STANDARDIZED MOTIONS, ETC., UNLESS CONTENT WAS MODIFIED SIGNIFICANTLY):

5 SUMMARIZE INVESTIGATION AND CASE PREPARATION (E.G., NUMBER AND ACCESSIBILITY OF WITNESSES INTERVIEWED, RECORD COLLECTION, DOCUMENT ORGANIZATION) WHICH ARE A NOTEWORTHY FACTOR IN THE NUMBER OF HOURS CLAIMED:

6. EXPLAIN, IF NOTEWORTHY, IMPACT ON THE NUMBER OF HOURS CLAIMED OF INVESTIGATIVE, EXPERT, OR OTHER SERVICES USED (CJA 21 VOUCHER):

7. CHECK WHETHER ANY OF THE FOLLOWING CLIENT CONSIDERATIONS ARE A NOTEWORTHY FACTOR IN THE NUMBER OF HOURS CLAIMED AND EXPLAIN EACH: COMMUNICATION WITH CLIENT/FAMILY _____
LANGUAGE DIFFERENCE _____ ACCESSIBILITY OF CLIENT _____ OTHER _____

8. EXPLAIN ANY EXPENSE (ITEM 19 OF THE CJA 20 VOUCHER) GREATER THAN \$500:

9. EXPLAIN ANY OTHER NOTEWORTHY CIRCUMSTANCES REGARDING THE CASE AND THE REPRESENTATION PROVIDED TO SUPPORT THIS COMPENSATION REQUEST:

INCLUDE, IF APPLICABLE: (A) NEGOTIATIONS WITH U.S. ATTORNEY'S OFFICE OR LAW ENFORCEMENT AGENCY; (B) COMPLEXITY OR NOVELTY OF LEGAL ISSUES AND FACTUAL COMPLEXITY; (C) RESPONSIBILITIES INVOLVED MEASURED BY THE MAGNITUDE AND IMPORTANCE OF THE CASE; (D) MANNER IN WHICH DUTIES WERE PERFORMED AND KNOWLEDGE SKILL, EFFICIENCY, PROFESSIONALISM, AND JUDGEMENT REQUIRED OF AND USED BY COUNSEL; (E) NATURE OF COUNSEL'S PRACTICE AND HARDSHIP OR INJURY RESULTING FROM THE REPRESENTATION; AND (F) ANY EXTRAORDINARY PRESSURE OF TIME OR OTHER FACTORS UNDER WHICH SERVICES WERE RENDERED.

SIGNATURE OF APPOINTED ATTORNEY:

DATE:

**INSTRUCTIONS TO CJA ATTORNEYS
AND COURT REPORTERS**

CJA 24 VOUCHER FOR PAYMENT OF TRANSCRIPTS

DECEMBER 7, 1992

The Administrative Office of the U. S. Court will authorize the payment of the original transcript in criminal actions where the court has appointed an attorney. Appointed attorneys in multi-defendant actions are to consult with one another when a transcript where all parties are involved is needed. One attorney is to submit a CJA 24 form with a request for copies to be produced by the clerk for other counsel as needed.

CAUTION:

IF YOU ORDER A TRANSCRIPT FROM A COURT REPORTER WITHOUT SECURING THE INITIAL PERMISSION ON THE CJA 24 FROM THE JUDICIAL OFFICER, YOU MAY BE REQUIRED TO PERSONALLY BEAR ANY INCUR SUCH COSTS. THE CJA 24 FORM IS TO BE SUBMITTED TO THE CLERK'S OFFICE FOR VERIFICATION. THE CLERK'S OFFICE WILL SUBMIT IT FOR THE INITIAL PERMISSION FOR TRANSCRIPTION OF PROCEEDINGS.

INSTRUCTIONS FOR CJA ATTORNEYS

CJA 24 TRANSCRIPT ORDER FORM

****SPECIAL ATTENTION TO:** Appointed attorneys in multi-defendant actions are to consult with one another when a transcript, where all parties are involved, is needed. One attorney is to submit a CJA 24 form with a request for copies to be produced by the clerk for other counsel as needed.

The CJA 24 form is a request for a specific hearing of trial to be transcribed.

Sections 1 thru 13 (excluding #12) must be filled out and returned to the clerk's office to secure the presiding judge's approval for transcriptions of such proceedings prior to submission to the court reporter.

Section 13 includes items specifically excluded from normal transcription requests. If any of these items are necessary to the request, this section should be filled out for the judge's approval.

The Clerk's Office will secure the judge's approval and forward the form to the appropriate court reporter.

If a request for transcript is needed for an appeal, the 6CA30 transcript order form should accompany the CJA 24 to the clerk's office.

TO ALL PARTIES OF RECORD:

CRIMINAL APPEAL INFORMATION AND INSTRUCTION

APPOINTMENT OF COUNSEL; CRIMINAL JUSTICE ACT; 18 U. S. C. SEC. 3006A

RULE 10.1.1 6TH Cir.R. 12(a) TRIAL COUNSEL IN ALL CRIMINAL CASES, WHETHER APPOINTED OR RETAINED, REMAINS RESPONSIBLE FOR REPRESENTATION OF THE DEFENDANT ON APPEAL UNLESS AND UNTIL SPECIFICALLY RELIEVED BY THE COURT OF APPEALS. EVEN IF THE DISTRICT COURT HAS ALLOWED TRIAL COUNSEL TO WITHDRAW, UNLESS SUBSTITUTE COUNSEL HAS APPEARED ON BEHALF OF THE DEFENDANT, TRIAL COUNSEL WILL REMAIN RESPONSIBLE FOR THE CASE UNTIL RELIEVED BY THE COURT OF APPEALS.

Consequently, should trial counsel wish to withdraw in a criminal appeal he must make a motion to the COURT OF APPEALS. This must be done either after the Notice of Appeal has been filed or at the same time the Notice of Appeal is being filed.

RULE 10.1 CRIMINAL CASES. Trial counsel appointed by the District Court will be reappointed as counsel on appeal **without the necessity** of further proof of the litigant's indigency; no motion for appointment of counsel is necessary; 6th Cir.R12(b).

AFFIDAVIT IN SUPPORT OF IFP STATUS

If counsel was retained and at the time of the appeal the defendant wishes to file in pauper status, the **first affidavit to proceed in pauper status must be filed** with the District Court. Should the District Court deny pauper status counsel may then file a second pauper affidavit with the Court of Appeals. This should be filed either after the Notice of Appeal has been filed or at the same time the Notice of Appeal is filed.

WHEN THE DISTRICT COURT JUDGE DIRECTS THE CLERK TO FILE A NOTICE OF APPEAL ON BEHALF OF A DEFENDANT, IT IS NOT NECESSARY FOR COUNSEL TO FILE A DUPLICATE NOTICE OF APPEAL. IT IS NECESSARY, HOWEVER, THAT THE ATTORNEY OF RECORD OR THE DEFENDANT SIGN SAID NOTICE OF APPEAL. FAILURE TO DO SO WILL RENDER THE APPEAL AS FAULTY AND CAN BE DISMISSED.

**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 a redacted copy of a payment voucher submitted by defense counsel, or 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 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 made available as follows:

A. BEFORE OR DURING THE TRIAL: After redacting any detailed information provided to justify the expenses, the court shall make available to the public only the amounts approved for payment. Upon the completion of trial, unredacted copies of the vouchers may be released, depending on whether an appeal is being pursued 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 make available to the public 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 shall 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 shall make available to the public 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.

C. AFTER THE APPEAL IS COMPLETED: The court shall make an unredacted copy of the payment voucher available to the public unless it determines that one or more of the interests listed in part B.1 justify limiting disclosure to the amounts approved for payment in the manner described in part A.

If counsel believes that any of the interest 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 the 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 availability of unredacted copies of your voucher without notice.

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

Provision of FY 1998 Judiciary Appropriation Act (Public Law 105-119, Nov. 26, 1997) amending the Criminal Justice Act SEC. 306. Section 3006(d) of title 18, United States Code, is amended by striking paragraph (4) and inserting the following:

"(4) DISCLOSURE OF FEES-

"(A) IN GENERAL- Subject to subparagraphs (B) through (E), the amounts paid under this subsection for services in any case shall be made available to the public by the court upon the court's approval of the payment.

"(B) PRE-TRIAL OR TRIAL IN PROGRESS- If a trial is in pre-trial status or still in progress and after considering the defendant's interests as set forth in subparagraph (D), the court shall-

"(i) redact any detailed information on the payment voucher provided by defense counsel to justify the expenses to the court; and

"(ii) make public only the amounts approved for payment to defense counsel by dividing those amounts into the following categories:

- "(I) Arraignment and or plea.**
- "(II) Bail and detention hearings.**
- "(III) Motions.**
- "(IV) Hearings.**
- "(V) Interviews and conferences.**
- "(VI) Obtaining and reviewing records.**
- "(VII) Legal research and brief writing.**
- "(VIII) Travel Time.**
- "(IX) Investigative work.**
- "(X) Experts.**
- "(XI) Trial and appeals.**
- "(XII) Other.**

"(C) TRIAL COMPLETED-

"(i) IN GENERAL- If a request for payment is not submitted until after the completion of the trial and subject to consideration of the defendant's interests as set forth in subparagraph (D) require a limited disclosure, the court shall disclose amounts as provided in subparagraph (B).

"(D) CONSIDERATIONS- The interests referred to in subparagraphs (B) and (C) are-

- "(i) to protect any person's 5th amendment right against self-incrimination;**
- "(ii) to protect the defendant's 6th amendment rights to effective assistance of counsel;**
- "(iii) the defendant's attorney-client privilege;**
- "(iv) the work product privilege of the defendant's counsel**
- "(v) the safety of any person; and**
- "(vi) any other interest that justice may require.**

"(E) NOTICE- The court shall provide reasonable notice of disclosure to the counsel of the defendant prior to the approval of the payments in order to allow the counsel to request redaction based on the considerations set forth in subparagraph (D). Upon completion of the trial, the court shall release unredacted copies of the vouchers provided by defense counsel to justify the expenses to the court. If there is an appeal, the court shall not release unredacted copies of the vouchers provided by defense counsel to justify the expenses to the court until such time as the appeals process is completed, unless the court determines that none of the defendant's interests set forth in subparagraph (D) will be compromise.

"(F) EFFECTIVE DATE- The amendment made by paragraph (4) shall become effective 60 days after enactment of this Act, will apply only to cases filed on or after the effective date, and shall be in effect for no longer than twenty-four months after the effective date."



LEONIDAS RALPH MECHAM
Director

ADMINISTRATIVE OFFICE OF THE
UNITED STATES COURTS

CLARENCE A. LEE, JR.
Associate Director

WASHINGTON, D.C. 20544

March 22, 2002

MEMORANDUM TO ALL: 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

SUBJECT: Implementation of a Criminal Justice Act Panel Attorney Rate Increase
(INFORMATION)

The FY 2002 judiciary appropriations bill includes funds to support a rate of \$90 per hour for in-court and out-of-court work in all judicial districts for private "panel" attorneys accepting appointments under the Criminal Justice Act (CJA), 18 U.S.C. § 3006A. **The new CJA panel attorney hourly rate of \$90 will apply to in-court and out-of-court work performed on or after May 1, 2002.** This includes that portion of work performed on or after May 1, 2002, in representations where the appointment of CJA counsel occurred prior to that date.

In addition to the copy of this memorandum that I am providing to the CJA panel attorney representative from each district, please ensure that panel attorneys in your respective jurisdictions are informed of this rate adjustment. If you have any questions concerning this matter, please contact the Defender Services Division Duty Attorney on (202) 502-3030.

Leonidas Ralph Mecham

cc: CJA District Panel Attorney Representatives

**Provisions of the Criminal Justice Act (CJA)
as amended by
the Federal Courts Improvement Act of 2000**

[New language in *bold italics*; deletions in ~~strikeout~~.]

3006A. Adequate representation of defendants

* * *

(d) Payment for representation.—

- (1) Hourly rate.**—Any attorney appointed pursuant to this section or a bar association or legal aid agency or community defender organization which has provided the appointed attorney shall, at the conclusion of the representation or any segment thereof, be compensated at a rate not exceeding \$60 per hour for time expended in court or before a United States magistrate and \$40 per hour for time reasonably expended out of court, unless the Judicial Conference determines that a higher rate of not in excess of \$75 per hour is justified for a circuit or for particular districts within a circuit, for time expended in court or before a United States magistrate and for time expended out of court. The Judicial Conference shall develop guidelines for determining the maximum hourly rates for each circuit in accordance with the preceding sentence, with variations by district, where appropriate, taking into account such factors as the minimum range of the prevailing hourly rates for qualified attorneys in the district in which the representation is provided and the recommendations of the judicial councils of the circuits. Not less than 3 years after the effective date of the Criminal Justice Act Revision of 1986, the Judicial Conference is authorized to raise the maximum hourly rates specified in this paragraph up to the aggregate of the overall average percentages of the adjustments in the rates of pay under the General Schedule made pursuant to section 5305 of title 5 on or after such effective date. After the rates are raised under the preceding sentence, such maximum hourly rates may be raised at intervals of not less than 1 year each, up to the aggregate of the overall average percentages of such adjustments made since the last raise was made under this paragraph. ~~Attorneys shall be reimbursed for expenses reasonably incurred, including the costs of transcripts authorized by the United States magistrate or the court.~~ *Attorneys may be reimbursed for expenses reasonably incurred, including the costs of transcripts authorized by the United States magistrate or the court, and the costs of*

defending actions alleging malpractice of counsel in furnishing representational services under this section. No reimbursement for expenses in defending against malpractice claims shall be made if a judgment of malpractice is rendered against the counsel furnishing representational services under this section. The United States magistrate or the court shall make determinations relating to reimbursement of expenses under this paragraph.

- (2) **Maximum amounts.**—For representation of a defendant before the United States magistrate or the district court, or both, the compensation to be paid to an attorney or to a bar association or legal aid agency or community defender organization shall not exceed ~~\$3,500~~ **\$5,200** for each attorney in a case in which one or more felonies are charged, and ~~\$1,000~~ **\$1,500** for each attorney in a case in which only misdemeanors are charged. For representation of a defendant in an appellate court, the compensation to be paid to an attorney or to a bar association or legal aid agency or community defender organization shall not exceed ~~\$2,500~~ **\$3,700** for each attorney in each court. *For representation of a petitioner in a non-capital habeas corpus proceeding, the compensation for each attorney shall not exceed the amount applicable to a felony in this paragraph for representation of a defendant before a judicial officer of the district court. For representation of such petitioner in an appellate court, the compensation for each attorney shall not exceed the amount applicable for representation of a defendant in an appellate court.* For representation of an offender before the United States Parole Commission in a proceeding under section 4106A of this title, the compensation shall not exceed ~~\$750~~ **\$1,200** for each attorney in each proceeding; for representation of an offender in an appeal from a determination of such Commission under such section the compensation shall not exceed ~~\$2,500~~ **\$3,900** for each attorney in each court. For any other representation required or authorized by this section, the compensation shall not exceed ~~\$750~~ **\$1,200** for each attorney in each proceeding.

* * *

**Instructions to Determine the Appropriate Case Compensation Maximums for
Panel Attorneys following the Amendment to the Criminal Justice Act
in the Federal Courts Improvement Act of 2000**

With the enactment of increased case compensation maximums for panel attorneys under paragraph (d)(2) of the CJA, effective November 13, 2000, courts must determine whether compensation claims submitted on a CJA Form 20 (Appointment and Authority to Pay Court Appointed Counsel) are governed by the new maximums or by the former maximums. The key rules are:

If any representational services were provided on or after November 13, 2000, the new case maximums apply to the entire representation, including services performed before November 13.

If all representational services were completed before November 13, 2000, the former case maximums apply.

The person responsible for reviewing, processing or approving claims should look at Item 19 ("Certification of Attorney/Payee for the Period of Service") of the CJA Form 20 to determine whether the attorney provided any representational services on or after November 13, 2000. If so, the new case compensation maximums apply to the entire representation: felony \$5,200; misdemeanor \$1,500; appeal \$3,700; 18 U.S.C. § 4106A parole proceeding \$1,200/ appeal \$3,900; and other representations \$1,200. The maximum amount for representation in non-capital habeas proceedings is revised to match the felony limit (\$5,200) for district court representation and the appeal limit (\$3,700) for appellate court representation.

If, on the other hand, all services were performed before November 13, 2000, the former case compensation maximums apply: felony \$3,500; misdemeanor \$1,000; appeal \$2,500; 18 U.S.C. § 4106A parole proceeding \$750/ appeal \$2,500; and other representations \$750. The maximum amount for representation in non-capital habeas proceedings is subject to the \$750 limit at each level of the proceeding. (PLEASE NOTE: If the voucher is entered into the CJA payment system after November 12, 2000, the warning message indicating that circuit approval is required will not activate at the former case maximum levels, even when they apply. The warning messages are only being generated based on the new case compensation maximums.)