

US District Court, District of Maine



Attorney Guidance for CJA
Vouchers

CJA 20 Appointment & Authority to Pay CJA Counsel

Introduction When counsel is appointed under the Criminal Justice Act, the Clerk’s Office will generate a CJA 20 appointment form and provide it to counsel. Counsel should complete the CJA 20 form and return it to the Clerk’s Office for processing within 45 days following the completion of all work at the District Court level.

Recordkeeping Counsel must maintain contemporaneous time and attendance records for all work performed including:

- Work performed in-court
- Work performed out-of-court
- Expense records

Worksheets and instructions are available to assist counsel and can be downloaded from the Court’s website at <http://www.med.uscourts.gov/forms-instructions>.

Time Calculations Following is the Hourly Conversion Table to be used in the calculation of attorney time on the case. Time calculations **must** be in tenths of hours.

Hourly Conversion Table

Minutes	1-6	7-12	13-18	19-24	25-30	31-36	37-42	43-48	49-54	55-60
Tenths	.1	.2	.3	.4	.5	.6	.7	.8	.9	1.0

Completion of CJA 20 Voucher Counsel must follow the [“Form CJA 20 Instructions”](#) completely and accurately, and their time and expenses must substantially conform to the following worksheets available on the [Court’s internet site](#):

- In-Court Worksheet
 - Out-of-Court Worksheet
 - Other Expense Worksheet
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Billable Rates Court-appointed counsel will be paid at the following rates for in-court and out-of-court time:

WORK PERFORMED:	RATE PER HOUR:
On or after 01/01/2006	\$92
On or after 05/20/2007	\$94
On or after 01/01/2008	\$100
On or after 03/11/2009	\$110
On or after 01/01/2010	\$125

In-Court

Some examples of in-court rates that may be claimed on the CJA 20 voucher include time spent:

- Actually talking with a judicial officer, whether in the courtroom, in chambers or by telephone
- Waiting for a hearing to commence
- Court recesses
- Jury deliberations

The in-court rate for these examples is premised upon counsel's unavailability to perform work on anything other than the CJA case for which the attorney is required to be at the courthouse.

Out-of-Court

Some examples of out-of-court rates include time spent:

- Preparing pleadings and correspondence
- Conferring with counsel, client, or witnesses
- Traveling
- Researching
- Attending Proffers

Note: When preparing the voucher counsel should break down their hourly claims by tenths of an hour, service category and hourly rate.

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Expenses

Reimbursement will be allowed for actual (not estimated) expenses.

Receipts: Supporting documentation, such as receipts, **must** be submitted for single item expenses in excess of \$50 (e.g. telephone bills, copy charges).

Copies: Any claim for photocopying must clearly indicate the date, the source (in-house, FedEx Office, Staples, etc.), the number of pages copied and the actual cost per page. Please note that the District of Maine requests that any claim for copy costs that exceeds \$0.15 per page include with it a justification for reimbursement at a higher rate. If voluminous photocopying is anticipated (eg. discovery), a CJA 21 voucher may be submitted in advance to obtain authorization for the incurred expense through a third-party service such as Staples, FedEx Office, Jiffy Print, etc. Please contact the Clerk's office with any questions about this procedure.

Reimbursement for printing briefs, regardless of the printing method utilized, is not reimbursable. However, the cost of photocopying or similar copying service is reimbursable. [\[Guide, § 230.66.40\]](#)

Travel: Extraordinary travel or any travel involving an overnight stay related to CJA representation **must** be discussed in advance with the Clerk's Office and a written authorization should be issued by the presiding judicial officer. Appointed counsel and other authorized service providers may be reimbursed for the actual cost of reasonably incurred travel expenses for case-related travel. Per diem may not be claimed in lieu of the actual costs of subsistence. In determining whether actual expenses incurred are "reasonable," counsel and other authorized service providers should be guided by the limitations imposed on federal judiciary employees' travel expenses, which are contained in the Judiciary Staff Travel Regulations. The costs of the following items are not reimbursable: entertainment (movies, sightseeing tours); alcoholic beverages; parking fines/fees for traffic violations; and personal automobile expenses (such as personal accident insurance).

Mileage rates are as follows:

*Any claims for mileage must indicate the number of

Rates of Travel	Rate Per Mile
March 19, 2008 to July 31, 2008	\$0.505
August 1, 2008 to January 31, 2009	\$0.585
February 1, 2009 to December 31, 2009	\$0.55
January 1, 2010 – December 31, 2010	\$0.50
January 1, 2011 – April 16, 2012	\$0.51
April 17, 2012 – Present	\$0.555

miles and date traveled, the destination, and the rate charged

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Expenses Cont. **Computer-Assisted Legal Research:** The cost of use of computer-assisted legal research services may be allowed as a reimbursable out-of-pocket expense provided the amount claimed is reasonable.

Whenever charges for computer-assisted legal research are incurred, counsel should attach to the compensation voucher a copy of the bill and receipt for the use of the legal research services 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).

If the amount claimed is more than \$500 or if it includes costs for downloading or printing, counsel should include a brief statement of justification.

Prohibited Expenses: The cost of items of a personal nature purchased for or on behalf of the person represented is not reimbursable under the CJA. Such items include purchasing new clothing or having clothing cleaned, getting a haircut, or furnishing cigarettes, candy or meals.

Non-Payable Time

Examples of time spent by court-appointed counsel that are not allowable are as follows:

- General office overhead including; opening/closing client files, personnel, rent, telephone service, secretarial
- Time spent preparing the CJA 20 voucher
- Lunch breaks
- Items of a personal nature: purchasing new clothing or having clothing cleaned, getting a haircut, furnishing cigarettes, candy or meals, etc.

NOTE: Paralegal expenses must be billed on a [CJA 21](#) voucher.

Transcripts

Payment for transcripts is not payable on a CJA 20 voucher. CJA counsel must request a transcript using the [CJA 24 Voucher for Authorization and Payment of Transcript](#).

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Subpoenas

Payment for service of subpoenas is not allowable under CJA. In all cases, counsel must follow the steps below prior to the issuance of any subpoena for service and payment thereof at government expense:

Step	Action
1	File a motion pursuant to Fed.R.Crim.P. 17 (Motion for Subpoena at Government Expense)
2	Wait for receipt of Order and signed subpoena
3	The Clerk's Office will provide a copy of the Order and subpoena to the U.S. Marshal for execution.

Proration of Claims

There may be times when proration of claims is appropriate. Whenever appointed counsel submit separate vouchers:

- Time spent in common on more than one indictment or case must be prorated among the indictments or cases on which the time was spent
- Each indictment or case must be cross-referenced on the vouchers
- Time spent exclusively on any one indictment or case may properly be charged on the voucher for that indictment or case.

Following is a table outlining appropriate prorations:

IF	WHETHER OR NOT	THEN	AND UNDER (d)(2) OF CJA
A defendant is charged in one indictment with severable counts	the counts are severed for trial	one voucher would be submitted	one maximum is applied
A defendant is charged in two or more indictments	the indictments are consolidated for trial (other than a superseding indictment or information)	a separate voucher should be submitted	a separate maximum is applied for each indictment
A single counsel is appointed to represent multiple defendants		Separate vouchers should be submitted for each defendant represented	A separate maximum is applied for each defendant

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Case Maximums

An outline of the maximum compensation allowed for various types of representations is provided below.

Type of Representation	Representation Furnished from 10/13/2008 to 03/11/2009	Representation Furnished from 03/11/2009 to 12/31/09	Representation Furnished on or after 01/01/2010
Felony	\$7,800	\$8,600	\$9,700
Misdemeanor	\$2,200	\$2,400	\$2,800
All Others, including but not limited to: <ul style="list-style-type: none"> • Probation Violations • Supervised Release Violations • Material Witness • Grand Jury Witness • Trial Witness • Rule 5 Proceedings 	\$1,700	\$1,800	\$2,100

NOTE: Maximum amounts do not include allowable expenses.

If the amount of compensation claimed exceeds the statutory maximum, a written statement justifying the waiver of the maximum and explaining how the case was “extended” and/or “complex” must accompany the voucher. Any voucher submitted in excess of the statutory maximum must be reviewed at the District Court level, and approved by The Chief Judge of the First Circuit or his/her designee. See: CJA 26A Guidance to Attorneys in Drafting the Memorandum (available at: <http://www.med.uscourts.gov/forms-instructions>)

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CJA 20 Appointment & Authority to Pay CJA Counsel, Continued...

Approval & Payment

Upon receipt of a CJA 20 voucher by the Clerk's Office, the voucher is:

- Reviewed for accuracy, completeness and appropriate attachments
- Approved at the District Court level
- Approved by the First Circuit Court of Appeals (if necessary)
- Processed and entered into the CJA computer system
- Checks are printed and sent directly from the Administrative Office in Washington D.C.

Cost Containing Measures

Copy Expenses

Most discovery is now provided electronically, on a CD. Before printing all material consider whether it is truly necessary, or if reading the material electronically may be easier and quicker (both Adobe Acrobat and Isys have "search" functionality).

Should you have to copy voluminous documents, consider using a copy service for a greatly reduced rate. Please refer to the Expenses section on page 4 for greater detail.

Proration of travel

When traveling to visit with clients in jail, consider combining trips if you have multiple clients in the same facility – especially distant facilities. You may then prorate your time and mileage evenly between the two clients and highlight this fact on your voucher.

Paralegals

Paralegals often bill at rates below the current compensable rate for CJA counsel. Consider procuring the services of a paralegal through use of a CJA 21 when combing through voluminous discovery, listening to or taking notes in wire intercepts, and reading transcripts.

CJA 21 Authorization and Voucher for Expert and other Services

Background Counsel shall submit a CJA 21 form in paper when they require expert or other services during their appointment under the Criminal Justice Act. The form and accompanying instructions can be found [on our website](#). Any additional information required to justify the employ of an expert may be submitted as an attachment to the CJA 21 form.

Ex Parte Applications/ Motions Counsel is not required to serve opposing counsel with *ex parte* applications. *Ex parte* applications for services shall be heard *in camera* and shall not be revealed without the consent of the defendant. See: 18 USC § 3006 A(e)(1); U.S. v. Abreu, 202 F.3d 386 (1st Cir. 2000). The application shall be placed under seal until the final disposition of the case in the district court.

With Prior Approval A request (CJA 21 form) for approval for expert or other services must be filed *ex-parte* in paper prior to securing any expert services if the cost (exclusive of expenses) will exceed \$800 and shall include the following information:

- Reason(s) for requested service
- Name of expert
- Qualifications of expert
- Hourly rate (or other billing method)
- Estimated cost of services

A request and CJA 21 voucher must be submitted for each expert service and for each service provider. See chart below.

IF	THEN
expert services are required	a CJA 21 voucher must be submitted
the cost of the services will exceed the initial estimate or the amount authorized by the court	an additional CJA 21 form must be submitted and further authorization for an additional amount obtained from the presiding judicial officer <u>prior</u> to any additional expert services incurred
prior approval of services is not obtained and claim exceeds \$800	the court may decline payment of any such claim
the total compensation claimed exceeds the estimate of the CJA voucher	a written explanation must be submitted with the claim
the total compensation claimed exceeds the statutory maximum	a written explanation by the attorney justifying that payment is necessary to provide fair compensation and the case is extended and/or complex

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CJA 21 Authorization and Voucher for Expert and other Services

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Without Prior Approval Prior authorization should be secured for all services when the cost (exclusive of expenses) will exceed \$800.

Failure to obtain prior authorization may result in disallowance of any amount claimed for compensation in excess of \$800, unless the presiding judicial officer, in the interest of justice, finds that a timely procurement of necessary services could not await prior authorization.

Recordkeeping Once the request to procure expert services has been approved by the court, the original CJA 21 form will be forwarded to and maintained by the requesting attorney.

The expert must maintain detailed and accurate records for all work performed throughout the pendency of the case and must attach an itemized statement to the CJA 21 voucher submitted to the court for payment. The invoice must clearly detail the services provided, state the dates of service, time spent, the rate which is being billed, and any incurred expenses itemized with appropriate receipts.

Statutory Maximums An outline of the maximum compensation allowed for expert service providers is provided below.

Expert Services Furnished from 12/8/2004 to 05/26/2010	Expert Services Furnished from 05/27/2010 to Present
\$1,600	\$2,400

NOTE: Maximum amounts do not include allowable expenses.

The waivable case compensation maximum amounts apply per organization or individual, exclusive of reimbursement for expenses reasonably incurred, and per individual authorization to perform said service, except with regard to capital cases. See: Guide, Vol 7A § 660.20.

Even when prior authorization is given to obtain services above the maximum compensation amount, if the amount of compensation claimed exceeds the statutory maximum, a written statement justifying the waiver of the maximum and explaining how the services provided were “extended” and/or “complex” and necessary to supplement the representation must accompany the voucher. Any voucher submitted in excess of the statutory maximum must be reviewed at the District Court level, and approved by The Chief Judge of the First Circuit or her/his designee.

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CJA 21 Authorization and Voucher for Expert and other Services

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Multiple expert service providers

A separate authorization should be obtained for each type of service for each expert hired, and for each defendant represented.

While the service provider may be compensated separately in connection with each client/defendant served, care should be taken to ensure that duplicate charges are not being made for the same services.

If, under subsection (e) of the CJA, such services are rendered by members of an organization such as a corporation, unincorporated association, or partnership (other than those created under subsection (g) of the CJA), in their capacities as members of that organization, compensation is deemed to have been earned by the organization and is paid to it only once, per CJA client served, in an amount not to exceed the statutory maximum unless approved by the presiding Judge, exclusive of reimbursement for expenses reasonably incurred.

Interpreters

In general, pre-trial interpretation and translation services provided to appointed counsel, away from the courthouse, are payable under the CJA. When the service is rendered during the same half or full day of a court appearance, it is considered part of the interpreter's court service under their contract with the Court and cannot be billed separately under the CJA.

An interpreter being paid under the Criminal Justice Act (CJA) may not bill multiple appointed attorneys for services provided to them during the same time period (including the time period covered by a cancellation fee), except through proration of the claims.

Thus, an interpreter billing on an hourly-rate basis may not submit duplicate bills for work performed on more than one CJA representation furnished by an appointed attorney during the same time period. For example, an interpreter traveling to provide services for more than one person under the CJA may not bill the entire travel time on each payment claim. The time may be prorated among the representations or billed entirely to one voucher.

Similarly, if an interpreter is billing based on the rates set forth in the court interpreters' services contract (half- and full-day) and furnishes services

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CJA 21 Authorization and Voucher for Expert and other Services

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**Interpreters
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during the same half-day for more than one person represented by (an) appointed attorney(s), the entire half-day may not be billed on multiple vouchers. Proration of the claims is permissible, so if services were provided for two CJA defendants, the claim for a half-day of compensation could be apportioned on two vouchers (one for each defendant, with a cross-reference to the other case) or billed entirely to one voucher.

Regardless of the billing method under the CJA (hourly or half- and full-day), contract court interpreters may not charge any other federal court unit or appointed attorney for any services rendered during the same half- or full-day for which the interpreter is being compensated under the court interpreters' services contract.

For further information about interpreting and FAQ, please visit the Court's website: <http://www.med.uscourts.gov/interpreting.html>

**Expert
Expenses**

Reimbursement will be allowed for actual (not estimated) expenses. Supporting documentation, such as receipts, must be submitted for single item expenses in excess of \$50.

Travel in excess of 200 miles (round trip) or any travel involving an overnight stay related to CJA expert services must be discussed in advance through the Clerk's Office and a written travel authorization should be issued by the presiding judicial officer.

**Expert
Proration of
Time**

Proration of time among representations must not result in a service provider billing more time than would have been billed had the service provider assigned all of the time to one voucher. Thus, proration could result in time not being billed for each representation for which time was spent in common.

The supporting materials to all vouchers representing time spent in common on more than one CJA representation (or overlap of the half- or full-day billing period, if applicable) must explain the method of billing and indicate the number of other CJA representations involved. The CJA representations should be identified by name or case number only if the work was performed for the appointed attorney who will be certifying the voucher.

CJA 21 Authorization and Voucher for Expert and other Services

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Approval/ Payment

Counsel should not pay any expert directly.

Following pre-approval by the Court, and upon completion of services by the expert, the original CJA 21 voucher is completed and signed by the expert, certified and signed by counsel, and submitted to the court for payment.

Upon receipt by the Clerk's Office of a complete and accurate CJA 21 voucher, with appropriate attachments, the voucher is:

2. Reviewed for accuracy and completeness
3. Approved at the District Court level
4. Approved by the First Circuit Court of Appeals (if necessary)
5. Processed and entered into the CJA computer system

Checks are issued to experts by the Administrative Office in Washington, D.C. and will include the docket number and name of the defendant.

CJA - In General

Public Disclosure

Congress has mandated that the amounts paid to court-appointed counsel and experts may be disclosed to the public, subject to the consideration of special circumstances. For further information:

<http://www.uscourts.gov/FederalCourts/AppointmentOfCounsel/CJAGuidelinesForms/vol7PartA/vol7PartAChapter5.aspx>

Questions

If you have comments or questions, please contact the Clerk's Office:

U.S. District Court
156 Federal Street
Portland, ME 04101
(207) 780-3356

U.S. District Court
202 Harlow Street
Bangor, ME 04401
(207) 945-0575
