

# CJA Travel

## INTRODUCTION

Travel expenses reasonably incurred in providing representation under the Criminal Justice Act (CJA), may be claimed on the appropriate CJA voucher and must be itemized with the required documentation attached.

Following the passage in late 1992 of Section 702 of the Federal Courts Administration Act of 1992, (Public Law 102-572, 106 Stat. 4506), attorneys and service providers providing representation pursuant to the CJA were authorized to obtain government travel rates. These guidelines have been prepared to inform CJA attorneys and service providers of the Court's policies and procedures related to travel reimbursed by the government.

Further, the guidelines provide the necessary procedures for obtaining government travel rates. All CJA appointed attorneys and service providers are required to arrange all their travel in the manner set forth in the guidelines. Considerable savings to the Court will be achieved through compliance with these guidelines. More importantly, the original intent and success of the Criminal Justice Act will be honored.

### I. GENERAL RULES

#### A. ATTORNEY'S AND SERVICE PROVIDERS' OBLIGATIONS:

- i. An attorney or service provider traveling as part of his or her representation under the CJA is expected to exercise the same care in incurring expenses that a prudent person would exercise if traveling on personal business. Only those expenses which were actually incurred and were essential to and in connection with representation under the CJA should be claimed.
- ii. Attorneys must submit all of their CJA travel expenses on CJA 20/30 vouchers. Service provider must submit all of their CJA travel expenses on CJA 21/31 vouchers. PLEASE NOTE: Travel must be case specific. If an attorney is traveling to one location to see several defendants in various cases, the attorney may only be reimbursed for one trip.
- iii. An attorney appointed to represent a fact witness has the obligation to inform the witness to contact the U.S. Marshals Service on how to make travel arrangements and to obtain government transportation rates when the witness is required to remain away from their residence overnight. A fact witness voucher, [Form OBD-3](#) must be prepared by the attorney for each witness. For detailed information, call the U.S. Marshals Service at (505) 346-6400, or obtain USMS Pub. No. 74, September 1997.

#### B. AUTHORIZATION FOR TRAVEL:

- i. **In-District Travel:** An attorney or service provider traveling in connection with representation under the CJA is not required to obtain prior authorization.
- ii. **Out-of-District Travel:** An attorney or service provider traveling in connection with

representation under the CJA is required to obtain prior court authorization for travel outside the District of New Mexico. A motion and order must be submitted to the Court outlining the purpose of the required travel including the dates of the requested travel.

**PLEASE NOTE:** Travel authorizations can be provided only if a court-endorsed copy of the approved order is provided to the CJA Clerk. Once the CJA Clerk prepares the travel authorization it is then faxed to the Omega Travel (OT). It is then the attorney's or service provider's responsibility to contact OT to make the necessary travel arrangements. For further information on allowable modes of transportation and additional procedures for traveling please refer to Section II, Transportation, Reservations and Government Rates and Cancellations.

### **C. REIMBURSABLE TRAVEL EXPENSES:**

- i. Travel expenses which will be reimbursed are confined to those expenses essential and in connection with representation under the CJA and supported by receipts. Further, travelers are required to claim actual expenses incurred for lodging and meals and all other travel expenses. The government based per diem rates should be used as a guide for the maximum allowable that can be claimed. With the exception of mileage calculations, receipts must be submitted with the voucher for all travel.

#### **RECEIPTS REQUIRED WITH CJA VOUCHER:**

- Lodging
- Meals
- Transportation (Airline, Train)
- Automobile rental fees and gas for rental
- Business related telephone calls
- Expenses exceeding \$25.00; e.g., airport and/or regular parking fees, taxi fares, ferries, shuttles, and toll fees.

**PLEASE NOTE: CREDIT CARD RECEIPTS AND STATEMENTS ARE NOT ACCEPTABLE.**

- ii. If travel outside the city limits is required, an attorney or service provider may claim mileage while traveling in their privately owned vehicle (POV). Mileage rates are set forth by the Administrative Office.

### **D. NON-REIMBURSABLE TRAVEL EXPENSES:**

- i. The attorney or service provider cannot claim the cost of travel for spouses, other family members, friends, co-counsel, etc.
- ii. Other items that are not reimbursable while on travel include:
  - Alcoholic beverages
  - Entertainment (e.g., movies)
  - Travel insurance

- Parking fines or fees for traffic violations
- Personal automobile expenses
- Expenses incurred by traveling indirect routes
- Use of taxis to obtain meals

iii. If a traveler extends a trip or incurs any cost for personal reasons or performs work that is not related to the purpose of the official travel, the increased cost caused by such action is not allowable.

## II. TRANSPORTATION, RESERVATIONS & GOVERNMENT RATES

### A. TRANSPORTATION

- i. Travel will be by the method of transportation which will result in the greatest advantage to the Court, based on cost and other factors considered. The travel will be by the most expeditious means of transportation practicable to the Court and will be commensurate with the nature and purpose of the duties of the individual requiring such travel. Thus, since travel by common carrier (air, rail or bus) is generally the most cost efficient mode of travel as well as the most expeditious, the use of this preferred transportation should be used whenever it is reasonably available.
- ii. Travelers must exercise prudence when selecting a rental car. The rental selection must be the least expensive rental necessary to adequately perform the official travel. There is no reimbursement for first class or business class travel expenses for any mode of transportation including rental vehicles. The Court will not reimburse Personal Accident Insurance or Personal Effects Coverage for rental automobiles. Additionally, no reimbursement will be allowed for upgrades when renting an automobile or for excessive cost of refueling a rental car at the rental agency.

### B. RESERVATIONS [Omega Travel (OT) ~ 1- (800)-450-0401]

- i. Travel is scheduled through the Omega Travel to assure government rates for the attorney or service provider traveling. If prior authorization is not required, the traveler need only submit the actual travel expenses incurred.
- ii. If an attorney or service provider travels out-of-district, a court-endorsed copy of the approved order, permitting this travel, must be received by the CJA Division prior to the traveler requesting a travel authorization.
- iii. To facilitate the scheduling of travel, the CJA Division must be contacted and a request submitted for a "Travel Authorization" form. This authorization allows the attorney or service provider to charge the air travel directly to the Court's CJA government travel account. This request must be submitted in writing or by facsimile a minimum of five (5) days prior to the travel date. Otherwise, the processing of the authorization may be delayed due to inadequate processing time.
- iv. Once the attorney or service provider has received confirmation of the travel authorization by mail or facsimile, the traveler is to contact OT to arrange the travel.

The telephone number to OT is (800) 450-0401. Upon calling OT, the traveler must identify that he or she is a CJA attorney or service provider on official business and that the travel charges are to be made to the Court's account. The docket number must be provided to OT for future referencing by the CJA Division.

#### C. GOVERNMENT DISCOUNT TRAVEL RATES

- i. The use of government discount fares is considered advantageous to the Court. In order to obtain the government discount fare, the tickets must be charged to the Court's Government Transportation Account (GTA). Only officially authorized travel related to CJA representation may be arranged in this manner.
- ii. Upon receiving the Travel Authorization, this document should enable the traveler to obtain government rates at hotels and rental agencies as well.

**PLEASE NOTE:** OT is a full-service travel agency and can provide assistance with hotel and car rental reservations.

#### D. CANCELLATIONS

In the event that travel reservations must be canceled, it is the direct responsibility of counsel or the expert to contact OT immediately. You will be required to reimburse the court for the cost of the airfare if you fail to do so.