

CJA & eVoucher Protocols

A Quick Reference Tool



Index	Page
Disposition Codes	3
Supporting Documentation for Excess Compensation Claims.....	4
Time Limit for Submission of Claims	4
Time Limit for Judicial Review.....	4
Interim Payments to Counsel	4 – 5
Case Budgets	5
Post Judgment Representation.....	5
When a new Federal Defender Appointment Order is necessary	5 – 6
Supplemental Vouchers.....	6
Transcripts.....	6 – 7
Substitution of Counsel.....	7
Expert Services	7 – 10
Waiving Case Compensation Maximum for Attorney Fees	10
Status of Vouchers (eVoucher)	10
Non-Reimbursable Expenses	11 – 13
Recordkeeping	13

This quick reference tool is designed to provide Criminal Justice Act (CJA) information as it relates to eVoucher, to inform you of certain eVoucher and Appointment requirements.

Disposition Codes

Attorneys currently are not able to add disposition codes in eVoucher due to the application’s design. The information, however, is required for statistical purposes. Therefore, you must add the disposition code followed by your initials in the “Public/Attorney Notes” section located on the “Confirmation Page.”

Attention: The notes you enter will be available to the next approval level.

Public/Attorney Notes	Disposition Code: 1 (JT)
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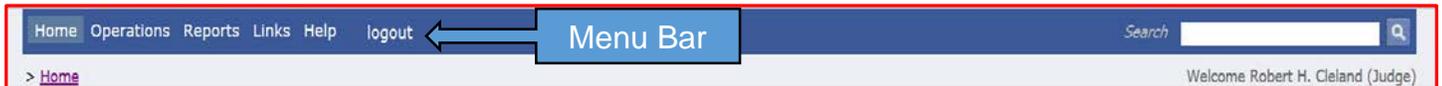
The disposition codes are as follows:

	Type of Disposition	Code
District Court Criminal and Other Proceedings		
	Dismissed	1
	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	1
Probation/Parole/Supervised Release		
	Revoked	RV
	Restored	RS
Habeas/Petitions/Writs		
	Granted	GR
	Denied	DE

Supporting Documentation for Excess Compensation Claims

The CJA 26 – Statement for Excess Compensation Claim must be used when providing supporting documentation for a claim that exceeds the current case compensation maximum. It may be obtained from the “**Links**” option on the eVoucher Menu Bar. The CJA 26 is to be uploaded into the “Documents” section of eVoucher, and is not filed in CM/ECF.



Note: Motions and Memorandums are not to be used as they would need to be filed in CM/ECF, not eVoucher. The text fields of CJA 26 have been made larger for ease of use.

Time Limit for Submission of Claims



Vouchers should be submitted no later than 45 days after the final disposition of the case, unless good cause is shown.

- No later than 45 days after a complaint is dismissed or 45 days after the initial appearance if there is no further activity on the case or an order extending the time to indict is not filed.
- No later than 45 days after an indictment is dismissed and the case is not reopened nor is a new charge(s) filed.
- No later than 45 days after representing a grand jury witness, regardless of the witness being subsequently charged by a complaint, information or indictment.
- No later than 45 days after the last action is performed when appointed for pre-indictment plea negotiations and no charge(s) is filed.

Time Limit for Judicial Review

Absent extraordinary circumstances, judges should act upon panel attorney compensation claims within 30 days of submission.

Interim Payments to Counsel

Motions for interim payments must still be filed in CM/ECF. Interim vouchers will not be paid until an order has been approved by both the district and circuit judges. Once approval is obtained, attorneys may begin submitting their interim claims for payment in eVoucher according to the submission instructions received from the assigned judge’s chambers.

NOTE: Attorneys must remember to change both the start and end dates on the “Claim Status” page for interim vouchers before submitting for payment.

Claim Status

Start Date	<input type="text" value="1/1/2016"/> * 	End Date	<input type="text" value="5/2/2016"/> * 
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Case Budgets

Representations that appear likely to become or have become extraordinary in terms of potential cost (ordinarily, a representation in which attorney hours are expected to exceed 300 hours or total expenditures are expected to exceed 300 times the prevailing CJA panel attorney non-capital hourly rate, rounded up to the nearest thousand, for appointed counsel and services other than counsel for an individual CJA defendant). For more detailed information refer to the Court’s Case Budgeting Procedures on the Court’s Internet Website under Attorneys in the CJA eVoucher section.

Post Judgment Representation

Always contact the Federal Defender Office before entering, or making, a court appearance on a post-judgment matter to confirm your assignment to the case.



When a new Federal Defender Appointment Order is necessary

- When work continues after the judgment has been entered (e.g., restitution must still be determined).
- When representing a witness, material or otherwise, when, and if, the defendant is charged by complaint, information or indictment. If appearing with the defendant at an initial appearance, the Court must be advised that a new appointment order is necessary.
- When a Rule 35 motion to Reduce Sentence needs to be filed. The appointed attorney should request the appointment order from the assigned judge’s case manager.
- When a defendant is charged in more than one case there should be an appointment order entered in each case. The appointed attorney should request the appointment order from the assigned judge’s case manager.
- When a defendant is charged in one case and is a material witness in another, there should be two separate appointment orders: one for the case in chief and one for the

witness representation. The appointed attorney should request the appointment order from the assigned judge's case manager.

- When a complaint is dismissed and an indictment/information is filed several months later. The appointed attorney should contact the Federal Defender Office.
- When a complaint is dismissed and the appointed attorney is contacted about pre-indictment plea negotiations. If appearing with the defendant at an initial appearance, the Court must be advised that a new appointment order is necessary.
- When appointed for pre-indictment plea negotiations and no charge(s) is filed until after 45 days of the last action taken. If appearing with the defendant at an initial appearance, the Court must be advised that a new appointment order is necessary.
- When pre-indictment negotiations end and an indictment/information is filed with a new case number. If appearing with the defendant at an initial appearance, the Court must be advised that a new appointment order is necessary.
- When court appointed counsel receives a call from a former client, after the case is closed and the voucher has been submitted, for possible reduction of sentence pursuant to an amendment or Supreme Court decision. The appointed attorney should contact the Federal Defender Office.

NOTE: A new Federal Defender Appointment Order will result in the issuance of a new CJA voucher in the electronic payment system (eVoucher).

Supplemental Vouchers

If a defendant absconds before trial or sentencing and is not apprehended within 45 days, a voucher should be submitted for payment. Once the defendant is apprehended, appointed counsel should request the issuance of a supplemental voucher for that representation.

NOTE: Remember to request a Federal Defender Appointment Order from the assigned judge's case manager.

Transcripts

The method for payment of transcripts authorized by the court is for the court reporter or reporting service to claim compensation directly using the (Form CJA 24). In order for the court reporter to complete the voucher, panel attorneys must use the AUTH 24 to obtain judicial approval and once received create the voucher (Form CJA 24) (Authorization and Voucher for Payment of Transcript). **The limitations set forth in the Guide to Judiciary Procedure are inapplicable with regard to the cost of transcripts.**

Routine apportionment of **accelerated** transcript costs among parties in CJA cases is prohibited. The following resolution was adopted by the Judicial Conference in March 1980, and modified in September 1986:

That the furnishing of accelerated transcript services in criminal proceedings should be discouraged; however, recognizing that there are some circumstances in which such transcript services are necessary and required by either the prosecution or the defense, or both, accelerated transcript services may be provided.

That in those cases where accelerated transcript services are provided, the party from whom the request or order emanates shall pay for the original, and if the requesting or ordering party is other than defense counsel appointed under the Criminal Justice Act, the CJA counsel shall be entitled to a copy at the copy rate.

That the present practice, in some districts, of routinely apportioning the total cost of accelerated transcript services equally among the parties should be abandoned. **See:** [JCUS-SEP 86](#), p. 90

Substitution of Counsel

If an attorney is substituted for an attorney previously appointed for a defendant in the same case, the total compensation paid to both attorneys may not exceed the statutory maximum for one defendant, unless the case involves extended or complex representation. In such cases, vouchers for attorney's services will not be approved by a judicial officer until the conclusion of the trial so that the judicial officer may make such apportionment between the attorneys as may be just.

Expert Services

Currently, expert services that cost more than \$800, or after exceeding the expert services case compensation maximum, currently \$2500, requires the filing of an ex parte motion under seal in CM/ECF. A proposed order may be submitted via the "Proposed Orders" utility. If the motion is approved, an AUTH must be created in eVoucher. Simply enter into the description that the services were approved and the date followed by your initials (*see example on next page*). Be sure to upload a copy of the order on the "Documents" page.

NOTE: For more detailed instructions, refer to the CJA Plan on the Court's Internet Website under Attorneys in the CJA eVoucher section.

Order Date	<input type="text"/>	
Nunc Pro Tunc Date	<input type="text"/>	
Repayment	<input type="checkbox"/>	
Estimated Amount	\$	<input type="text" value="1500.00"/>
Authorized Amount	\$	<input type="text"/>
Basis of Estimate	<input type="text" value="Hourly Rate"/>	
Description	<input type="text" value="Services approved on 5/2/2016 (JT)"/>	
Service Type	<input type="text" value="Investigator"/>	
Requested Provider	<input type="text" value="Ann Expert"/>	

Expert Services with Prior Authorization

With prior authorization, compensation for investigative, expert, and other services is limited to the amounts in the following table for CJA-compensable work performed on or after the effective date for non-capital cases.

§ 310.20.10(A) WAIVABLE CASE COMPENSATION MAXIMUMS FOR INVESTIGATIVE, EXPERT, AND OTHER SERVICES

If services were performed between...	The compensation maximum is...	Authority
01/01/16 to present	\$2,500	Consolidated Appropriations Act, 2016, Pub. L. No. 114-113, enacted on Dec. 18, 2015.
05/27/10 to 12/31/15	\$2,400	Federal Judiciary Administrative Improvements Act of 2010, Pub. L. No. 111-174, enacted on May 27, 2010.
12/8/04 to 5/26/10	\$1,600	Omnibus Appropriations Act, Fiscal Year 2005, Pub. L. No. 108-447, H.R. 4818, enacted December 8, 2004.

§ 310.20.10(A) WAIVABLE CASE COMPENSATION MAXIMUMS FOR INVESTIGATIVE, EXPERT, AND OTHER SERVICES

If services were performed between...	The compensation maximum is...	Authority
11/14/86 to 12/7/04	\$1,000	Pub. L. No. 99-651, 1986 HR 3004, enacted November 14, 1986.

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.

A separate authorization should be obtained for each type of service for each person served, and for each defendant served, and for each case.

While the service provider may be compensated separately for each person served, care should be taken to ensure that duplicate charges are not being made for the same services.

If, under 18 U.S.C. § 3006A(e), such services are rendered by members of an organization such as a corporation, unincorporated association, or partnership (other than those created under 18 U.S.C. § 3006A(g)), 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, exclusive of reimbursement for expenses reasonably incurred.

Without Prior Authorization

18 U.S.C. § 3006A(e)(2)(A) authorizes the obtaining of investigative, expert, and other services, without prior authorization but subject to subsequent review, providing the cost of the services obtained does not exceed the amounts listed in the following table, plus expenses reasonably incurred.

§ 310.20.30(A) LIMITATIONS ON SERVICES WITHOUT PRIOR AUTHORIZATION

If services were performed between...	The compensation maximum is...	Authority
05/27/10 to present	\$800	Federal Judiciary Administrative Improvements Act of 2010, Pub. L. No. 111-174, enacted on May 27, 2010.
12/8/04 to 5/26/10	\$500	Omnibus Appropriations Act, Fiscal Year 2005, Pub. L. No. 108-447, H.R. 4818, enacted December 8, 2004.
11/14/86 to 12/7/04	\$300	Pub. L. No. 99-651, 186 H.R. 3004, enacted November 14, 1986.

The limitation noted above may be waived, however, if the presiding judge or U.S. magistrate judge (if the services were rendered in a case disposed of entirely before the U.S. magistrate judge), in the interest of justice, finds that timely procurement of necessary services could not await prior authorization. **See:** 18 U.S.C. § 3006A(e)(2)(B).

Waiving Case Compensation Maximum for Attorney Fees

If waiving the dollar amount exceeding the case compensation maximum, the attorney must indicate the waiver in the Attorney/Public section following by their initials and the date.

Attention: The notes you enter will be available to the next approval level.

Public/Attorney Notes	I waive the amount over the case compensation maximum. (STC - 6/21/2016)
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Status of Vouchers (eVoucher)

Once your voucher is submitted to the Court, each step of its status cannot be viewed. Your "Home" page will simply reflect that it has been submitted to the Court. To inquire about your

voucher, contact the assigned judge's case manager after 30 days. If that does not result in an answer to your question, contact the Case Manager Supervisor at 313-234-5043.

My Submitted Documents					
To group by a particular Header, drag the column to this area.				Search:	
Case	Defendant	Type	Status	Date Enter	
5:14-CR-20425... Starts: 06/01/2016 End: 06/01/2016	Avery Denardis (# 2) Claimed Amount: 2,0...	AUTH Accountant	Submitted to Court 0645.0000024	06/01/2016	
5:14-CR-20425... Starts: 06/01/2016 End: 06/01/2016	Avery Denardis (# 2) Claimed Amount: 2,7...	CJA-21 Naomi Bradshaw Fingerprint Analyst	Submitted to Court 0645.0000028	06/01/2016	
2:05-CR-80034... Starts: 05/13/2016 End: 05/25/2016	Robert Carl (# 7) Claimed Amount: 38,...	CJA-20 Elmer Fudd	Submitted to Court 0645.0000031 FINAL PAYMENT	06/01/2016	
2:16-CR-20500... Starts: 05/02/2016 End: 06/06/2016	Mike James Amormi... Claimed Amount: 14...	CJA-20 Elmer Fudd	Submitted to Court 0645.0000148 FINAL PAYMENT	06/07/2016	
2:16-CR-20500... Starts: 06/06/2016 End: 06/07/2016	Mike James Amormi... Claimed Amount: 60...	AUTH Investigator	Submitted to Court 0645.0000157	06/07/2016	
2:14-CR-20127... Starts: 06/07/2016 End: 01/01/1900	Deiman Raymone La... Claimed Amount: 90...	AUTH Investigator	Submitted to Court 0645.0000182	06/07/2016	
2:13-CR-20453... Starts: 05/18/2016 End: 06/16/2016	John S. Benchick (# 1) Claimed Amount: 26...	CJA-20 Elmer Fudd	Submitted to Court 0645.0000357 FINAL PAYMENT	06/16/2016	
2:13-CR-20453... Starts: 06/05/2016 End: 06/16/2016	John S. Benchick (# 1) Claimed Amount: 62...	CJA-21 William W Swor II Paralegal Services	Submitted to Court 0645.0000366	06/16/2016	

1 Page 1 of 1 (8 items)

Non-Reimbursable Expenses

General Office Overhead

General office overhead includes general office expenses that would normally be reflected in the fee charged to the client. The statutory fee is intended to include compensation for these general office expenses.

Except in extraordinary circumstances, whether work is performed by counsel or other personnel, the following expenses associated with CJA representation are not reimbursable:

- personnel;
- rent;
- telephone service; and
- secretarial.

Items and Services of Personal Nature

The cost of items of a personal nature purchased for or on behalf of the person represented are not reimbursable under the CJA. Such items include:

- purchasing new clothing or having clothing cleaned;
- getting a haircut;
- furnishing cigarettes, candy or meals, etc.

The cost of services of a personal nature and expenses incidental thereto which cannot be considered legal representation are not compensable under the CJA. Such services include:

- assisting the defendant in the disposition of the defendant's personal property;
- arranging for the placement of minor children of the defendant;
- assisting the defendant in executing the conditions of probation;
- providing legal assistance in matters unrelated to the litigation of the case, although incidental to the defendant's arrest, etc.

Filing Fees

Attorneys are not required to pay a filing fee in a CJA case, as such payment and reimbursement thereof is tantamount to the government billing itself to accomplish a transfer of appropriated funds into the General Fund of the Treasury.

Printing and Copying of Briefs

- The expense of printing briefs, regardless of the printing method utilized, is not reimbursable.
- The cost of photocopying or similar copying service is reimbursable.

Service of Process

Witness fees, travel costs, and expenses for service of subpoenas on fact witnesses, are not payable out of the CJA appropriation but are governed by Fed. R. Crim. P. Rule 17 and 28 U.S.C. § 1825.

Taxes

Taxes paid on attorney compensation received under CJA, whether based on income, sales or gross receipts, are not reimbursable expenses.

Writ of Certiorari

Counsel's time and expenses involved in the preparation of a petition for a writ of certiorari are considered as applicable to the case before the U.S. court of appeals, and should be included on the voucher for services performed in that court.

Recordkeeping

Counsel

Appointed counsel must maintain contemporaneous time and attendance records for all work performed, including work performed by associates, partners, and support staff, as well as expense records. Such records are subject to audit and must be retained for three years after approval of the final voucher for an appointment.

Service Providers

- (a) Investigative, expert, and other service providers must maintain contemporaneous time and attendance records for all work billed by them, as well as expense records.
- (b) Such records are subject to audit and must be retained for three years after approval of the appointed counsel's or the service provider's final voucher, whichever is later, for a representation.

