

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW MEXICO**

**CJA INFORMATION MANUAL**



**Prepared By:**

**Financial Services Division**

**Matthew J. Dykman, Clerk**

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**TABLE OF CONTENTS**

**II. INTRODUCTION ..... 1**

**II. CJA PROCESS IN NON-DEATH PENALTY CASES ..... 1**

**A. APPOINTMENT AND TYPES OF REPRESENTATION ..... 1**

**B. VOUCHERS - TYPES AND USES ..... 3**

**C. SUBMITTING VOUCHERS FOR PAYMENT ..... 4**

**1. TIME LIMITS ..... 4**

**2. TERMINATION & SUBSTITUTION OF COUNSEL ..... 4**

**3. EXCEEDING THE STATUTORY MAXIMUMS ..... 4**

**4. MOTION FOR INTERIM BILLING ..... 5**

**5. TRAVEL EXPENSES ..... 6**

**6. AIR TRAVEL ..... 6**

**7. REIMBURSABLE OUT OF POCKET EXPENSES ..... 7**

**8. NON-REIMBURSABLE EXPENSES ..... 7**

**9. TRANSCRIPTS ..... 8**

**D. REVIEW OF VOUCHER ..... 9**

**1. RESPONSIBILITIES OF APPOINTED COUNSEL ..... 9**

**2. COMPLIANCE WITH THE CJA GUIDELINES ..... 9**

**E. PAYMENT FOR SERVICES ..... 10**

**III. CJA PROCESS IN DEATH PENALTY CASES ..... 10**

**IV. CONCLUSION ..... 12**

## ATTACHMENTS

Attachment 1 CJA 21/31 Vouchers: Recommended Allowable Hourly Rates

Attachment 2 Other Expenses: Fees and Rates

Attachment 3 Instructions for CJA Form 20

Attachment 4 CJA 20 Appointment of and Authority to Pay Court Appointed Counsel

Attachment 5 Instructions for CJA Form 21

Attachment 6 CJA 21 Authorization and Voucher for Expert and Other Services

Attachment 7 Instructions for CJA Form 24

Attachment 8 CJA 24 Authorization and Voucher for Payment of Transcript

Attachment 9 Instructions for CJA Form 30

Attachment 10 CJA 30 Death Penalty Proceedings: Appointment of and Authority to  
Pay Court Appointed Counsel

Attachment 11 Instructions for CJA Form 31

Attachment 12 CJA 31 Death Penalty Proceedings: *Ex Parte* Request for  
Authorization and Voucher for Expert and Other Services

## **I. Introduction**

This manual has been provided as a guide to the billing procedures for CJA panel attorneys in the United States District Court for the District of New Mexico. This manual is written in accordance with the CJA Guidelines as well as the CJA Plan adopted by this Court.

Attorneys wishing to become a member of this panel may obtain an application via the Court's website at [www.nmcourt.fed.us](http://www.nmcourt.fed.us). The application can be found by clicking the "Court Forms" button on the main page of the District Court's site or one may be obtained at the United States District Court Intake Desk. The processing of your application may take up to eight weeks. Please contact the Federal Public Defender's Office at 505-346-2489 or Mary Archuleta at 505-348-2051 for further details on becoming a member.

## **II. CJA Process in Non-Death Penalty Cases**

### **A. Appointment and Types of Representation**

CJA panel attorneys are offered appointment to represent criminal defendants by the Magistrate Courtroom Deputies using a "rotating" list. Upon acceptance of appointment, a CJA20 form, *Appointment of and Authority to Pay Court Appointed Counsel*, is mailed to the newly appointed attorney along with an instruction manual.

There are various types of representation. Each type of representation has a maximum allowable billing rate which is set by the Federal Judicial Conference. The hourly rate for CJA Panel attorneys is \$94.00<sup>1</sup> per hour. The following table shows the different types of representation along with a brief description and the maximum allowable rate for each:

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<sup>1</sup> This is the current CJA compensation rate effective as of May 20, 2007. Please contact the CJA staff for prior rates.

<b>Representation Type/Code</b>	<b>Description</b>	<b>Maximum Rate*<sup>2</sup></b>
<b>Bail Presentment (BP)</b>	Representation for individuals for matters regarding presentment of bail.	<b>\$1,500.00</b>
<b>Criminal Case (CC)</b>	Representation for an individual that is facing criminal charges including felonies, misdemeanors and petty offenses.	<i>Felonies:</i> <b>\$7,000.00</b>  <i>Misdemeanors:</i> <b>\$2,000.00</b>  <i>Petty Offense:</i> <b>\$1,500.00</b>
<b>Extradition (EX)</b>	Representation for individuals who are facing extradition.	<b>\$1,500.00</b>
<b>Extraordinary Writs (EW)</b>	Representation for individuals in matters regarding Prohibition, Writs of Mandamus.	<b>\$1,500.00</b>
<b>Habeas corpus, non-capital (HC)</b>	Please refer to 28 U.S.C. § 2254.	<b>\$1,500.00</b>
<b>Material Witness (MW)</b>	Representation for individuals who are named in a criminal case as material witness and are in custody.	<b>\$1,500.00</b>
<b>Mental Competency Hearings (CH)</b>	Please refer to Chapter 313 of the Title 18 U.S. Code.	<b>\$1,500.00</b>
<b>Motion to Correct or Reduce Sentence (MC)</b>	Please refer to Fed. R. Crim. P. 35.	<b>\$1,500.00</b>
<b>Motion Attacking Sentence (MA)</b>	Please refer to 28:U.S.C.§2255.	<b>\$1,500.00</b>
<b>New Trial (NT)</b>	Representation for individuals where a remand from the Appellate Court directs a new trial or a mistrial is declared.	<b>\$1,500.00</b>

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<sup>2</sup> These CJA rates are effective as of December 8, 2004. Please contact the CJA staff for prior rates.

<b>Other</b>	Miscellaneous criminal matters.	<b>\$1,500.00</b>
<b>Parole Revocation (PA)</b>	Representation for individuals who face revocation of parole.	<b>\$1,500.00</b>
<b>Pretrial Diversion (PT)</b>	Representation for individuals who have been offered to enter a pretrial diversion program.	<b>\$1,500.00</b>
<b>Probation Revocation (PR)</b>	Representation for individuals who face revocation of their probation due to violation of their conditions of probationary release.	<b>\$1,500.00</b>
<b>Supervised Release (SR)</b>	Representation for individuals who have violated their conditions of release.	<b>\$1,500.00</b>
<b>Witnesses (WW)</b>	Representation for individuals in any type of case where person is called as a witness.	<b>\$1,500.00</b>

## B. Voucher Types and Uses

There are three different types of vouchers which are used for representation in non-death penalty cases. The following table lists and explains the uses.

<b>Form Number</b>	<b>Form Title</b>	<b>Use</b>
<b>CJA20</b>	Appointment of and Authority to Pay Court Appointed Counsel	Payment of services rendered by counsel.
<b>CJA21</b>	Authorization and Voucher for Expert and Other Services	Payment of services rendered by experts/service providers.
<b>CJA24</b>	Authorization and Voucher for Payment of Transcript	For request and payment of Court transcripts needed for representation purposes.

These forms and the related worksheets are available through the Court's website or copies may be acquired by contacting any member of the CJA staff. For detailed instructions on filling out these forms, please refer to *Attachments 3 to 8, and 13* in this manual.

You may contact the Financial Section with any questions you may have at 505-348-2145. Individual telephone numbers for staff can be accessed through the Court website. Counsel may also seek assistance from an on-duty attorney at the Defender Services Division in Washington, D.C. They may be reached at 202-502-3030.

## **C. Submitting Vouchers for Payment**

### **1. Time Limits**

Vouchers should be submitted for payment no later than 45 days from the date of final disposition of the case unless good cause is shown. (*Chap. 2, Part C, Sec. 2.21 of the CJA Guidelines*). In cases where the voucher exceeds the time limit, counsel must attach a brief letter addressed to the presiding Judicial Officer explaining the reason for the delay. This letter will be forwarded to chambers along with the voucher for approval of payment.

### **2. Termination and Substitution of Counsel**

In cases where counsel has been terminated, the attorney may not bill after the date of termination. If counsel is terminated as a result of a motion to withdraw or is substituted, new counsel will be appointed by the Court. When counsel is retained, the defendant may be required to reimburse some or all of the services provided by the CJA Panel attorney. This determination will be made by the presiding Judicial Officer.

### **3. Exceeding the Statutory Maximums**

Once counsel determines that the cost of legal representation will exceed the \$7,000.00 statutory maximum, an ex-parte motion to exceed must be filed with the Court. In this

motion, it is recommended that a budget be set in place. The proposed budget should include the estimated amounts to be paid to counsel and the issue of interim billing should be addressed at this same time.

Authorizations to exceed the statutory maximum of \$500.00 for service providers are addressed in the same manner as described above. The billing rate, projected billing amount, and reason for services must be provided in the motion. Please note that claims from \$500.00, up to and including \$1,600.00, require prior approval by the presiding Judicial Officer. Compensation greater than \$1,600.00 requires approval by the presiding Judicial Officer and the Tenth Circuit Court of Appeals, thus requiring additional time for processing.

Obtaining prior authorization for services may be approached in two different manners. The first, and most common, is to submit a CJA21 form. This form must be submitted with the following information: name of the provider, tax identification number, address, telephone number, hourly rate, and total requested amount along with a brief explanation as to why the services are required. These requests are processed within 24 hours of receipt unless there is an issue of non-compliance. In the event of non-compliance, counsel will be contacted and every effort taken to ensure that the request is processed in a timely manner. The second approach would be to file a motion and proposed order. The motion should contain the aforementioned information. If a CJA21 form is submitted, a motion is not required (unless otherwise directed by the Court) and, likewise, if a motion is filed the CJA21 form need not be submitted.

In the interest of time and efficiency, counsel may address the representation budget as well as that of the service provider/s on the same motion. A copy of the order granting the motion must be attached to all vouchers submitted for payment.

#### **4. Motion for Interim Billing**

Chapter 2, Section 2.30 of the CJA Guidelines provides for interim billing in cases “*where it is considered necessary and appropriate*” in “*relieving court-appointed attorneys of financial hardships in extended and complex cases.*” Counsel may effect interim billing by

filing a motion explaining the need for interim payments and providing a proposed payment schedule. As with the motion to exceed the statutory maximum amounts, it is recommended that a budget be established at this time if not yet submitted. Cases exceeding the statutory maximum amounts will require approval of the motion by the presiding Judicial Officer and the Tenth Circuit Court of Appeals. Should delegation of authority sought by this Court be granted to the Tenth Circuit Court of Appeals, only the final vouchers will require approval by the Tenth Circuit Court of Appeals. Orders allowing interim billing or allowing the cost to exceed the statutory maximum amounts must be attached to all vouchers submitted for payment. If the order is not attached, counsel will be contacted and asked to submit a copy in order to properly process the payment.

## **5. Travel Expenses**

Counsel may bill for travel expenses such as airfare (prior authorization must be obtained for air travel), meals, lodging, car rental, parking, taxi services and telephone calls, and mileage. (Mileage occurring before August 13, 2007, will be reimbursed so long as the distance traveled is greater than thirty miles one way with respect to counsel's place of business.) All travel expenses must be reasonable and fully documented on the "Other Expenses" worksheet and all receipts attached to the voucher. Reimbursement for meals does not include the purchase of meals for persons other than counsel of record nor does it include **alcoholic beverages**. Mileage must be properly documented and the appropriate rates billed. Please see *Attachment 2* for prior and current mileage rates.

## **6. Air Travel**

If air travel is required to provide proper legal representation for the defendant, counsel must file a motion requesting authorization. The motion should specify the traveler's name(s), dates of travel, destination and reason for travel.

Once authorization is granted, counsel must contact a member of the CJA staff to request

a Travel Authorization form. This form is required by the Omega Travel (OT) for the scheduling of flights. OT is the current nationwide travel management contractor for the Judiciary. OT will bill the Court's CJA travel account directly and thus counsel will not need to seek reimbursement. Counsel will be responsible for making travel arrangements with OT. The request should be made at least five days in advance to allow for adequate processing time.

**NOTE:**

**COUNSEL IS RESPONSIBLE FOR NOTIFYING OMEGA TRAVEL (1-800-450-0401) OF ANY CANCELLATIONS. FAILURE TO DO SO WILL REQUIRE REIMBURSEMENT TO THE COURT BY THE TRAVELER.**

**7. Reimbursable Out of Pocket Expenses**

Counsel and service providers may be reimbursed for any out of pocket expenses reasonably incurred. The following is a list of items which may be reimbursed:

- ? Copies
- ? Faxes
- ? Postage
- ? Long distance telephone calls.

These expenses must be specific to the representation, be fully documented and be supported with receipts and/or logs. Expenses in excess of \$50.00 will require a receipt. Please refer to *Attachment 2* for current rates.

**8. Non-Reimbursable Expenses:**

Chapter 2, Sec. 2.28 of the CJA Guidelines states the following may not be reimbursed:

- ? General office overhead which includes any general office expenses which would normally be reflected in

the fee charged to the client.

- ? Items of a personal nature purchased on behalf of the client.
- ? Filing fees
- ? Printing of briefs
- ? Service of process
- ? Taxes
- ? Time expended with any member of the Court regarding CJA voucher matters.
- ? Counsel may not contract for legal research or appoint co-counsel without prior approval by the presiding Judicial Officer.

These apply to counsel as well as service providers.

## **9. Transcripts**

Counsel may purchase no more than one transcript from the court reporter on behalf of the court appointed attorneys. Accordingly, one of the attorneys will arrange for preparation of the transcript and will share the transcript with other defense counsel by having the transcript duplicated. The cost of duplication will be reimbursed to counsel on the CJA20 form. However, the transcription will be billed on a CJA24 form by the court reporter. If counsel has paid for the transcript as an out of pocket expense, the reimbursement must also be submitted on a CJA24 form.

Expedited transcripts require prior authorization by the presiding Judicial Officer. A memorandum explaining the necessity to incur this expense must be attached to the CJA24 form when submitting for authorization.

## **D. Review of Voucher**

### **1. Responsibilities of Appointed Counsel**

Appointed counsel must maintain contemporaneous time and attendance records for all work performed. This includes work performed by an associate counsel, paralegal or other Court approved support staff. Expense records must be maintained as well. These records may be subject to audit and thus must be retained for three years after approval of the final voucher.

Counsel is responsible for submitting vouchers within the required time limit, which is 45 days after the date of final disposition, unless good cause is shown.

Accuracy and proper documentation is another responsibility bestowed upon appointed counsel. Prompt payment is ensured when vouchers are accurate and properly documented. Vouchers which are inaccurate, or lack proper supporting documentation, will require correction and result in delay of payment. Vouchers will not be processed until they are in full compliance.

Counsel is also responsible for vouchers submitted by the service provider as well. By signing any CJA forms, counsel certifies that the services were rendered and that the billing conforms with the CJA Guidelines. Please refer to *Attachment 1* in this manual for the recommended allowable hourly rates. Inaccuracies and lack of proper documentation for all services will be addressed with appointed counsel.

### **2. Compliance with the CJA Guidelines**

All vouchers are reviewed by the Clerk's staff prior to being reviewed by the presiding Judicial Officer. Clerk's staff reviews the worksheets to check for compliance and mathematical accuracy. Any entries which do not appear to comply with the Guidelines are highlighted and pointed out to the presiding Judicial Officer, who will, in turn, determine whether or not these entries will be paid.

In cases where the required documentation is not provided, counsel will be informed of the deficiencies. Failure to respond to the verbal request within three days will result in the mailing of the voucher back to counsel along with a Cure Defect letter requesting compliance.

#### **E. Payment for Services**

Payments are mailed from the Administrative Office of the United States Courts in Washington, D.C., after approval by the presiding Judicial Officer.

### **III. CJA Process in Death Penalty Cases**

For death penalty cases, the procedure is much the same as that for non-death penalty cases; however, there are some differences which should be pointed out. These differences are as follows:

- ! A budget must be set in place by all counsel and approved by the presiding Judicial Officer for all death penalty cases.
  
- ! At the outset of every capital case, courts may appoint two counsel for each defendant, at least one of whom is experienced and knowledgeable about the defense of death penalty cases. Appointed counsel may, with prior authorization, use the services of attorneys who work in association with them, provided that the employment of such additional counsel (at a reduced hourly rate) diminishes the total cost of representation or is required to meet time limits. (*CJA. Guidelines, Chapter 6, Sec 6.01 A.*)
  
- ! The hourly rate for compensation for counsel ranges from \$94.00 to \$166.00 per hour and is set by the Judicial Conference and the presiding Judicial Officer.

- ! “There is neither a statutory case compensation maximum for appointed counsel nor provision for review and approval by the Chief Judge of the Circuit of the case compensation amount in capital cases.” (*CJA. Guidelines Chapter 6, Sec 6.02 A. 2.*)
  
- ! Counsel should obtain prior authorization for the contracting of services by experts. In instances where this process may hinder effective legal representation, counsel may procure services and the presiding Judicial Officer may approve the services on a *nunc pro tunc* basis.
  
- ! The statutory maximum amount for service providers in death penalty cases is \$7,500.00 as of April 24, 1996. Amounts which exceed this maximum and are approved by the presiding Judicial Officer must also be approved by the Tenth Circuit Court of Appeals.
  
- ! Consulting services may be authorized by the Court at an hourly rate which does not exceed the amount for appointed counsel.

There are three different types of vouchers which are used for representation in death penalty cases. The following table lists and explains the uses:

<b>Form Number</b>	<b>Form Title</b>	<b>Use</b>
<b>CJA30</b>	Death Penalty Proceedings: Appointment of and Authority to Pay Court Appointed Counsel	Payment of services rendered by counsel.
<b>CJA31</b>	Death Penalty Proceedings: Ex Parte Request for Authorization and Voucher Expert and Other Services	Payment of services rendered by experts/service providers.
<b>CJA24</b>	Authorization and Voucher for Payment of Transcript	For request and payment of Court transcripts needed for representation purposes.

These forms and the related worksheets are available through the Court's website or copies may be acquired by contacting any member of the CJA staff. For detailed instructions on filling out these forms, please refer to *Attachments 7 to 12, and 13* in this manual, or you may contact the CJA staff with any questions you may have.

#### **IV. Conclusion**

The information in this manual is not intended to be all inclusive. It is highly recommended that Chapter 7 of *The Guide to Judiciary Policies and Procedures, Vol. II, Appointment of Counsel in Criminal Cases* be reviewed. This literature, along with the current CJA Attorney Manual for the District of New Mexico and the related Adopted CJA Plan, may be accessed via the Court's website or may be obtained from the Intake Desk at the Pete V. Domenici Federal Courthouse located at 333 Lomas Blvd. NW., Albuquerque, New Mexico.

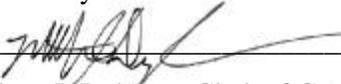
In addition to this literature, counsel may contact the Financial Section at 505-348-2145, the Defender Services Division in Washington, D.C., at 202-502-3057, or the Federal Public Defender's Office at 505-346-2489 for questions or guidance.

This manual is effective immediately and will be revised on an as-needed basis.

*Date Issued: November 12, 1997*

*Dates Revised: March 24, 2000  
May 1, 2002  
August 1, 2003  
June 3, 2005  
June 1, 2006  
August 17, 2007*

Approved by:

  
\_\_\_\_\_  
Matthew J. Dykman, Clerk of Court

Attachment 1  
**CJA 21/31 VOUCHERS**

**Recommended Allowable Hourly Rates**

Type of Expert	Recommended Allowable Hourly Rate
<i>Accountant</i>	<i>\$85.00</i>
<i>Ballistics Expert</i>	<i>\$40.00</i>
<i>Certified Interpreter (Federal Certification)</i>	<i>\$60.00</i>
<i>Chemist</i>	<i>\$100.00</i>
<i>Interpreter</i>	<i>\$30.00</i>
<i>Investigator</i>	<i>\$50.00 - \$65.00</i>
<i>Jury Consultant</i>	<i>\$80.00</i>
<i>Law Clerk</i>	<i>\$35.00</i>
<i>Mitigation Expert</i>	<i>\$85.00</i>
<i>Neuropsychologist</i>	<i>\$150.00 - \$175.00</i>
<i>Paralegal</i>	<i>\$25.00</i>
<i>Physician</i>	<i>\$135.00</i>
<i>Polygraph Examiner</i>	<i>\$80.00 - \$110.00</i>
<i>Psychiatrist/Psychologist</i>	<i>\$150.00</i>
<i>Statistician</i>	<i>\$80.00 - \$100.00</i>

Attachment 2

**OTHER EXPENSES**

**Fees and Rates**

<b>Expense Item</b>	<b>Fee/Rate</b>
<i>Copies</i>	<i>\$0.15 per page</i>
<i>Faxes (Incoming and Outgoing)</i>	<i>\$0.50 per page</i>
<i>Mileage from 02/01/07</i>	<i>\$0.485 per mile</i>
<i>Mileage from 01/01/06</i>	<i>\$0.445 per mile</i>
<i>Mileage from 09/01/05</i>	<i>\$0.485 per mile</i>
<i>Mileage from 02/04/05</i>	<i>\$0.405 per mile</i>
<i>Mileage from 01/01/04</i>	<i>\$0.375 per mile</i>
<i>Mileage from 01/01/03</i>	<i>\$0.360 per mile</i>
<i>Mileage from 01/21/02</i>	<i>\$0.365 per mile</i>

### Attachment 3

#### 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 \$500. Failure to obtain prior authorization will result in the disallowance of any amount claimed for compensation in excess of \$500, 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:** The location code is the district office code of the court where the proceedings for the person represented are held.

**NOTE:** LOCATION CODE FOR NEW MEXICO IS **NMX**

**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, e.g., **05-00345-001**.

**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.)

**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. IN ADDITION, THE CLERK'S OFFICE MUST BE NOTIFIED IF THERE IS A CHANGE OF ADDRESS, SOCIAL SECURITY NUMBER, OR EIN.**

**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.

**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 (in hours and tenths of an hour).

**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's Office personnel 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 limited or emergency 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.
8. Fees paid to process servers serving subpoenas.

**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.

**NOTE:** DO NOT OVERLAP TIME PERIODS FOR INTERIM VOUCHERS.

**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 number or letter code from the following table.

	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

	Type of Disposition	Code
	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/Wr its	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--COURT USE ONLY:** 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) sign in Item 28, 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.

**Items 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.



**Attachment 5**  
**INSTRUCTIONS FOR CJA FORM 21**  
**AUTHORIZATION AND VOUCHER FOR EXPERT AND OTHER SERVICES**

Read these instructions carefully before completing the form. Accuracy and thoroughness will aid in the prompt payment of the claim. Use a typewriter if possible 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 10 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 the dates for, and a description of 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.

**ALL PAYMENTS MADE PURSUANT TO THIS CLAIM ARE SUBJECT TO POST-AUDIT. ANY OVERPAYMENTS ARE SUBJECT TO COLLECTION, INCLUDING DEDUCTION OF AMOUNTS DUE FROM FUTURE VOUCHERS.**

Refer to 18 U.S.C. § 3006A(e)(1) and the *CJA Guidelines* on making *Ex Parte* applications for services other than counsel.

**NOTE:** PRIOR AUTHORIZATION FROM THE PRESIDING JUDICIAL OFFICER SHOULD BE OBTAINED FOR ALL INVESTIGATIVE, EXPERT, OR OTHER SERVICES WHERE THE COST (EXCLUDING REIMBURSEMENT FOR REASONABLE EXPENSES) WILL EXCEED \$500. FAILURE TO OBTAIN PRIOR AUTHORIZATION WILL RESULT IN THE DISALLOWANCE OF ANY AMOUNT CLAIMED FOR COMPENSATION IN EXCESS OF \$500, UNLESS THE PRESIDING JUDICIAL OFFICER, FINDS THAT, IN THE INTEREST OF JUSTICE, TIMELY PROCUREMENT OF NECESSARY SERVICES COULD NOT AWAIT PRIOR AUTHORIZATION.

Compensation may not exceed \$1,600, excluding reasonable expenses, unless the excess amount is certified by the presiding judicial officer as necessary to provide fair compensation for services of an unusual character or duration, and the amount exceeding the statutory limit is approved by the chief judge of the court of appeals (or active appeals court judge to whom the chief judge has delegated excess compensation authority).

If prior authorization is obtained for investigative, expert or other services and later it is determined that the cost of the service will exceed the initial estimate by a significant amount, you should seek, from the presiding judicial officer, further prior authorization for the additional amount.

**Item 1**      **CIR./DIST./DIV. CODE:** The code is the district office code of the court where the proceedings for the person represented are held.

**NOTE:** LOCATION CODE FOR NEW MEXICO IS **NMX**

**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 number 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, e.g., **05-00345-001**.

**NOTE:** If two or more cases are heard or tried together for the person represented, complete a separate voucher for each case in which services are provided (i.e., docket number listed). Prorate the total time among the cases. On the 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 criminal or civil 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 identifies the offense class for the representation in which the expert or other services are requested. If "Other" payment category is checked, specify the category within the scope of the CJA.

**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 U.S. Code, or an assimilated crime under a state code.
- 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.)

**Item 11** **OFFENSE(S) CHARGED:** Cite the U. S. Code, 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 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 trial disposition, cite the major offense (U.S. Code, title and section) at case disposition.

**Item 12**      **ATTORNEY’S STATEMENT, NAME AND MAILING ADDRESS:** Check the appropriate box to indicate whether the request is for authorization to obtain services, or approval of services already provided. (Note that prior authorization is required for compensation of all services in excess of \$500.) Indicate the estimated cost of the services requested. Note the basis for compensation (e.g., hourly rates, daily rates, fixed fee, etc.). This statement must be signed and dated by counsel for the person represented (or by the person proceeding *pro se*). Check the appropriate box to designate attorney status as a panel attorney, retained attorney, attorney for a legal organization (bar association, legal aid agency, or community defender organization not receiving a periodic sustaining grant under the CJA), or as a person who qualifies for representation under the CJA but has chosen to proceed *pro se*.

Give the complete legal name of the attorney appointed to represent the person whose name is shown in Item 2. Provide the current mailing address and telephone number of the attorney.

**Item 13**      **DESCRIPTION OF AND JUSTIFICATION FOR SERVICES:** Briefly, describe the nature of the services requested and the reason services are necessary to provide adequate representation.

***Procedures for Requesting Psychiatric and Psychological Services.***

If this is a request for an examination by a psychiatrist or psychologist, state specifically the purpose of the examination. If the examination is ordered pursuant to a statute, cite the statute (U.S. Code, title and section).

The payment procedures for psychiatric and psychological examinations are outlined below. For further information, refer to paragraph 3.11 of the *CJA Guidelines*.

- If this is a court-ordered examination to determine, exclusively, the mental condition as set forth in 18 U.S.C. §§ 4241-4246, **DO NOT USE THIS FORM**, regardless of who requested the examination. Examinations conducted pursuant to these statutes are considered “non-defense” purpose examinations. The costs are paid by the Department of Justice, and claims for these examinations should be submitted to the U.S. Attorney.
- If this is an examination exclusively for a “defense” purpose (where the person represented selects the expert and controls disclosure of the report), **USE THIS FORM**. The court order executed in Item 15 is sufficient for this purpose.
- If this is a dual purpose examination for a “non-defense” and a “defense” purpose, **USE THIS FORM**. For the convenience of the expert, the Administrative Office will pay the expert the total amount approved and obtain reimbursement from the Department of Justice for one-half of the total amount approved. In order for the Administrative Office to obtain this reimbursement, a separate court order authorizing the examination must be attached to the voucher when it is submitted for payment. This order should indicate (1) who requested the examination, (2) the specific purpose(s) of the examination, (3) to whom the report of the examination is directed, and (4) to whom copies of the report are to be given. This separate order is in addition to the court order at Item 15, which also must be signed and dated by the presiding judicial officer.

- If this is a dual purpose examination for two “non-defense” purposes (e.g., evaluation of competency to stand trial under 18 U.S.C. § 4241 and evaluation of sanity at the time of the offense under 18 U.S.C. § 4242), DO NOT USE THIS FORM. Submit the entire claim to the U. S. Attorney for payment.

**Item 14**      **TYPE OF SERVICE PROVIDER:** Check the box which identifies the type of service provider requested. If you check the box “Other,” be sure to specify the type of service or service provider. If computer assisted legal research (CALR) is checked, refer to paragraph 3.15 of the *CJA Guidelines* for an explanation of the criteria and procedures for approval of CALR as a necessary service under the CJA.

**Item 15**      **COURT ORDER:** This court order must be signed and dated by the presiding judicial officer. An additional court order is not necessary except for certain psychiatric and psychological examinations as explained in the instructions for Item 13, or to authorize payment for services exceeding \$500 when prior authorization was not obtained (see Item 23). Indicate whether full or partial repayment of the cost for these services was ordered by the court from the person represented by checking “Yes” or “No.”

**Item 16**      **CLAIM FOR SERVICES AND EXPENSES:**

- COMPENSATION (16a). Enter the total amount claimed for professional services rendered. On an attachment to the voucher, describe in detail the services provided, including dates of service and the amount of time spent (in hours and tenths of hours). State the basis for the fee claimed (e.g., hourly rate, daily rate, fixed fee).
- TRAVEL EXPENSES (16b). 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. Service providers are limited to the travel and subsistence expenses of federal employees. Clerk's Office personnel can advise you of applicable rates and federal government travel regulations.
- OTHER EXPENSES (Item 16c). Itemize all reimbursable out-of-pocket expenses incidental to the services provided. Provide dates and a brief description of the expense. Submit supporting documentation (receipts, canceled checks, paid invoice, etc.) for single item expenses of \$50 or more. Do not include general office overhead (e.g., rent, telephone services, secretarial services) or expenses for service of subpoenas as reimbursable expenses.

**NOTE:** THE COLUMNS PROVIDED “**FOR COURT USE ONLY**” WILL REFLECT ANY MATHEMATICAL OR TECHNICAL ADJUSTMENTS TO THE CLAIM DURING JUDICIAL APPROVAL OR REQUIRED ADDITIONAL REVIEW OF THE CHIEF JUDGE OF THE COURT OF APPEALS (OR DELEGATE).

**Item 17**      **PAYEE’S NAME AND MAILING ADDRESS, TAXPAYER IDENTIFICATION NUMBER (TIN), CLAIMANT’S CERTIFICATION AND CLAIM STATUS:** Provide the complete name and address of the person to be paid (claimant). The claimant must certify dates covered in the claim for payment by indicating the date range for services rendered. Check the box to indicate the status of the claim as: (1) final payment for the services, (2) an interim payment, or (3) a supplemental payment (an additional claim submitted after a the final payment). If this is an interim payment, indicate the interim payment number. The claimant or payee must sign and

date the payment certification statement prior to submitting the claim to the attorney for certification that services were rendered and received. Provide the Taxpayer Identification Number (TIN) to report these earnings to the IRS.

**NOTE:** DO NOT OVERLAP TIME PERIODS FOR INTERIM VOUCHERS

**Item 18**      **CERTIFICATION OF ATTORNEY:** This section must be completed by the attorney appointed to provide representation, a retained attorney whose client is unable to afford the cost of service requested, or by a person proceeding *pro se* under the CJA.

**Items 19-22**   **APPROVED FOR PAYMENT:** The court will review, for reasonableness and compliance with the *CJA Guidelines*, every claim for compensation of services rendered and any claim for reimbursement of expenses incurred. The presiding judicial officer will indicate the amount approved for payment in each of the payment categories (Items 19-21). These amounts will reflect any mathematical or technical adjustments made to the claim.

The “**TOTAL AMOUNT APPROVED/CERTIFIED**” (Item 22) is the amount approved for payment of the claim, less any amounts to be withheld in accordance with an interim payment order. Upon preliminary approval of a claim for more than the \$1,600 statutory threshold, not including expenses, the presiding judicial officer will (1) indicate the amount approved in Item 22, and (2) forward the claim to the chief judge of the court of appeals (or delegate) for additional review and approval of the excess amount.

**Item 23**      **SIGNATURE OF THE PRESIDING JUDICIAL OFFICER:** The presiding judicial officer must check the appropriate box to indicate (1) either the cost, excluding expenses, does not exceed \$500, or prior authorization was obtained, or (2) approval of cost, excluding expenses, exceeding \$500 when prior authorization was not obtained but in the interest of justice the court finds that timely procurement of these services could not await prior authorization. The presiding judicial officer must sign and date Item 23, indicating approval/certification of the amount indicated in Item 22. The court staff will provide the judge code. If the amount approved for compensation, excluding expenses, is less than or equal to the \$1,600 statutory limitation, the claim will be forwarded for payment processing.

**Items 24-27**   **APPROVED FOR PAYMENT--COURT USE ONLY:** If the chief judge (or delegate) approves the excess compensation, the judge will indicate the amounts approved in each of the payment categories, Items 24-26, and the total amount approved for payment in Item 27.

**Item 28**      **SIGNATURE OF CHIEF JUDGE, COURT OF APPEALS (OR DELEGATE):** Before a claim is paid for the excess amount certified, the chief judge of the appeals court (or delegate) must sign and date Item 28, 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 approved.



## Attachment 7

### INSTRUCTIONS FOR CJA FORM 24 AUTHORIZATION AND VOUCHER FOR PAYMENT OF TRANSCRIPT

Read these instructions carefully before completing the form. Accuracy and thoroughness will aid in prompt payment of the claim. If possible, use a typewriter to complete the form; otherwise, write legibly with a ballpoint pen (preferably black or dark blue ink). If the form is system generated, Items 1 through 11 will be preprinted on the form. If additional space is needed to complete an item, attach a continuation sheet to the form.

**Item 1**      **CIR./DIST./DIV. CODE:** The court location code is the district office code of the court where authorization is given to procure the transcript.

**NOTE:** LOCATION CODE FOR NEW MEXICO IS **NMX**

**Item 2**      **PERSON REPRESENTED:** Give the full name of the person whom representation is being provided (i.e., the person whom transcript services are requested). Only one name should be entered in Item 2 "Person Represented."

**Items 3-6**    **DOCKET NUMBERS:**

Provide the case file number or the miscellaneous number of the case for which representation is provided. 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) if applicable. Thus, the docket number format is YY-NNNNN-DDD, e.g., **05-00345-001**. Complete a separate voucher for each transcript requested. Prorate the total transcript cost among the cases when costs are shared or apportioned. Cross reference all related claims for which costs are prorated or apportioned.

**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 information or indictment (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 criminal or civil 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 defines the statutory threshold for this representation type. If "Other" payment category is checked, specify the category within the scope of the Criminal Justice Act (CJA). See paragraph 2.22 B(2), of the *Guidelines for the Administration of the CJA and Related Statutes (CJA Guidelines)*, Volume VII, *Guide to Judiciary Policies and Procedures*.

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

**Item 10**     **REPRESENTATION TYPE:** From the list below, select the letter 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 U.S. Code, or an assimilated crime under a state code.
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
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.)

**Item 11**      **OFFENSE(S) CHARGED:** Cite the U.S. Code, title and section, of the offense or offenses for which the person represented is charged. If a death penalty case, cite the charge for which the death penalty is being sought. If a civil matter, such as a capital habeas representation or motion attacking sentence, cite 28 U.S.C. § 2254 or 28 U.S.C. § 2255, respectively.

**Item 12**      **PROCEEDINGS IN WHICH TRANSCRIPT IS TO BE USED:** Describe briefly the nature of the proceeding or other purpose for which the transcript is required (e.g., motion hearing, trial preparation, trial, appeal).

**Item 13**      **PROCEEDINGS TO BE TRANSCRIBED:** Describe specifically the type of proceedings to be transcribed (e.g., preliminary hearing, arraignment, plea, sentencing, trial, motions, parole or probation proceedings, state court proceedings, deposition). For restrictions on trial transcripts, see Item 14.

**Item 14**      **SPECIAL AUTHORIZATIONS (services other than ordinary transcript):** The following services are permitted only if the judicial officer gives special authorization (initialed by the judicial officer where required on the form).

- APPORTIONMENT OF TRANSCRIPT COST. The Judicial Conference has stated that the total cost of accelerated transcript services should not be routinely apportioned among parties.
- TYPES OF TRANSCRIPTS.

**NOTE:** ALL BUT ORDINARY TRANSCRIPT SERVICES, TO BE DELIVERED WITHIN 30 DAYS AFTER RECEIPT OF AN ORDER, REQUIRE SPECIAL PRIOR JUDICIAL AUTHORIZATION.

- (1) **Expedited** – to be delivered within 7 calendar days after receipt of an order.
- (2) **Daily** – to be delivered following adjournment and prior to the normal opening hour of the court on the following morning, whether or not it is an actual court day.
- (3) **Hourly** — ordered under unusual circumstances to be delivered within 2 hours.
- (4) **Realtime Unedited Transcript** — to be delivered electronically during the proceedings or immediately following adjournment.

- **TRIAL TRANSCRIPTS.** In the absence of special prior authorization, trial transcripts shall exclude the prosecution opening statement, the defense opening statement, the prosecution argument, the defense argument, the prosecution rebuttal, the voir dire and jury instructions.
- **MULTI-DEFENDANT CASES.** According to Judicial Conference policy, no more than one transcript should be purchased from the court reporter on behalf of CJA defendants in multi-defendant cases. Arrangements should be made by CJA court appointed attorney for duplication of enough transcript copies, at commercially competitive rates, for each CJA defendant for whom a transcript has been approved. The cost will be paid from CJA funds. This policy does not preclude the court reporter from providing copies at the commercially competitive rate. In addition, the court may grant an exception to this policy based upon a finding that application of the policy will unreasonably impede the delivery of accelerated transcripts to persons proceeding under the CJA. See paragraph 3.12C of the *CJA Guidelines*.

**Item 15**      **ATTORNEY’S STATEMENT:** The court-appointed counsel or the person proceeding *pro se* under the CJA must sign and date the affirmation statement, and print or type the signatory’s name. Check the appropriate box to designate your status as a CJA panel attorney, a retained attorney whose client is unable to afford the cost of the transcript service, a person who qualifies for representation under the CJA but who has chosen to proceed *pro se*, or an attorney from a legal organization (bar association, legal aid agency, or community defender organization not receiving a periodic sustaining grant under the CJA).

**NOTE:** IF PROSE, SEE ITEM 16.

**Item 16**      **COURT ORDER:** This order must be signed and dated by the presiding judicial officer, indicating eligibility under the CJA. An additional court order is not necessary to authorize procurement and payment for this service.

**Item 17**      **COURT REPORTER/TRANSCRIBER STATUS:** Check the appropriate box that indicates the reporter’s status. Generally, this information will be provided by the court or the reporter.

**Item 18**      **PAYEE’S NAME, MAILING ADDRESS AND TELEPHONE NUMBER:** Print or type the full name and mailing address of the payee. Provide the payee’s telephone number, including the area code.

**Item 19**      **SOCIAL SECURITY NUMBER OR EMPLOYER ID NUMBER OF PAYEE:** Provide your Social Security Number (SSN) or your Employer Identification Number (EIN) that you use to report earnings to the Internal Revenue Service (IRS).

**Item 20**      **TRANSCRIPT COSTS:** Cost per page for transcripts prepared by official court reporters, contract court reporters, and transcribers of taped proceedings may not exceed the rates in effect at the time the authorization. Generally, persons proceeding under the CJA may receive only the original or a copy of the transcript. Two lines for transcript costs have been provided on the form to reflect that the page rate will vary depending upon whether the party received the original or a copy, and that certain portions may be provided at a higher rate for accelerated service. (If more lines are needed to reflect these factors, attach an additional sheet and record the information in the same format as on the form.) A page of transcript shall consist of 25 lines typed on 8 -1/2 x 11 inch paper, prepared for binding on the left side, with 1-3/4 inch margin on the left side and a 3/8 inch margin on the right side. Typing shall be 10 letters per inch. Provide the page numbers for each segment of the transcript.

**NOTE:** Claim reimbursement for only the following expenses: (1) Travel and subsistence of assistants who aid in preparation of daily or hourly transcript, if authorized in advance by the presiding judicial officer; and (2) Extraordinary delivery costs, such as courier services or express mail (regular postage is not reimbursable). Specify and attach receipts or other supporting documentation for expenses.

**Item 21 CLAIMANT’S CERTIFICATION:** Generally, the person providing the transcript services will sign this certification. However, if the transcript has been paid for, the attorney can request reimbursement for the cost on this form by signing the claimant’s certification. In that event, the attorney also must be listed as the payee in Item 18, and the information required in Items 18 and 19 (SSN, payee’s or attorney’s mailing address and telephone number, or TIN for law firm or corporate name).

**Items 22 CERTIFICATION OF ATTORNEY OR CLERK.** The attorney’s signature in Item 22 verifies that the transcript was received. Clerks of court may verify receipt on behalf of persons proceeding *pro se*, and on behalf of all CJA parties in districts if the practice is authorized by local rule of the court.

**Item 23 APPROVED FOR PAYMENT:** After reviewing for reasonableness and compliance with the *CJA Guidelines*, the presiding judicial officer must sign and date the voucher

**Item 24 AMOUNT APPROVED--COURT USE ONLY.** The amount approved for payment.



## Attachment 9

### INSTRUCTIONS FOR CJA FORM 30 DEATH PENALTY PROCEEDINGS APPOINTMENT OF AND AUTHORITY TO PAY COURT APPOINTED COUNSEL

The CJA Form 30 should be used for all death eligible cases, regardless of whether the death penalty is authorized, not-authorized, or de-authorized.

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 generated from the automated system, Items 1-11 and 13 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, a description of, and the purpose for any expenses incurred. For additional guidance, refer to 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 (as amended), codified in part at 18 U.S.C. §3006A (CJA) and subsection (q)(9) and (10)(B) of the Anti Drug Abuse Act, 21 U.S.C. § 848. Prior authorization from the presiding judicial officer is required for all such services where the cost, excluding reimbursable out-of-pocket expenses, will exceed \$500. Failure to obtain prior authorization will result in the disallowance of any amount claimed 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 the CJA Form 31.

**NOTE:** 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:** The location code is the district office code for the court where the proceedings whom the person represented are held.

**NOTE:** LOCATION CODE FOR NEW MEXICO IS **NMX**

**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 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 in the indictment or charging document. Thus, the format of the docket number is YY-NNNNN-DDD e.g., **05-00345-001**.

**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 THE SUPPORTING DOCUMENTATION, CROSS REFERENCE THE VOUCHER NUMBER OF 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 (e.g., *U.S. vs. Lead Defendant's Name, et al*). If this is a habeas corpus proceeding, enter the *Name of the Petitioner vs. the Name of the Respondent* and include the respondent's title.

**Item 8 TYPE PERSON REPRESENTED:** Check the box that defines the legal status of the person represented.

**Item 9 REPRESENTATION TYPE:** Check one of the following types of representations:

- D1 Habeas corpus (capital) petition pursuant to 28 U.S.C. § 2254, seeking to vacate or set aside a state death sentence;
- D2 Federal capital prosecution, either trial or direct appeal;
- D3 Habeas corpus (capital) petition pursuant to 28 U.S.C. § 2255 seeking to vacate or set aside a federal death sentence; or
- D4 Death penalty prosecution in federal court under a state statute or any authority other than the United States Code.

**Item 10 OFFENSE(S) CHARGED:** If the case is a capital prosecution in federal court, cite the U. S. Code, title and section, or other code citation of all charges up to five. List all death-eligible charges first. If the case is a direct appeal of a federal prosecution, list all offenses for which the defendant was convicted.

**Item 11/13 ATTORNEY'S NAME AND MAILING ADDRESS AND NAME AND MAILING ADDRESS OF LAW FIRM:** Complete Item 11 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 13. This information will allow earnings to be reported to the Internal Revenue (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. IN ADDITION, THE CLERK'S OFFICE MUST BE NOTIFIED IF THERE IS A CHANGE OF ADDRESS, SOCIAL SECURITY NUMBER, OR EIN.

**Item 12** **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,” attach the court order establishing this type of appointment in accordance with paragraph 2.17 of the *CJA Guidelines*. Specific qualifications are required for all counsel appointed to provide representation in death penalty cases. See 21 U.S.C. § 848 (q)(5)- (7) and 18 U.S.C. § 3005. The remaining portion of the Item will be completed by the clerk of court or other court-designated person.

If the court approves interim payments because of the conditions stated in Box “D,” the court should check this box. The presiding judicial officer or clerk of court must sign and date this court order to validate the appointment. Check statement “E,” if full or partial repayment was ordered by the court from the person represented at the time of the appointment. If services were provided prior to court appointment, the presiding judicial officer can ratify the previous service by indicating a “nunc pro tunc” date that covers the services prior to appointment. No other court order is necessary.

**Item 14** **STAGE OF PROCEEDING:** Check the box that corresponds to the stage of proceeding for services claimed in Item 15 even if it is anticipated that the work will be used in connection with a later stage of the proceeding. CHECK ONLY ONE BOX. Submit a separate voucher for each stage of proceeding.

**NOTE:** THE STAGE NOTED AS “OTHER” UNDER “OTHER PROCEEDING” SHOULD BE USED ONLY FOR A PETITION FOR PRESIDENTIAL PARDON OR CLEMENCY, OR OTHER PROCEEDING THAT CANNOT FIT WITHIN THE OTHER DESCRIBED CATEGORIES.

**Item 15** **CLAIM FOR SERVICES--CATEGORIES FOR HOURS AND COMPENSATION:** On the applicable lines “a” through “j” enter the actual time spent in hours and tenths of hours. Total the number of hours in out-of-court categories “b” - “j” and enter the total in the “HOURS CLAIMED” column where required. Multiply the total hours for in-court and out-of-court time by the allowable compensation rate. Enter the amount claimed in the “TOTAL AMOUNT CLAIMED” column for category “a”, and for categories “b” - “j.”

**NOTE:** INDICATE “OTHER DISPOSITIVE MOTIONS” ONLY FOR WORK RELATED TO A MOTION TO DISMISS, MOTION FOR SUMMARY JUDGMENT, OR SIMILAR MOTION TO END THE ENTIRE HABEAS CORPUS PROCEEDING. IF SERVICES INCLUDED IN-COURT HEARINGS OF ONE HOUR EACH ON SEPARATE DATES, ENTER TWO HOURS ON THE FORM AND ATTACH A SHEET INDICATING ONE HOUR FOR EACH OF THE TWO DATES.

Any mathematical or technical adjustments to your claim during the judicial approval process or an additional review will be indicated in the columns provided on the form under the heading “**FOR COURT USE ONLY.**”

**Item 16** **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. Clerk's Office personnel can advise you on applicable rates and federal government travel regulations.

**Item 17 OTHER EXPENSES:** Itemize all reimbursable out-of-pocket expenses incidental to the representation. Provide dates and a brief description of the expense. Submit supporting documentation (a receipt, canceled check, etc.) for single item expenses in excess of \$50. Reimbursable expenses may include, in some circumstances, payments to a law student or law clerks for research and assistance, and the cost of computer assisted legal research (CALR) when conducted by counsel. See paragraph 2.31 and 3.15 of the *CJA Guidelines* for an explanation. Fees and expenses for expert attorney and other consultants in death penalty cases should be authorized and claimed on a CJA Form 31. The following are not reimbursable expenses, and should not be claimed.

- General office overhead, such as rent, telephone services, and secretarial services or expenses for service of subpoenas.
- Expenses for items of a personal nature for the client (e.g., clothes, haircuts).
- The cost of printing briefs. The cost of photocopying or similar copying service is reimbursable.
- 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.
- Filing fees. These fees are waived for persons proceeding under the CJA.
- The cost of allowable investigative, expert, or other services. (See Chapters III and VI of the *CJA Guidelines*) such services should be requested using a CJA Form 31.
- Compensation taxes. Taxes paid on attorney compensation, whether based on income, sale, or gross receipts, are not reimbursable expenses.

**Totals:** Enter the “Grand Total” where required by adding the total amount claimed for “in-court,” “categories b - j,” “Travel Expenses,” and “Other Expenses.”

**Item 18 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.

**NOTE:** DO NOT OVERLAP TIME PERIODS FOR INTERIM VOUCHERS.

**Item 19 APPOINTMENT TERMINATION DATE, IF OTHER THAN CASE COMPLETION:** If the appointment is discontinued by order of the court (i.e., substituted counsel or reasons other than disposition of the defendant’s case such as fugitive defendant, appointment of a public defender, or retention of counsel by defendant), give the effective date for termination of appointment.

**Item 20 CASE DISPOSITION:** Indicate case disposition for the person represented. Select applicable number/ letter code from the following table.

	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 ,etc)	X
Appeals	Affirmed	A
	Reversed	R
	Remanded	0
	Reversed in Part/Affirmed in Part	RA
	Affirmed in Part/Reversed in Part	AR
	Dismissed	1
Habeas/Petitions/Writs	Granted	GR
	Denied	DE

**Item 21 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 payment number. Complete the remaining portion of Item 21, and sign and date the affirmation statement before submitting the claim for court approval.

**Items 22-27a APPROVED FOR PAYMENT--COURT USE ONLY:** The presiding judicial officer will indicate the amount approved for each major category. These amounts will reflect mathematical or technical adjustments to your claim. The total amount approved for payment of the claim, less any amounts withheld for interim payment, is reflected in the **“TOTAL AMOUNT APPROVED.”** The **“SIGNATURE OF THE PRESIDING JUDICIAL OFFICER”** is required to effect payment of the claim. The **JUDGE CODE** will be provided by the court staff.

**Attachment 10**



**Attachment 11**  
**INSTRUCTIONS FOR CJA FORM 31**  
**DEATH PENALTY PROCEEDINGS: *EX PARTE* REQUEST FOR**  
**AUTHORIZATION AND VOUCHER FOR EXPERT AND OTHER SERVICES**

The CJA Form 31 should be used to obtain investigative, expert and other services in all death eligible cases through disposition of the case, regardless whether the death penalty is authorized, not-authorized, or de-authorized.

Read these instructions carefully before completing the form. Accuracy and thoroughness will aid in the prompt payment of the claim. Use a typewriter if possible to complete the form; otherwise, write legibly with a ball point pen (preferably black or dark blue ink). If the form is generated by the automated system, Items 1 through 10 and 13 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 the service requested. Provide the dates for and a description of expenses incurred. For additional guidance, refer to 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.

**ALL PAYMENTS MADE PURSUANT TO THIS CLAIM ARE SUBJECT TO POST-AUDIT; OVERPAYMENTS ARE SUBJECT TO COLLECTION, INCLUDING DEDUCTION OF AMOUNTS DUE FROM FUTURE VOUCHERS.**

**REFER TO 21 U.S.C. 848(q)(9) AND THE CJA GUIDELINES CONCERNING THE CONDITIONS FOR MAKING *EX PARTE* REQUESTS.**

**NOTE:** PRIOR AUTHORIZATION FROM THE PRESIDING JUDICIAL OFFICER MUST BE SECURED FOR ALL INVESTIGATIVE, EXPERT OR OTHER SERVICES WHERE THE COST (EXCLUDING REIMBURSEMENT FOR REASONABLE EXPENSES) WILL EXCEED \$500. FAILURE TO OBTAIN PRIOR AUTHORIZATION WILL RESULT IN THE DISALLOWANCE OF ANY AMOUNT CLAIMED FOR COMPENSATION IN EXCESS OF \$500, UNLESS THE PRESIDING JUDICIAL OFFICER FINDS THAT, IN THE INTEREST OF JUSTICE, TIMELY PROCUREMENT OF NECESSARY SERVICES COULD NOT AWAIT PRIOR AUTHORIZATION.

If prior authorization is obtained for an investigative, expert or other service and later it is determined that the cost of the service will exceed the initial estimate by a significant amount, you should seek, from the presiding judicial officer, further prior authorization for the additional amount.

**FOR CASES COMMENCED, AND APPELLATE PROCEEDINGS FOR WHICH AN APPEAL IS PERFECTED, ON OR AFTER APRIL 24, 1996,** the presiding judicial officer's approval of payment in Item 28 may require additional approval by the chief judge of the court of appeals (or active circuit judge to whom the chief judge has delegated excess compensation approval authority) consistent with the \$7,500 statutory amount set forth in 21 U.S.C. § 848(q)(10)(B). Pursuant to that provision, if the aggregate amount of compensation and expenses for all investigative, expert, and other services exceeds \$7,500 in any case, payment in excess of that amount must be

certified by the presiding judicial officer as necessary to provide fair compensation for services of an unusual character or duration, and the amount of the excess payment must be approved by the chief judge of the court of appeals (or delegate).

**Item 1**      **CIR./DIST./DIV. CODE:** The location code is the district office code for the court where the proceedings for the person represented are held.

**NOTE:** LOCATION CODE FOR NEW MEXICO IS **NMX**

**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 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 (NNNN), and the defendant number (DDD), as shown in the indictment or charging document. Thus, the format of the docket numbers is YY-NNNN-DDD, e.g., **05-00345-001**. If two or more cases are heard or tried together for the person represented, complete a separate voucher for each case in which services are provided (i.e., for each docket number listed). Prorate the total time among the cases. On the 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 on the indictment (e.g., *U.S. vs. Lead Defendant's Name, et al*). If this is a habeas corpus proceeding, enter the *Name of the Petitioner vs. the Name of the Respondent* and include the respondent's title.

**Item 8**      **TYPE PERSON REPRESENTED:** Check the box that defines the legal status of the person represented.

**Item 9**      **REPRESENTATION TYPE:** Use the CJA Form 31 only if this is a death penalty representation. Check one of the following types of representation:

- D1 Habeas corpus (capital) petition pursuant to 28 U.S.C. § 2254, seeking to vacate or set aside a state death sentence;
- D2 Federal capital prosecution, either trial or direct appeal;
- D3 Habeas corpus (capital) petition pursuant to 28 U.S.C. § 2255, seeking to vacate or set aside a federal death sentence; or
- D4 Death penalty prosecution in federal court under a state statute or any authority other than the United States Code.

**Item 10**      **OFFENSE(S) CHARGED:** If the case is a capital prosecution in federal court, cite the U.S. Code (title and section) or other code citation of all charges, up to five. List all death-eligible offenses first. If this is a direct appeal of a federal prosecution, list all offenses for which the defendant was convicted.

**Item 11**      **ATTORNEY'S STATEMENT, NAME AND MAILING ADDRESS:** Check the appropriate box to indicate whether the request is for authorization to obtain services, or approval of services

already provided. Include, for the services described in Item 12, the total estimated dollar amount for compensation and expenses. Estimate the cost of the services (including expenses) requested, and show the amount where required on the form. Note the basis for compensation (e.g., number of hours of work at hourly rate, number of days at daily rate, or a fixed dollar fee). This statement must be signed and dated by counsel for the person represented (or by the person proceeding *pro se*). Check the appropriate box to designate the attorney status as an attorney from a legal organization (bar association, legal aid agency, or community defender organization not receiving a periodic sustaining grant under the Criminal Justice Act (CJA), a CJA panel attorney, a retained attorney whose client is unable to afford the cost of the service requested, or a person who qualifies for representation under the CJA but has chosen to proceed *pro se*.

Give the complete legal name, mailing address, and telephone number of the attorney appointed to represent the person whose name is shown in Item 2. Provide the current mailing address and telephone number of the attorney.

For cases commenced, and appellate proceedings for which an appeal is perfected, on or after April 24, 1996, all totals for compensation and expenses authorized for investigative, expert, and other services will be included as a part of the statutory threshold. (Payments to counsel for representation is not a part of the statutory threshold.) The court may use this information to help determine whether advance approval should be obtained from the chief judge of the court of appeals (or delegate) in anticipation that the \$7,500 amount for compensation and expenses for investigative, expert, and other services will be exceeded. If the estimated amount has been authorized already, in whole or in part, through a case budgeting process by the court (and by the chief judge of the court of appeals (or delegate) if applicable), attach the appropriate documentation to the first payment voucher submitted.

**Item 12**

**DESCRIPTION OF AND JUSTIFICATION FOR SERVICES:** Briefly, describe the nature of the services requested and the reason services are necessary to provide adequate representation.

***Procedures for Requesting Psychiatric and Psychological Services.***

- If this is a request for an examination by a psychiatrist or psychologist, state whether the purpose of the examination is to determine (1) the current mental state of the person represented, or (2) the mental state at the time of the person's alleged offense. Counsel may request authorization to obtain necessary psychiatric and related services when the purpose of an examination is to assist the defense and counsel wishes to control disclosure of the examination report (i.e., keep it confidential from the court and the prosecution) as well as to select the expert conducting the examination. If the examination is ordered pursuant to a statute, cite the statute (U.S. Code, title and section). See paragraph 3.11 of the *CJA Guidelines* and accompanying chart, "Responsibility for Payment of Psychiatric and Related Expert Services."

**NOTE:** SEE INSTRUCTIONS FOR CJA 21, ITEM 13 FOR FURTHER PROCEDURES.

- In habeas corpus proceedings, payment of fees and expenses of psychiatric examinations for purposes other than representation of the petitioner is not paid from Defender Services funds, but is determined by the RULES GOVERNING SECTION 2254 CASES IN THE UNITED STATES DISTRICT COURTS AND RULES GOVERNING 2255 CASES IN THE UNITED STATES COURTS. In order to avoid confusion and possible delays in payment, the order authorizing the services to be obtained should specify the statutory authority and the agency responsible for payment.

**Item 13**

**TYPE OF SERVICE PROVIDER:** Check the box that identifies the type of service provider

requested. If you check the box “Other,” be sure to specify the type of service or service provider. If computer assisted legal research (CALR) is checked, refer to paragraph 3.15 of the *CJA Guidelines* for an explanation of the criteria and procedures for approval of CALR as a necessary service under CJA.

**Item 14**      **COURT ORDER:** This court order must be signed and dated by the presiding judicial officer. An additional court order is not necessary except for certain psychiatric and psychological examinations as explained in the instructions for Item 12, or to authorize payment for services exceeding \$500 when prior authorization was not obtained (see Item 23). Indicate whether full or partial repayment was ordered by the court from the person represented by checking “Yes” or “No.”

**Item 15**      **STAGE OF PROCEEDING:** Check the box that corresponds to the stage of proceeding for services claimed in Item 16 even if it is anticipated that the work will be used in connection with a later stage of the proceeding. **CHECK ONLY ONE BOX.** Submit a separate voucher for each stage of proceeding. The stage noted as “Other” under “Other Proceeding” should be used only for a petition for presidential pardon or clemency, or other proceeding that does not relate to the other described categories.

**Item 16**      **CLAIM FOR SERVICES AND EXPENSES:**

- COMPENSATION (Item 16a). Enter the total amount claimed for professional services rendered. On an attachment to the voucher, describe in detail the services provided, including dates of service and the amount of time spent (in hours and tenths of hours). State the basis for the fee claimed (e.g., hourly rate, daily rate, fixed fee).
- TRAVEL EXPENSES (Item 16b). Travel related expenses that are incidental to providing services (e.g., transportation, lodging, meals, car rental, parking, etc.) must be itemized on a separate sheet, indicating dates the expense was incurred. Attach supporting documentation (receipts, canceled checks, etc.) for 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. Service providers are limited to the travel and subsistence expenses of federal employees. Clerk's office personnel can advise you of applicable rates and federal government travel regulations.
- OTHER EXPENSES (Item 16c). Itemize all reimbursable out-of-pocket expenses incurred incidental to services provided. Enter the total claimed where required on the form. Submit supporting documentation (receipts, canceled checks, paid invoices, etc.) for all single item expenses in excess of \$50. Do not include general office overhead (e.g., rent, telephone services, secretarial services) or expenses for service of subpoenas as reimbursable expenses. Fees and expenses for consultants in death penalty cases should be claimed on this form.

**NOTE:** THE COLUMNS UNDER “**FOR COURT USE ONLY**” WILL REFLECT ANY MATHEMATICAL AND 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**      **PAYEE’S NAME AND MAILING ADDRESS, CLAIMANT’S CERTIFICATION OF SERVICE PERIOD AND CLAIM STATUS:** Provide the complete name and address of the

person to be paid (claimant). The claimant must certify the dates covered by indicating the date range for services rendered. Check the box to indicate whether this is (1) a final payment for services, (2) an interim payment, or (3) a supplemental payment (an additional claim submitted after a final payment). If this is an interim payment, indicate the interim payment number. The claimant or payee must sign and date the payment certification statement prior to submitting the claim to the attorney for certification that the services were rendered and received. Provide the Taxpayer Identification Number (TIN) to report these earnings to the Internal Revenue Service (IRS).

**NOTE:** DO NOT OVERLAP TIME PERIODS FOR INTERIM VOUCHERS.

**Item 18**      **CERTIFICATION OF ATTORNEY:** This section must be completed by the attorney appointed to provide representation, a retained attorney whose client is unable to afford cost of the services requested, or by a person proceeding *pro se* under the CJA.

**Items 19-22**    **APPROVED FOR PAYMENT -- COURT'S USE ONLY:** The presiding judicial officer must review for reasonableness and compliance with the *CJA Guidelines* every claim for compensation and any reimbursement for expenses incurred. After review, the judicial officer will indicate the amount approved for payment in each of the payment categories. These amounts will reflect any mathematical and technical adjustments made to the claim.

The “**TOTAL AMOUNT APPROVED/CERTIFIED**” (Item 22) is the amount approved for payment of the claim, less any amounts withheld in accordance with an interim payment order. If the amount exceeds the statutory threshold, including expenses, the presiding judicial officer certifies the excess compensation for payment approval of the chief judge of the court of appeals (or delegate) and indicates the amount approved in Item 22).

**Item 23**      **SIGNATURE OF THE PRESIDING JUDICIAL OFFICER:** The presiding judicial officer must check the appropriate box to indicate (1) either the cost, excluding expenses, does not exceed \$500, or prior authorization was obtained; or (2) in the interest of justice, the court finds that timely procurement of the services could not await prior authorization, even though the cost, excluding expenses, exceeds \$500. The presiding judicial officer will sign and date Item 23, indicating approval/certification of the amount in Item 22. The court staff will provide the **JUDGE CODE**.

**Items 24-27**    **PAYMENT APPROVED IN EXCESS OF THE STATUTORY THRESHOLD--COURT USE ONLY:** The chief judge of the court of appeals (or delegate) will indicate the amount approved for payment in each of the payment categories (Items 24 -26). This amount will reflect any adjustments of your claim resulting from the additional review of claims by the chief judge (or delegate) for amounts that exceed the statutory threshold for the payment category of the case. The chief judge (or delegate) will sign and date Item 28 for the total amount approved and entered in Item 27. The **JUDGE CODE** of the chief judge (or delegate) approving the excess compensation will be provided by the court staff.

**Item 28**      **FOR CASES COMMENCED, AND APPELLATE PROCEEDINGS FOR WHICH AN APPEAL IS PERFECTED, ON OR AFTER APRIL 24, 1996.** The presiding judicial officer should sign and date Item 28, indicating, in paragraph A of Item 28, the total amount paid for compensation and expenses for investigative, expert and other service providers on behalf of the person represented in this case, and that payment in excess of the statutory threshold is approved.

Complete Item 28 only for cases commenced, and appellate proceedings for which an appeal is

perfected, on or after April 24, 1996. If the amount approved for compensation and expenses for investigative, expert, and other services on behalf of the person represented in a case is less than or equal to \$7,500, the claim will be forwarded to the clerk of court for processing for payment. Upon preliminary approval of a claim in excess of \$7,500 (including other claims for investigative, expert, and other services on behalf of the person represented), the presiding judicial officer will (1) sign Block 22. If the chief judge (or delegate) approves the excess amount, the judge will enter the amount approved for payment in Item 27, sign and date Item 28. If approval is not granted, the claim will be returned to the presiding judicial officer for appropriate action.



