

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

**CJA INFORMATION MANUAL**



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## **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 \$90.00 per hour. The following table shows the different types of representation along with a brief description and the maximum allowable rate for each:

<b>Representation Type/Code</b>	<b>Description</b>	<b>Maximum Rate*<sup>1</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>1</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 CJA staff with any questions you may have at 505-348-2000. 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 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 National Travel Service (NTS) for the scheduling of flights. NTS is the current nationwide travel management contractor for

the Judiciary. NTS will bill the Court CJA travel account directly and thus counsel will not need to seek reimbursement. Counsel will be responsible for making travel arrangements with NTS. The request should be made at least five days in advance to allow for adequate processing time.

**NOTE:**

**COUNSEL IS RESPONSIBLE FOR NOTIFYING NATIONAL TRAVEL SERVICE 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 CJA staff prior to being reviewed by the presiding Judicial Officer. The CJA 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.

Vouchers which are not in compliance with the Guidelines will be returned to counsel along with a "Cure Defect" letter explaining the deficiency. 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 \$90.00 to \$160.00 per hour and is set by 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 CJA staff 505-348-2000, 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*

Approved by:

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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 02/04/05</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
	Convicted/court trial	8
	Convicted/jury trial	9

	Type of Disposition	Code
	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/Writ s	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.

