

**CJA FELONY PANEL**

**MANUAL**

**UNITED STATES DISTRICT COURT**

**DISTRICT OF THE VIRGIN ISLANDS**

**Revised 11/09**

## **INTRODUCTION**

**The Judges of the United States District Court for the District of the Virgin Islands are grateful for the service provided to indigent defendants by the dedicated panel attorneys in this District.**

**This manual has been prepared in an effort to inform the felony panel of this Court's policies and procedures relating to CJA appointments**

**Please remember that funds for CJA representation are limited and must be utilized in the most fiscally responsible fashion. If you have any questions regarding your CJA representation you may contact:**

**Saint Croix, VI**

**Theresa H. Thomas  
Generalist Supervisor  
340-773-1130 ext 237**

**Saint Thomas, VI**

**Cynthia Romney  
Financial Administrator  
340-776-0221**



**I. Instructions For CJA Form 20 - Appointment of & Authority To Pay Court Appointed Counsel**

**A. Rules For Processing of Voucher Payments**

- **at completion of your representation please complete, sign and return your voucher (CJA Form 20/30) or expert voucher (CJA form 21/31) to:**

**In Saint Croix Theresa Thomas  
Clerk's Office  
Almeric L. Christian Federal Bldg.  
3013 Estate Golden Rock  
Room 219**

**In Saint Thomas Cynthia Romney  
Clerk's Office  
Ron de Lugo Federal Building  
5500 Veterans Drive  
Suite 310**

- **the voucher must be submitted for approval within 45 days after the final disposition of the case, unless good cause is shown.**
- **worksheets or billing statements must accompany your voucher or the voucher will be returned. See, forms in Appendix.**
- **billing statements must identify the service provider. If you are using an associate on your case please provide a separate billing statement for the associate but include the time on the face of the voucher. The easiest way to do this is to split the hours claimed column in half and put the appointed attorneys hours on one side of the line and the associates on the**

other.

- worksheets must provide the date of service, a complete description of the service performed, category (which corresponds with the voucher) and the time spent performing the service.
- if you are claiming time for discovery review, please note the documents that you are reviewing and, if possible, the page numbers. Simply writing “reviewing discovery” and billing a number of hours is not acceptable.
- do not “bundle” time entries. For example, writing “met with client, reviewed discovery, traveled, discussed case with AUSA- 8 hours.
- vouchers that have repeated entries such as “T/C AUSA, R/D, T/C D, are difficult to get approved. Please describe in detail what you did that day. If you have repeated telephone conversations with your client or the AUSA note the reasons why. Vouchers that exceed the statutory maximum that come in with 6 pages of supporting billing statements in code are difficult to get approved for payment since the worksheets don’t contain much information.
- each worksheet page or billing statement must provide the case name and docket number and be numbered sequentially.
- you may use computer generated time slips as long as the entries are organized by the categories on the CJA form 20.
- panel attorney time must be reported in tenths of hours. See, appendix.

- the hourly rate as of March 11, 2009 is \$110.00 per hour in and out of court.
- the previous hourly rates and their effective periods are:
 

January 1, 2008- March 10, 2009	\$100/\$100
May 20, 2007- December 31, 2007	\$94/\$94
January 1, 2006- May 18, 2007	\$92/\$92
May 1, 2002- December 31, 2005	\$90/\$90
April 1, 2001- April 30, 2002	\$75/\$55
January 1, 2000- March 31, 2001	\$70/\$50
January 1, 1997-December 31, 1999	\$65/\$45
Time billed prior to December 31, 1996	\$60/\$40
- expenses must be itemized.
- receipts are required for any travel expense, including daily parking fees.
- receipts are required for any other expense in excess of \$50.
- mileage claims must be itemized on the expense worksheet and include: date of travel, destination, number of miles, and the amount due.
- mileage is currently reimbursed at .55 cents per mile.
- the previous mileage rates and their effective periods are:
 

2/1/09- present	.55
8/1/08- 1/31/09	.585
3/19/08- 7/31/08	.505
2/1/07- 3/18/08	.485
1/1/06- 1/31/07	.445
9/1/05- 12/31/05	.485

2/4/05- 8/31/05	.405
1/1/04- 2/3/05	.375
1/1/03- 12/31/03	.36

- include the District Court Criminal Case Number on your voucher if your case originated as a target representation.
- upon receipt of your voucher it will be reviewed for compliance w/the CJA Guidelines and mathematical accuracy.
- **INCLUDE THE DISPOSITION CODE IN BOX 21.**

DISMISSED	1
ACQUITTED BY COURT	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 (PRE-TRIAL DIVERSIONS, TRANSFERS)	X
SUPERVISORY RELEASE REVOKED	RV
SUPERVISORY RELEASE RESTORED	RS

\* use X other if the defendant fails to appear and a bench warrant is issued or if private counsel enters their appearance.

\*\* Failure to adhere to these procedures will result in your voucher being returned to you.

## **B. Voucher Payment Guidelines**

- 1. A CJA form 26 or a detailed memorandum in support of excess compensation must accompany any voucher claim in excess of the statutory maximum: See, Case compensation maximum chart. You must file a CJA form 26 and your voucher along with a request for interim payments if your voucher claim exceeds \$ 8,600.00.**

**NOTE:** When determining the final amount of compensation the Judge may rely on your memo or CJA form 26 without soliciting further information. See, forms.

- 2. The use of associates is allowed under the Guidelines. However, you must:**
  - on the face of the voucher separately identify the time claimed by each attorney.**
  - submit separate worksheets for each attorney or associate.**
  - you will not be compensated for associate time spent in meetings. Only appointed counsel may bill for meeting or conference time.**
  - Associates may not bill for time spent in court.**

**Note:** Please be fiscally responsible in your use of associates. Excessive research or copying by associates will not be reimbursed.

- 3. Claims for compensation for services provided by expert witnesses or investigators must be billed on a CJA form 21. Counsel may not claim expert services or paralegal services as an expense of counsel.**

#### **4. Paralegals**

- \* if the paralegal is employed by your office you can only claim the hourly rate that is paid by your firm.**
- paralegal services are billed on a CJA form 21. The use of a paralegal can not be billed as an expense of counsel.**
- the limits on service providers are applicable to paralegals. You may spend up to \$500.00 without judicial permission. The District Judge can approve funding up to the statutory maximum of \$ 1,600.00. Any expenditure over that amount must be approved by the Chief Judge of the Circuit.**
- NOTE: It is expected that the service provider limits will be raised. Check the training division web site at [www.fd.org](http://www.fd.org) for further information. The Guidelines are also being revised so some section numbers may change.**

#### **5. Research**

- you will be reimbursed for reasonable and necessary research time. Each CJA attorney is expected to have a basic knowledge of federal criminal practice and procedure.**
- detail must be provided on the worksheets regarding the issues researched to facilitate the reasonableness review of each voucher claim.**
- if you have a monthly service plan you may pro**

**rate your claim based upon the percentage of use for the CJA representation. Please attach a monthly bill and indicate how the charge was calculated. See, section on computer assisted legal research (CALR) in this manual.**

- 6. Detail must be provided on the worksheets for any time spent in file review or discovery review. Simply noting “discovery review” is insufficient, please describe what documents are being reviewed on each date.**
- 7. The use of Messenger/Courier Service will not be reimbursed.**
- 8. Waiting Time - reasonable waiting time will be compensated.**
  - attorneys will not be compensated for “foreseeable” waiting time. If you know that you will have to wait for a verdict please be prepared and bring another matter to work on during your waiting time.**

## **II. The Voucher Payment Process**

### **A. General Information**

- at the time of your appointment a voucher will be created and placed in the box in the clerk’s office for you to pick up.**
- a voucher number will not appear on the face of the voucher. The voucher number is generated when the voucher is certified for payment.**
- your voucher must be filed within 45 days after the**

**conclusion of your representation, absent good cause. IF YOU SUBMIT YOUR VOUCHERS OUTSIDE OF THE TIME LIMITS WITHOUT GOOD CAUSE YOU RISK NOT BEING PAID FOR THE REPRESENTATION.**

- **Failure to adhere to the Guidelines or failure to supply supporting documentation will result in delay of your payment.**
- **once your voucher claim is in excess of the statutory maximum you must file the voucher claim along with a motion requesting interim payments and a CJA form 26.**

**B. Approval for payment.**

- **Vouchers under the statutory case compensation maximum are approved by the court.**
- **Excess Compensation Vouchers, including interim vouchers, are reviewed by the clerks office, then forwarded to Magistrate Judge Barnard or Magistrate Judge Cannon for certification to the Chief Judge of the Third Circuit or his or her designee.**
- **When the voucher claim reaches the statutory maximum of \$ 8,600.00, you must file a motion for interim payments and file that motion along with the voucher claim, billing statements, and the CJA form 26 in support of your clam for excess compensation.**

**C. Social Security and Employer Identification Numbers**

- **the current payment system uses your social security number as your identification.**
- **your social security number or employer**

**identification number will not appear on the face of the voucher.**

- **Income is either credited to your social security number or your firm's EIN.**
- **if there is any change in how your income should be credited notify the Clerk's office.**

#### **D. Voucher Reduction Procedures**

- **prior to the reduction of any voucher or the denial of certification Magistrate Judge Barnard or Magistrate Judge Cannon shall notify the panel attorney of the reason for the denial or reduction and allow the panel attorney to submit a written request for reconsideration.**
- **Magistrate Judge Barnard or Magistrate Judge Cannon will review a timely submitted request for reconsideration and may grant it in full, in part, or not at all.**
- **the decision shall be communicated to the Panel Attorney.**

#### **E. Interim Payment Requests**

- **In extended cases or cases that exceed the statutory maximum, a request for interim payments will be granted. The voucher and interim payment request must be approved by Magistrate Judge Barnard or Magistrate Judge Cannon and the Chief Judge of the United States Court of Appeals for the Third Circuit or his or her designee.**
- **Requests for interim payment must be in writing with**

**sufficient detail to support the request and must be accompanied by a CJA Form 26.**

- **Once your voucher claim reaches the statutory maximum a request for interim payment must be made.**

#### **F. Procedure Upon Approval of Interim Payments**

- **Make copies of your appointing voucher and use those copies to file your voucher for payment.**
- **Interim vouchers are approved if a CJA form 26 is attached. The vouchers are checked by the Clerks office and if the voucher is in compliance it is forwarded to Magistrate Judge Barnard or Magistrate Judge Cannon who reviews the voucher. Magistrate Judge Barnard or Magistrate Judge Cannon then writes a letter to support the voucher claim. The voucher is then forwarded to the Chief Judge of the Circuit or his designee for his approval for payment.**
- **Worksheets or billing statements must accompany each interim payment voucher.**
- **The final claim for payment must:**
  - **be accompanied by worksheets for the final work period.**
  - **be accompanied by a letter detailing the total cost of the representation.**

#### **G. Reimbursable Expenses**

1. **General Rule - Reasonable out-of-pocket expenses incurred in connection with your representation may**

be claimed on your CJA Form 20 voucher. Expenses must be separately listed on the expense worksheet. Any out-of-pocket expenses in excess of fifty dollars must be accompanied by a receipt. All travel expenses, including daily parking, must be accompanied by a receipt.

2. **Supporting Documentation:** all expenses, including mileage claims, must be thoroughly documented. Reimbursement may be delayed or denied for failure to itemize or supply documentation for expenses.
3. **Travel time and expenses.**
  - compensation will be approved for time spent in reasonable and necessary travel. Allowable time includes only those hours actually spent in or awaiting transit on commercial carrier and should be recorded on the out of court hourly worksheet.
  - in a case where the client is jailed at considerable distance from counsel's office, consideration should be given to telephone conferencing with the client when appropriate.
  - case related travel by privately owned automobile is reimbursed at 0.55 cents per mile. Mileage expenses should be itemized on the expense worksheet by date, locations traveled to and from, the number of miles, and amount due (number of miles multiplied by 55 cents).
  - permission for out of District travel should be obtained from the Judge, unless it is travel to the detention center. This will facilitate use of favorable government rates for panel attorney

**travel.**

- **You don't need to obtain approval to visit your client in the detention center.**
- **Travel must be pro rated. If you are visiting more than one client, the travel time must be pro rated and each voucher must cross reference the cases. Volume 7, Section 2.24.**
- **reimbursement for meals will not be allowed unless in authorized overnight travel. Meals obtained must be in accord with existing government travel regulations. Alcoholic beverages are not reimbursable.**

#### **4. Telephone**

- **reimbursement may be claimed for the actual cost of case related long distance phone calls.**
- **your billing record must be attached with the case related long distance expense highlighted.**
- **CJA funds will not be approved for reimbursement of local calls or telephone surcharges.**

#### **5. Facsimile**

- **reimbursement is limited to the actual cost of any long-distance charge associated with the phone transmission for an outgoing document.**
- **no reimbursement is allowed for receipt of a facsimile.**

- **the costs of the machine, supplies and phone line are considered general office overhead and are not reimbursable.**

## **6. Photocopying**

- **counsel is expected to use the most fiscally responsible method for discovery duplication. In some instances, this will require coordination among co-counsel and use of a commercial duplication firm.**
- **receipts must be attached for reimbursement of any commercial duplication expense.**
- **in office copying will be reimbursed at not more than 15 cents per page. As use of your in house copy machine is considered a general overhead expense counsel should seek reimbursement only for the actual per page cost of operating the duplication equipment. In some cases, that rate will be less than 15 cents per page.**
- **claims for reimbursement of in office copying must be itemized and contain an affidavit and**
  - **the nature of the items copied;**
  - **the number of pages copied; and the actual cost per page for duplication.**
- **excessive duplication of case law is strongly discouraged.**
- **excessive duplication of discovery materials for associate review will not be reimbursed.**

## **7. Postage**

- **reimbursement will be made for the actual cost of case related regular United States postage.**
- **reimbursement for rush/overnight mail service will not be granted absent justification for the use of such services.**

## **8. Messenger or Courier Services**

- **use of messenger or courier service is not reimbursable.**

## **9. Transcripts**

- **counsel must submit a CJA Form 24 to the trial judge for approval.**
- **payment is made directly to the court reporter with the CJA Form 24.**
- **expedited or daily copy is discouraged. Any requests for expedited or daily copy must be justified.**
- **only necessary portions of the transcript should be ordered. Justification should be made in a letter to the judge explaining the need for any special authorization requested in box 13 of the form.**
- **it is counsel's responsibility to prepare the necessary CJA Form 24 for each individual court reporter or court room deputy if the proceeding was electronically recorded and to obtain the judge's approval prior to ordering the**

preparation of any transcripts.

- each transcript request must contain the date of the necessary testimony.

#### **10. Computer Assisted Legal Research (CALR)**

The cost of use, by appointed counsel, of computer-assisted legal research services, may be allowed as a reimbursable out-of-pocket expense, provided that the amount claimed is reasonable. Whenever appointed counsel incurs charges for computer-assisted legal research, counsel should attach to the compensation voucher a copy of the bill and receipt for the use of the legal research services or an explanation of the precise basis of the charge (e.g., indicating the extent to which it was derived by proration of monthly charges, or by charges identifiable to the specific research). If the amount claimed is in excess of \$500 or if it includes costs for downloading or printing, counsel should include a brief statement of justification.

#### **H. Non-reimbursable Out-of-Pocket Expenses**

- 1. General office overhead items such as secretarial service, rent, and telephone service are not reimbursable.**
- 2. Time spent in voucher preparation is not compensable.**
- 3. Expert or investigative services, including paralegal services are not a reimbursable expense of appointed counsel. Prior authorization for expert or investigative services must be obtained, and payment**

**is made directly to the investigator or expert on a CJA Form 21. Please see the section on CJA Form 21.**

- 4. Filing Fees are waived for persons proceeding under the CJA. Fees for deeds of trust to secure a defendant's release on bail are not reimbursable under the CJA. These fees must be paid by the person securing the collateral.**
- 5. Personal items and services for the client such as clothing for court, haircuts, travel or lodging are not reimbursable under the CJA. Payments for such items or expenses by appointed counsel will not be reimbursed.**
- 6. Fact witness fees, witness travel costs and expenses for service of subpoenas are not reimbursable under the CJA. These expenses are paid by the Department of Justice. See attached motion for issuance of subpoenas pursuant to FRCrP 17B, in forms. Travel vouchers for fact witnesses are contained in the appendix.**
- 7. Books, journals, publications, and supplies for the law office are not reimbursable.**
- 8. Costs related to educational seminars or continuing legal education are not reimbursable.**

### **III. Instructions For the CJA Form 21 and the Use of Investigators, Paralegal services, and Expert Witnesses.**

- A. All requests for investigators, paralegal services, or expert witnesses shall be made by a motion and an accompanying affidavit of counsel. This motion and affidavit shall be mailed to the Magistrate Judge in your division.**

- B. Prior Authorization Must be obtained for any investigative, paralegal, or expert witness expense where the cost will exceed \$500.**
- 1. Failure to obtain prior authorization may result in disallowance of any claim for investigative or expert compensation in excess of \$500.00.**
  - 2. The above policy will be strictly enforced.**
  - 3. Claims for investigative, paralegal, or expert compensation in excess of \$500.00 without prior authorization will only be approved if the presiding judicial officer finds, in the interest of justice, that timely procurement of necessary services could not await prior authorization.**
  - 4. Once an expert claim was not approved by the Chief Judge's designee, Judge Jordan. Judge Jordan noted that the claim exceeded the amounts set forth in Volume 7, Section 3.02 and there was no reason why prior authorization could not have been obtained.**
- C. Excess compensation for experts or investigators must have prior approval.**
- Investigative, Paralegal, or Expert compensation, exclusive of reasonable expenses, may not exceed \$1,600.00 unless payment in excess of \$1,600.00 is certified by the presiding judicial officer as necessary to provide fair compensation for services of an unusual character or duration AND the amount of excess compensation is approved by the Chief Judge of the Third Circuit or his or her designee.**

**\*\*If you obtain prior approval for expert or investigative services and it later becomes apparent that the cost will exceed the initial approved amount, additional expert or investigative compensation must be requested and approval obtained from the presiding judicial officer before any further service is provided.**

**D. Procedure for Obtaining Approval for and Compensation of Investigative, Paralegal, or Expert Expenses.**

**NOTE:** A request for prior approval of investigative, paralegal, or expert services is prepared by appointed counsel and submitted to the Magistrate Judge of your Division. See, CJA forms and ex parte motion for expert services. This should not be filed through CM/ECF.

- 1. A request for Expert/Investigative Services must contain:**
  - a. The expert's name, address, telephone number and tax payer identification number or social security number;**
  - b. the investigator's, paralegal's or expert's hourly rate;**
  - c. the estimated number of hours to complete the work;**
  - d. justification for the use of the expert, paralegal, or investigator;**
  - e. a properly prepared CJA Form 21 for the judge's approval; and**

- f. an affidavit of counsel, see CJA form 21.
2. If the approved request for compensation exceeds \$1,600 the request will be forwarded to the Chief Judge of the Third Circuit Court of Appeals for approval.
  3. Procedures for compensating experts
    - After receipt of the approval memorandum, a copy of the order and the CJA Form 21 will be mailed to appointed counsel by the Clerks office. The funding materials will be filed under seal.
    - Appointed counsel should forward the CJA Form 21 to the expert/investigator with instructions not to exceed the amount approved for compensation without additional approval of the court.
    - Once the expert/investigator has completed his/her service the CJA Form 21 should be completed and forwarded to appointed counsel for certification along with an itemized bill.
    - Experts must attach to each voucher a billing sheet which breaks down the work by:
      - date(s) the work was performed
      - brief description of what was done
      - time spent
    - After review of the expert/investigative itemized bill and voucher for accuracy, appointed counsel should certify the voucher in box 19. The voucher and itemized bill should then be mailed to the court for processing for payment.

- **The Court will review and approve vouchers with prior approval under \$1,600 or those vouchers without prior approval if the compensation does not exceed \$500. If the expert compensation amount is in excess of \$1,600 the voucher will be forwarded to the Magistrate Judge. If the voucher is certified by the Judge for compensation in excess of the statutory maximum, the voucher will be referred to the Chief Judge of the Third Circuit Court of Appeals or his designee for approval.**

#### **IV. Interpreters/Translators**

**The selection of an interpreter for an out of court conference should be handled in the same manner as the selection of any other expert. There is no statutory requirement that a call first be made to a certified interpreter. The fee structure is set out below.**

#### **Fee Rates to Be Paid to Interpreters (effective April 1, 2009)**

<b>Full Day</b>	<b>-</b>	<b>\$384</b>
<b>Half Day</b>	<b>-</b>	<b>\$208</b>
<b>Overtime</b>	<b>-</b>	<b>\$ 54 per hour or part thereof</b>

#### **Language Skilled (Non-Certified) Interpreters**

<b>Full Day</b>	<b>-</b>	<b>\$185</b>
<b>Half Day</b>	<b>-</b>	<b>\$102</b>
<b>Overtime</b>	<b>-</b>	<b>\$ 32 per hour or part thereof</b>

#### **A Guide to Out-of-Court Interpreter's Fees and Payment:**

- 1. All out of court interpreting requires the permission of the court if the interpreter's fee will exceed \$500.00. If the total claim will exceed \$ 1,600.00 the expert expenditure must be approved by the Chief Judge of the Third Circuit or his or her designee.**

- 2. All interpreters are paid with CJA form 21 vouchers. The vouchers must be completely filled out, including the top portion of the voucher containing the case and defendant information. The voucher must be accompanied by a billing statement.**
- 3. Please review an interpreter's voucher for completeness and accuracy prior to submitting the voucher for payment.**
- 4. Interpreters should determine whether the court has adopted a fee structure (ie, hourly or half or full day) and bill accordingly.**
- 5. Regardless of the billing method (half or full day vs. hourly) the interpreter must not bill appointed attorneys for services provided to them during the same period. Furthermore, contract court interpreters may not charge any other federal court unit or appointed attorney for services rendered during the same half or full day for which the interpreter is being compensated under the court interpreters services contract.**
- 6. An interpreter must pro rate his or her bill if traveling to provide services for more than one CJA client. If claims are pro rated the vouchers must cross reference the cases.**
- 7. Interpreters must maintain contemporaneous time and attendance records, including expense receipts, for all work performed. Such records, which may be subject to audit, must be maintained for three years after the completion of the case.**

**V. Subpoenas/Fact Witness Reimbursement**

## A. Subpoenas

- After a subpoena is prepared, it must be certified by the United States District Court clerk.
- Certified blank subpoena's can be obtained from the Clerk's Office. Please call 24 hours in advance if you require a large number of subpoenas.
- Subpoenas will be served by the United States Marshal upon order of the court. A sample motion is included in the CJA forms section.
- The subpoenas must be prepared by your office and certified by the Clerk of the Court.
- The original certified subpoena, a copy of the subpoena and the court order, must be delivered to the United States Marshal's Office.
- The Marshal's Office requests that subpoenas be filed fourteen days before the scheduled trial date.
- The motion is filed *ex parte*. You may request that the motion and order be sealed.
- Subpoenas may be served by an investigator, if and only if, the service of the subpoena is incident to an interview of the witness to be served.
- Travel Arrangements for out of state witnesses must be approved by the presiding judicial officer.

## **B. Fact Witness Reimbursement**

- **Obtain a fact witness voucher form from the U.S. Marshal's Office.**
- **Fill out the fact witness voucher for each witness. Fill in all the marked areas (#1 through #11, and E through I). If any of sections E through I do not apply, leave them blank. Do not fill in anything in the amounts column. The United States Marshall's office does this and will not accept the form if the amounts are filled in.**
- **Attach any receipts for expenses of \$25 or more and all receipts relating to travel expenses.**
- **Attach a copy of the subpoena and court order.**
- **When the form is filled out and signed by the witness in the witness certification space forward the voucher to the presiding judicial officer.**
- **Send the form to the United States Marshal's Office for payment. The fact witness will be mailed a cash card for reimbursement.**

**\* REMEMBER NEVER PAY WITNESS FEES, TRANSPORTATION, LODGING, MEALS, ETC. BECAUSE ATTORNEYS CANNOT GET REIMBURSED THROUGH CJA FOR SUCH EXPENSES. ALL OUT OF STATE WITNESS TRAVEL MUST BE APPROVED BY THE PRESIDING JUDICIAL OFFICER.**

## **VI. Panel Travel**

### **A. General Rules-**

- 1. Effective February 1, 2009, all claims for mileage are reimbursed at \$0.55 per mile. Claims for mileage reimbursement must contain the stated purpose of the travel, the number of miles, and the amount due. The claims must be itemized on the expense worksheet.**
- 2. Receipts are required for any travel expense, including daily parking and tolls.**
- 3. Overnight travel must be approved by the presiding judicial officer unless you are traveling to the detention facility.**
- 4. Only actual expenses can be reimbursed. Please keep all your receipts**
- 5. Reimbursement for meals may not be claimed unless you are on overnight travel status.**
- 6. Travel expenses which will be reimbursed are confined to expenses considered essential and in connection with your representation under the CJA and supported by receipts.**
- 7. The most fiscally responsible method of travel must be selected. The attorney should consider the amount of travel time as well as travel fares in making the selection.**

**Please note: Reimbursement for air fare, hotel costs and expenses are claimed for reimbursement on the travel section of the voucher.**

## **VII. CASE BUDGETING**

**GUIDELINE TO JUDICIARY POLICIES AND PROCEDURES  
VOLUME 7, SECTION 2.22(B)4**

**A. Courts are encouraged to budget cases expected to exceed 300 attorney hours or \$30,000 total case cost. The \$30,000 triggering amount includes experts and expenses, but is calculated per the individual defendant.**

**B. Guides to case budgeting can be found at [www.fd.org](http://www.fd.org), click on CJA panel information, forms guidelines, and more.**

**VIII. Appointments and compensation under the Civil Asset Forfeiture Reform act of 2000.**

**Congress has passed legislation that provides for the appointment and compensation of counsel to represent claimants in judicial civil forfeiture proceedings commenced on or after August 23, 2000. The Civil Asset Forfeiture Reform Act of 2000 (CAFRA), Pub.L. No. 106-185, was enacted on April 25, 2000. It is codified in part in Title 18 of the United States Code, Section 983. Section 2(b)(1) of the Act authorizes the appointment of counsel, to be paid at CJA rates, for a person claiming an interest in seized property who is financially unable to obtain representation and who is already represented by CJA-appointed counsel in a related criminal case, providing that the person has standing to contest the forfeiture and the claim appears to be made in good faith.**

**Permission of the court is required for appointments under this section. If you are CJA appointed in a criminal matter and your client has pending a civil forfeiture proceeding, has standing and wishes in good faith to contest the forfeiture, you may write to the presiding judicial officer seeking appointment under this section. Counsel will not be compensated for work in a civil forfeiture proceeding absent authorization by the court.**

**The case compensation maximum for appointments under this**

section is \$8,600.00. Counsel must not claim time on the CAFRA appointment for work related to the criminal case.

## **IX. Ancillary Proceedings**

What constitutes an ancillary proceeding may be difficult to determine. Reproduced below is the section on ancillary proceedings from the Guide to Judiciary Policies and Procedures, Vol. 7, Appointment of Counsel in Criminal Cases:

Representation may be furnished for financially eligible persons in “ancillary matters appropriate to the proceedings” pursuant to subsection (c) of the Act.

In determining whether a matter is ancillary to the proceedings, the court should consider whether the matter, or the issues of law or fact in the matter, arose from, or are the same as or closely related to, the facts and circumstances surrounding the principal criminal charge.

In determining whether representation in an ancillary matter is appropriate to the proceedings, the court should consider whether such representation is reasonably necessary to accomplish, inter alia, one of the following objectives.

- (i) to protect a Constitutional right;
- (ii) to contribute in some significant way to the defense of the principal criminal charge;
- (iii) to aid in preparation for the trial or disposition of the principal criminal charge;
- (iv) to enforce the terms of a plea agreement in the principal criminal charge;
- (v) to preserve the claim of the CJA client to an interest in real

or personal property subject to a civil forfeiture proceeding pursuant to 21 U.S.C. §881, 19 U.S.C. §1602 or similar statutes, which property, if recovered by the CJA client, may be considered for reimbursement under subsection (f) of the Act and paragraph 2.04 of these Guidelines; or

- (vi) to effectuate the return of real or personal property belonging to the CJA client which may be subject to a motion for return of property pursuant to Fed. R. Crim. P. 41(e), which property, if recovered by the CJA client, may be considered for reimbursement under subsection (f) of the Act and paragraph 2.04 of these Guidelines.

The scope of representation in the ancillary matter should extend only to the part of the ancillary matter that relates to the principal criminal charge and to the correlative objective sought to be achieved in providing the representation (e.g., a CJA defendant in a criminal stock fraud case should be represented by CJA counsel at the defendant's deposition in a parallel civil fraud action for the limited purpose of advising him concerning his Fifth Amendment rights.)

Representation in an ancillary matter shall be compensable as part of the representation in the principal matter for which counsel has been appointed and shall not be considered a separate appointment for which a separate compensation maximum would be applicable under paragraph 2.22B of these Guidelines. A private panel attorney appointed under the Act may obtain, through an ex parte application to the court, a preliminary determination that the representation to be provided in an ancillary matter is appropriate to the principal criminal proceeding and compensable under subsection (c) of the Act and this guideline. However, failure to obtain such a preliminary determination shall not bar the court from approving compensation for representation in an ancillary matter provided that the services and compensation related thereto are justified in a memorandum submitted by the attorney to the court at the conclusion of the principal criminal matter and the presiding judicial officer finds

that such representation was appropriate.

**Please remember the representation in an ancillary matter is considered part of your original appointment. The statutory case compensation maximum will apply. COUNSEL ARE STRONGLY URGED TO OBTAIN A PRELIMINARY DETERMINATION FROM THE COURT THAT THE REPRESENTATION IN THE ANCILLARY MATTER IS APPROPRIATE TO THE PRINCIPAL CRIMINAL PROCEEDING AND THUS COMPENSABLE UNDER THE CRIMINAL JUSTICE ACT.**

**X. Depositions**

- A. Depositions are covered by F.R.Cr.P. Rule 15.**
- B. Expenses incurred in the taking of fact witness depositions (notarial fees, interpreters, transcripts, etc.) are paid by the Department of Justice, regardless of which party requested the deposition.**
- C. Costs of Attending Deposition:**
  - 1. Fact Witnesses - paid for by the Department of Justice under F.R.Cr.P. Rule 17(b).**
  - 2. Expert Witnesses - if a defense expert witness, the cost is paid under the CJA.**
- D. Expenses of counsel and the defendant to attend the deposition are paid by:**
  - 1. If the government is the party requesting the deposition, the Department of Justice bears the costs of attending.**
  - 2. If the defense is the requesting party, the CJA bears the cost of attending the deposition.**

**NOTE:** The presence of the defendant may not be essential at the deposition since the confrontation clause only requires the defendant's presence if the depositions are intended to be used against him.

**E.** In habeas corpus and 28 U.S.C. §2255 cases, the Court may order the state or the government to pay "the expenses of travel and subsistence and fees of counsel" to attend the taking of a deposition at the request of the state or government. See, Rules governing Sections 2254 and 2255 cases in United States District Courts, Rule 6.

#### **XI. The Conclusion of Your Representation**

- A.** The appeal is a new appointment. Time spent perfecting the appeal may not be included on your District Court voucher.
- B.** You are required to file the appeal. Please make sure you file the notice of appeal.
- C.** After the notice of appeal is filed, jurisdiction lies with the United States Court of Appeals for the Third Circuit. The District Court **CANNOT** grant your motion to withdraw from representation at the appellate level. Any motion to withdraw from representation must be sent to the Third Circuit.
- D.** If you are appointed for the appeal, you will receive a new voucher for your work on the appeal from the United States Court of Appeals for the Third Circuit.
- E.** If your client has a Rule 35 or a probation/parole matter this is a new case and you must be issued a new voucher. Please have the AUSA advise the court issue a new appointment for the Rule 35 or VOSR.

- F. If there is a mistrial declared in your case, please send the payment voucher in for payment. Attach a note regarding the disposition and a new voucher will be issued for that portion of the representation following the mistrial.

## **XII. Miscellaneous Matters**

### **A. Pacer available to attorneys appointed under the CJA.**

- 1. The Judicial Conference approved an amendment to the Miscellaneous Fees Schedule exempting CJA appointed attorneys in the performance of services authorized by the CJA from fees for the use of Public Access to Court Electronic Records (PACER) effective January 1, 1995.
- 2. CJA attorneys who use PACER in connection with their CJA appointments can obtain an exempt login and password with a CJA appointment by contacting the PACER Service Center at 1-800-676-6856. If you inadvertently use the service in connection with your appointment without your exempt login and password, a request for credit may be made in writing to PACER SERVICE CENTER after receipt of the quarterly statement, however, this should be the exception and may only be used in unusual circumstances.

### **B. Public Release of Information Pertaining to Activities Under the CJA and Related Statutes:**

#### **1. General Principles**

Neither the Freedom of Information Act (5 U.S.C. §552) nor the Privacy Act (5 U.S.C. §552a) applies to the Judiciary and neither is

applicable to requests for release to the public of records and information pertaining to activities under the Criminal Justice Act (CJA) and related statutes.

Generally, such information which is not otherwise routinely available to the public should be made available unless it is judicially placed under seal, or could reasonably be expected to unduly intrude upon the privacy of attorneys or defendants; compromise defense strategies, investigative procedures, attorney work product, the attorney-client relationship or privileged information provided by the defendant or other sources; or otherwise adversely affect the defendant's right to the effective assistance of counsel, a fair trial, or an impartial adjudication. (See 5 U.S.C. §522(b).)

Upon request, or upon the court's own motion, documents pertaining to activities under the CJA and related statutes maintained in the clerk's open files, which are generally available to the public, may be judicially placed under seal or otherwise safeguarded until after all judicial proceedings, including appeals, in the case are completed and for such time thereafter as the court deems appropriate. Interested parties should be notified of any modification of such order.

Requests for release of information pertaining to activities under the CJA and related statutes in the custody of the Administrative Office will be disposed of in accordance with internal directives of that office.

## **2. Public Release of Payment Information.**

The antiterrorism and Effective Death Penalty Act of 1996, Pub. L. No. 104-132, 110 Stat. 1214, amended the CJA, 18 U.S.C. §3006A, and the Anti-Drug Abuse Act of 1988 (ADAA), codified in part at 21 U.S.C. §848(q), expressly to provide for disclosure to the public of the amounts paid for representation with respect to cases commenced, and appellate proceedings in which an appeal is perfected, on or after April 24, 1996. With respect to non-capital cases, the CJA, as

amended, 18 U.S.C. §3006A(d)(4) and (e)(4), provides that the amounts paid under those subsections in any case “shall be made available to the public.” With respect to capital cases, the ADAA, as amended, 21 U.S.C. §848(q)(10)(C), provides that the amounts paid under that paragraph in any case “shall be disclosed to the public, after the disposition of the petition.” The timing of disclosure should be consistent with the principles stated in paragraph 5.01A.

See appendix for forms:







**OUT-OF-COURT WORKSHEET**

Case Number \_\_\_\_\_  
Voucher Number \_\_\_\_\_  
Page \_\_\_\_\_ of \_\_\_\_\_



1. CIR./DIST./ DIV. CODE	2. PERSON REPRESENTED	VOUCHER NUMBER	
3. MAG. DKT./DEF. NUMBER	4. DIST. DKT./DEF. NUMBER	5. APPEALS DKT./DEF. NUMBER	6. OTHER DKT. NUMBER
7. IN CASE/MATTER OF ( <i>Case Name</i> )	8. PAYMENT CATEGORY <input type="checkbox"/> Felony <input type="checkbox"/> Petty Offense <input type="checkbox"/> Misdemeanor <input type="checkbox"/> Other <input type="checkbox"/> Appeal	9. TYPE PERSON REPRESENTED <input type="checkbox"/> Adult Defendant <input type="checkbox"/> Appellant <input type="checkbox"/> Juvenile Defendant <input type="checkbox"/> Appellee <input type="checkbox"/> Other	10. REPRESENTATION TYPE ( <i>See Instructions</i> )

11. OFFENSE(S) CHARGED (Cite U.S. Code, Title & Section) *If more than one offense, list (up to five) major offenses charged, according to severity of offense.*

**REQUEST AND AUTHORIZATION FOR EXPERT SERVICES**

12. ATTORNEY'S STATEMENT

As the attorney for the person represented, who is named above, I hereby affirm that the services requested are necessary for adequate representation. I hereby request:  
 Authorization to obtain the service. Estimated Compensation and Expenses: \$ \_\_\_\_\_ OR  
 Approval of services already obtained to be paid for by the United States pursuant to the Criminal Justice Act. (*Note: Prior authorization should be obtained for services in excess of \$300, excluding expenses*)

Signature of Attorney \_\_\_\_\_ Date \_\_\_\_\_

Panel Attorney     Retained Attorney     Pro-Se     Legal Organization

ATTORNEY'S NAME (*First Name, M.I., Last Name, including any suffix*), AND MAILING ADDRESS

Telephone Number: \_\_\_\_\_

13. DESCRIPTION OF AND JUSTIFICATION FOR SERVICES (*See Instructions*)

14. TYPE OF SERVICE PROVIDER

- |   |   |
|---|---|
| 01 <input type="checkbox"/> Investigator<br>02 <input type="checkbox"/> Interpreter/Translator<br>03 <input type="checkbox"/> Psychologist<br>04 <input type="checkbox"/> Psychiatrist<br>05 <input type="checkbox"/> Polygraph<br>06 <input type="checkbox"/> Documents Examiner<br>07 <input type="checkbox"/> Fingerprint Analyst<br>08 <input type="checkbox"/> Accountant<br>09 <input type="checkbox"/> CALR (Westlaw/Lexis, etc.)<br>10 <input type="checkbox"/> Chemist/Toxicologist<br>11 <input type="checkbox"/> Ballistics<br>13 <input type="checkbox"/> Weapons/Firearms/Explosive Expert<br>14 <input type="checkbox"/> Pathologist/Medical Examiner | 15 <input type="checkbox"/> Other Medical<br>16 <input type="checkbox"/> Voice/Audio Analyst<br>17 <input type="checkbox"/> Hair/Fiber Expert<br>18 <input type="checkbox"/> Computer (Hardware/Software/Systems)<br>19 <input type="checkbox"/> Paralegal Services<br>20 <input type="checkbox"/> Legal Analyst/Consultant<br>21 <input type="checkbox"/> Jury Consultant<br>22 <input type="checkbox"/> Mitigation Specialist<br>23 <input type="checkbox"/> Duplication Services ( <i>See Instructions</i> )<br>24 <input type="checkbox"/> Other ( <i>Specify</i> ) |
|---|---|

15. COURT ORDER

Financial eligibility of the person represented having been established to the Court's satisfaction, the authorization requested in Item 12 is hereby granted.

Signature of Presiding Judicial Officer or By Order of the Court \_\_\_\_\_

Date of Order \_\_\_\_\_ Nunc Pro Tunc Date \_\_\_\_\_  
 Repayment or partial repayment ordered from the person represented for this service at time of authorization.  
 YES     NO

**CLAIM FOR SERVICES AND EXPENSES**

**FOR COURT USE ONLY**

16. SERVICES AND EXPENSES ( <i>Attach itemization of services with dates</i> )	AMOUNT CLAIMED	MATH/TECHNICAL ADJUSTED AMOUNT	ADDITIONAL REVIEW
a. Compensation			
b. Travel Expenses ( <i>lodging, parking, meals, mileage, etc.</i> )			
c. Other Expenses			

**GRAND TOTALS (CLAIMED AND ADJUSTED):**

17. PAYEE'S NAME (*First Name, M.I., Last Name, including any suffix*), AND MAILING ADDRESS

TIN: \_\_\_\_\_

Telephone \_\_\_\_\_

CLAIMANT'S CERTIFICATION FOR PERIOD OF SERVICE \_\_\_\_\_ TO \_\_\_\_\_

CLAIM STATUS     Final Payment     Interim Payment Number \_\_\_\_\_     Supplemental Payment

I hereby certify that the above claim is for services rendered and is correct, and that I have not sought or received payment (*compensation or anything of value*) from any other source for these services.

Signature of \_\_\_\_\_ Date \_\_\_\_\_

18. CERTIFICATION OF ATTORNEY I hereby certify that the services were rendered for this case.

Signature of \_\_\_\_\_ Date \_\_\_\_\_

**APPROVED FOR PAYMENT — COURT USE ONLY**

19. TOTAL COMPENSATION	20. TRAVEL EXPENSES	21. OTHER EXPENSES	22. TOTAL AMOUNT APPROVED/CERTIFIED
------------------------	---------------------	--------------------	-------------------------------------

23.  Either the cost (*excluding expenses*) of these services does not exceed \$300, or prior authorization was obtained.  
 Prior authorization was not obtained, but in the interest of justice the Court finds that timely procurement of these necessary services could not await prior authorization, even though the cost (*excluding expenses*) exceeds \$300.

Signature of Presiding Judicial Officer \_\_\_\_\_ Date \_\_\_\_\_ Judge/Mag. Judge Code \_\_\_\_\_

24. TOTAL COMPENSATION	25. TRAVEL EXPENSES	26. OTHER EXPENSES	27. TOTAL AMOUNT APPROVED
------------------------	---------------------	--------------------	---------------------------

28. PAYMENT APPROVED IN EXCESS OF THE STATUTORY THRESHOLD UNDER 18 U.S.C. § 3006A(e)(3)

Signature of Chief Judge, Court of Appeals (or Delegate) \_\_\_\_\_ Date \_\_\_\_\_ Judge Code \_\_\_\_\_



## CALCULATING COMPENSATION FOR TIME WORKED

Time for work spent performing a service should be reported in tenths of an hour. Compensation is calculated by multiplying the applicable rate per hour by the total number of hours. Calculate totals for each service category separately, and enter the category and grand totals on the appropriate lines on the voucher form.

### TENTHS (.10) OF AN HOUR

<u>MINUTES</u>	=	<u>TENTHS</u>
1-6		.1
7-12		.2
13-18		.3
19-24		.4
25-30		.5
31-36		.6
37-42		.7
43-48		.8
49-54		.9
55-60		1.0

IN THE UNITED STATES DISTRICT COURT  
FOR THE VIRGIN ISLANDS

CRIMINAL/CIVIL NO.

:  
:  
:  
:  
:  
:

.....  
EX PARTE PETITION OF DEFENDANT FOR ISSUANCE OF \_\_\_\_\_ AT THE  
EXPENSE OF THE UNITED STATES GOVERNMENT (RULE 17FRCrim.P. & RULE 45  
FRCivP).

**TO THE HONORABLE, THE JUDGE OF SAID COURT:**

The Petition of \_\_\_\_\_  
by \_\_\_\_\_, court appointed counsel,  
respectfully represents:

1. That a hearing is scheduled in the above entitled matter for \_\_\_\_\_  
at \_\_\_\_\_.
2. That the \_\_\_\_\_ desires certain persons to be present at said hearing to  
give evidence in his/her behalf, and certain records and documents to be also present for  
use as his/her evidence.
3. The \_\_\_\_\_ is financially unable to pay the fees of witnesses, and the  
presence of witnesses is necessary to an adequate defense.
4. That defendant hereby requests the Clerk of this Honorable Court to issue the  
\_\_\_\_\_ listed on the Order attached at the expense of the United  
States.

**WHEREFORE**, the Defendant prays this Honorable Court to order that the said  
\_\_\_\_\_ be issued and served at the expense of the United States Government.

\_\_\_\_\_  
Attorney for \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Address, Phone Number, Zip Code



### CJA 20 VOUCHER CHECKLIST

VOUCHER – GENERAL			
Yes	No	N/A	
			All sections of the voucher are completely filled out
			Order Authorizing Interim Payments attached
			CJA 26A (Excess Compensation Memorandum) attached
			Statement of Total Time and Charges attached
			In-Court Hourly Worksheet(s) attached
			Out-of-Court Hourly Worksheet(s) attached
			Travel Expense Worksheet attached
			Other Expense Worksheet attached
			Associates Worksheet attached
			Related justifications or authorizations are attached
			All questions are answered in Block 22 (CJA 20) and Block 18 (CJA 30).
			Original plus one copy of all documents accompanying the voucher are attached.
			Voucher signed and dated.

IN-COURT WORKSHEET		
Yes	No	
		Totals of Subcategories on Worksheet match Voucher
		All times are in 1/10 hour increments
		Entries in chronological order
		All entries contain a brief description of service rendered

OUT-OF-COURT WORKSHEET			
Yes	No	N/A	
			Totals of Subcategories on Worksheet match Voucher

			All times are in 1/10 hour increments
			Entries in chronological order
			All entries contain a brief description of service rendered
			Travel entries contain travel points and, where applicable, mileage between points
			Document review time within presumptive limits or explanation attached
			Copy of itinerary or schedule attached to this or travel expense worksheet
			Travel time within presumptive time or explanation attached

OTHER EXPENSE WORKSHEET			
Yes	No	N/A	
			Entries in chronological order
			Funding order(s) attached
			Receipts for expenses in excess of \$50 attached
			Receipts for outside copying charges attached
			Marked up copy of telephone bill attached
			Receipts and explanation for delivery/messenger service attached
			In-house copy charges correctly computed

TRAVEL EXPENSE WORKSHEET			
Yes	No	N/A	
			Entries in chronological order
			Travel Request Form attached
			Passenger receipt and itinerary attached
			Receipts for all subsistence expenses attached
			Receipts for all other travel expenses in excess of \$25 attached
			Copies or originals of receipts attached in chronological order

			Excess meals/lodging expense statement attached
			Excess transportation expense statement attached
			Rental car justification statement attached

ASSOCIATES WORKSHEET			
Yes	No	N/A	
			Totals of Subcategories on Worksheet match Voucher
			All times are in 1/10 hour increments
			Entries in chronological order
			All entries contain a brief description of service rendered
			Travel entries contain travel points and, where applicable, mileage between points
			Document review time within presumptive limits or explanation attached
			Copy of itinerary or schedule attached to this or travel expense worksheet
			Travel time within presumptive time or explanation attached

**IN THE UNITED STATES DISTRICT COURT  
FOR THE VIRGIN ISLANDS**

**United States of America**

\*

**v.**

\*

**Case No.**

**Defendant**

\*

\*\*\*\*\*

**EX PARTE MOTION FOR PRE-AUTHORIZATION  
OF PAYMENT FOR SERVICES OTHER THAN COUNSEL**

The Defendant, insert name, by his/her undersigned counsel moves pursuant to the regulations of the Criminal Justice Act (hereinafter "CJA") and 18 U.S.C. §3006A(e) for the entry of an order pre-authorizing payment for expert (or investigative) services which are necessary for him/her to prepare adequately his defense. In support of this ex parte motion, the defendant states:

Insert reasons

REMEMBER TO GIVE THE EXPERT'S NAME, HOURLY RATE, AND THE ESTIMATED AMOUNT OF COMPENSATION TO COMPLETE THE SERVICE

Wherefore, for the foregoing reasons, counsel respectfully moves the Court to enter an Order pre-authorizing counsel to retain the services of (insert name of expert/investigator) to provide expert (or investigative) services in connection with the representation of the defendant and to have all such services paid under the authority of the Criminal Justice Act.

Respectfully Submitted,

\_\_\_\_\_  
Firm name and address

I hereby declare under penalty of perjury that the factual basis as set forth above is true and correct to the best of my information and belief and that the compensation herein requested is constitutionally necessary for due process and a fair trial with effective assistance of counsel. Signed this \_\_\_\_\_ day of \_\_\_\_\_, year

\_\_\_\_\_  
Counsel for Defendant

Advance authorization to incur expert (or investigative) expenses is hereby approved in the amount of \$\_\_\_\_\_, plus mileage and expenses.

DATED: \_\_\_\_\_

\_\_\_\_\_  
Judge's Name  
United States District Judge

**IN THE UNITED STATES DISTRICT COURT  
FOR THE VIRGIN ISLANDS**

**United States of America**

\*

**v.**

\*

**Case No.**

**Defendant**

\*

\*\*\*\*\*

**EX PARTE MOTION FOR PRE-AUTHORIZATION  
OF PAYMENT FOR SERVICES OTHER THAN COUNSEL**

The Defendant, insert name, by his/her undersigned counsel moves pursuant to the regulations of the Criminal Justice Act (hereinafter "CJA") and 18 U.S.C. §3006A(e) for the entry of an order pre-authorizing payment for expert (or investigative) services which are necessary for him/her to prepare adequately his defense. In support of this ex parte motion, the defendant states:

Insert reasons you need the fact investigation or psychiatric evaluation.

**REMEMBER TO GIVE THE EXPERT'S NAME, HOURLY RATE, AND THE ESTIMATED AMOUNT OF COMPENSATION TO COMPLETE THE SERVICE**

Wherefore, for the foregoing reasons, counsel respectfully moves the Court to enter an Order pre-authorizing counsel to retain the services of (insert name of expert/investigator) to provide expert (or investigative) services in connection with the representation of the defendant and to have all such services paid under the authority of the Criminal Justice Act.

Respectfully Submitted,

\_\_\_\_\_  
Firm name and address

I hereby declare under penalty of perjury that the factual basis as set forth above is true and correct to the best of my information and belief and that the compensation herein requested is constitutionally necessary for due process and a fair trial with effective assistance of counsel. Signed this \_\_\_\_\_ day of \_\_\_\_\_, year

\_\_\_\_\_  
Counsel for Defendant

Advance authorization to incur expert (or investigative) expenses is hereby approved in the amount of \$\_\_\_\_\_, plus mileage and expenses.

DATED: \_\_\_\_\_

\_\_\_\_\_  
Judge's Name  
United States District Judge

APPROVED:

\_\_\_\_\_  
Judges Name  
Judge United States Court of Appeals  
For the Third Circuit



**SUPPLEMENTAL INFORMATION STATEMENT FOR A COMPENSATION CLAIM IN EXCESS OF THE STATUTORY CASE COMPENSATION MAXIMUM: DISTRICT COURT**

This form provides information to support counsel's claim that the representation given was in an extended or complex case, and that the excess payment is necessary to provide fair compensation. Paragraph 2.22 B(3) of the *Guidelines for the Administration of the Criminal Justice Act, Volume VII, Guide to Judiciary Policies and Procedures*, defines the terms "extended" and "complex," and suggests criteria for determining "fair compensation." This form serves as counsel's memorandum required by paragraph 2.22 C(2) of those *Guidelines*, and does **not** replace any other documentation required to support the payment request. The space to respond to each section below will expand to fit the answer. **Use the cursor to move between boxes.**

Attorney:

Case Name:

Docket Number:

Defendant Number:

Voucher Number:

1 Period of appointment (dates): \_\_\_\_\_ to \_\_\_\_\_

Total number of in-court hours: \_\_\_\_; Specifying:  
 Pre-trial hearings \_\_\_\_ Trial \_\_\_\_  
 Sentencing hearings \_\_\_\_ All other in-court \_\_\_\_  
 Total number of out-of-court hours: \_\_\_\_

2 Offenses charged:

Number of counts charged: \_\_\_\_ Number of co-defendants: \_\_\_\_

Other pending cases (docket numbers) of defendant during representation:

If applicable, sentencing guideline range found by the court for sentencing:

Was a mandatory minimum found or at issue at sentencing?  
 Yes \_\_\_ No \_\_\_

3 Describe discovery materials (nature and volume) and/or discovery practices which are a noteworthy factor in the number of hours claimed:

4 List and describe motions, legal memoranda, jury instructions, and sentencing documents, or legal research not resulting in such, which are a noteworthy factor in the number of hours claimed and which were drafted originally for this case (do not include standardized motions, etc., unless content was modified significantly):

5	Summarize investigation and case preparation (e.g., number and accessibility of witnesses interviewed, record collection, document organization) which are a noteworthy factor in the number of hours claimed:
6	Explain, if noteworthy, impact on the number of hours claimed of investigative, expert, or other services used (CJA 21 voucher):
7	Check whether any of the following client factors are a noteworthy factor in the number of hours claimed and explain each: Communication with client/family ___ Language difference ___ Accessibility of client ___ Other ___
8	Explain any expense (Item 19 of the CJA 20 voucher) greater than \$500:
9	Explain any other noteworthy circumstances regarding the case and the representation provided to support this compensation request:
<p>Include, if applicable: (A) Negotiations with U.S. Attorney's office or law enforcement agency; (B) Complexity or novelty of legal issues and factual complexity; (C) Responsibilities involved measured by the magnitude and importance of the case; (D) Manner in which duties were performed and knowledge, skill, efficiency, professionalism, and judgment required of and used by counsel; (E) Nature of counsel's practice and hardship or injury resulting from the representation; and (F) Any extraordinary pressure of time or other factors under which services were rendered.</p>	
<p>Signature of Appointed Attorney: _____ Date: _____</p>	