

**CJA FELONY APPOINTMENT  
MANUAL**

**District Court of the Virgin Islands**

Revised: 7/12

## 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 and other appointed attorneys in this District.

This manual has been prepared and updated in an effort to inform the felony panel and other appointed counsel 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

Shervin Clarke  
Financial Supervisor  
340-776-0221

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## I. THE VOUCHER PROCESS

Once you have been appointed to represent an indigent defendant under the Criminal Justice Act (“CJA”), a series of procedural requirements are triggered to which you must pay particular attention. The failure to follow these procedures may delay payment for your services or, in some cases, may prevent you from being paid for your time or reimbursed for certain expenses. To avoid such problems, you should keep detailed records of your time and expenses, and maintain all receipts for expenses you want to claim. When in doubt, before you undertake a task or incur an expense, you should review this Manual, consult available resources, such as the website of the District Court ([www.vid.uscourts.gov](http://www.vid.uscourts.gov), under the “Criminal Justice Act” tab) and the Office of Defender Services of the Administrative Office of the United States Courts ([www.fd.org](http://www.fd.org)), and ask questions.

When you are first appointed, you should download the appointment order from the case’s docket in the Court’s CM/ECF system. This Order can also serve as your **voucher** (CJA Form 20; see Appendix 1, Forms).<sup>1</sup> It is through the use of this form that you will seek payment for your services and reimbursement of any expenses, and it is on this form that the Court’s approval will be noted.

\*NOTE: If a new case number is assigned because of a change in the charging document (e.g., where an indictment is issued that supersedes a complaint or information), a new appointment order and voucher for the period covered by the new case number will ordinarily be docketed. Time for each period should be submitted on the correct voucher.

- You should confirm that the case, client and attorney information at the top of the form is correct, and that the Court has signed and dated the form to indicate the appointment (Boxes 1-14). A voucher number will not appear on the face of the voucher; this is generated when the voucher is certified for payment.
- Worksheets that separate the time for in-court and out-of-court activities, and worksheets of expenses (with receipts where necessary) must accompany your voucher or the voucher will be returned. (See forms at Appendix 1.)
- If more than one attorney performs services for which compensation is sought (please review the rules for this below in Section II.A.), the hours for each attorney must be separately shown on the face of the CJA 20. The easiest way to do this is to split the “Hours Claimed” column in half, listing the appointed attorney’s hours on one side of the line, and the associate’s hours on the other. **Separate worksheets for each attorney need to be submitted.** In addition, each attorney recording time must have a W9 on file with the Court’s financial office. NOTE: This does not mean that the other attorneys will be compensated

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<sup>1</sup> You may choose to use the form CJA 20 that is available on the Court’s website, which is a fillable form that will calculate amounts once certain data is entered, similar to using a spreadsheet program. If you use the fillable form, you will need to insert the information in the upper sections of the form as it appears in your appointment order.

for their time – only the appointed attorney will receive compensation for the total hours approved.

- A separate form (CJA Form 21) must be submitted for the payment of experts, investigators, interpreters, and in some cases paralegals. Where the expected costs for these services exceed specified levels (see Rates, Appendix 2), approval from the Court in advance of incurring the costs is required. (See Section III.)
- Transcripts must be authorized and paid for via CJA Form 24 (see Section II.B).
- Only one voucher per case may be submitted unless the Court has issued an Order approving the use of interim vouchers. Such interim voucher Orders may need prior approval by the Third Circuit, and will only issue in cases that are particularly complex and that are expected to have a long duration. Procedures for submitting interim vouchers are explained in Appendix III of the CJA Plan for the District Court of the Virgin Islands (Revised 2011). Additional information appears below in Section IV.C.
- The voucher must be completed and submitted for approval within 45 days after the final disposition of the case, unless good cause is shown. In St. Croix, vouchers are submitted to Theresa Thomas, Clerk's Office. In St. Thomas, vouchers are submitted to the Financial Supervisor's office.
- The financial office will check the voucher and the attachments for compliance with the CJA Guidelines and for arithmetic accuracy, and will forward it to the Magistrate Judge for initial substantive review. Final approval of felony case vouchers must then be obtained from the District Judge.
- If the voucher exceeds the statutory case maximum (see Rates, Appendix 2), you must also include a CJA Form 26 in support of your claim for excess compensation with your voucher. Approval then must be obtained from both the District Judge and the Chief Judge of the Third Circuit, or his or her designee. Once that approval is given, the voucher is returned and processed for payment.

II. **INSTRUCTIONS FOR COMPLETING CJA FORM 20 – THE “VOUCHER” AND THE WORKSHEETS**

- 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 an appearance.

A. **Attorney Time**

- Worksheets must provide the date of service, a complete description of the service performed, category (that corresponds with the voucher) and the time spent performing the service. Attorneys should list individual tasks in tenths of hours.
- Do not "bundle" time entries; e.g., by writing "met with client, reviewed discovery, traveled, discussed case with AUSA- 8 hours."
- **Discovery and File Review:** If you are claiming time for discovery or file review, please describe the documents that you are reviewing and, if possible, the page/Bates numbers. Simply writing “reviewing discovery” and billing a number of hours is not acceptable.
- **Research:** Similarly, if you are claiming time for reasonable and necessary research, please describe the subject that you researched. Simply writing “research” and billing a number of hours is not acceptable. Each CJA attorney is expected to have a basic knowledge of federal criminal practice and procedure.

- Be careful with using CODE: Vouchers that have repeated entries such as "T/C AUSA, RID, T/C D", will not be approved. Please describe in detail what you did that day. If you have repeated telephone conversations with your client or the AUSA, please note the reasons why.
- You may use computer-generated time slips if the entries are organized by the same categories as on the CJA Form 20.
- **Travel time** - 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 a 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.
- **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.
- **Associates:** You may use associates under the Guidelines, subject to the following:
  - a. Separately identify the time claimed by each attorney on the face of the voucher
  - b. Use separate worksheets for each attorney or associate
  - c. Associate time may not be billed for time in meetings, conferences or in court
  - d. Be fiscally responsible in the use of associates. Excessive research or copying by associates will not be reimbursed.
- **Paralegals:** Do not bill paralegal time on the attorney worksheets. Paralegals are treated as "service providers," subject to a maximum, and their time is accounted for on a CJA Form 21, discussed in further detail in Section III.D.
- Each worksheet page must provide the case name and docket number and be numbered sequentially.
- Time spent in voucher preparation is not compensable.

B. **Expenses**

- 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 itemized and thoroughly documented.
- Receipts are required for any expense in excess of \$50.
- Receipts are required for all travel expenses, including daily parking fees, and travel must be deemed essential and connected to your representation under CJA.
- Permission for out of district or overnight travel should be obtained from the Judge, unless it is travel to the detention center. This will facilitate use of favorable government rates for the appointed attorney. You do not 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. See Guide to Judiciary Policy, Volume 7, Sections 230.60, 310.65(10).
- 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.
- Mileage claims for travel by privately-owned automobile must be itemized on the expense worksheet and include: date of travel, destination, number of miles, and the amount due. Mileage is (effective January 1, 2011) reimbursed at .51 cents per mile. Always check for the applicable rates for the time period covered by the claim.
- 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.
- Counsel may not claim expert, paralegal or the costs of other service providers as an expense of counsel.
- **Research** - 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 you have a monthly service plan you may prorate your claim based upon the percentage of use for the CJA representation. Please attach a monthly bill and indicate how the charge was calculated. 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.

- **Telephone** -reimbursement may be claimed for the actual cost of case related long distance phone calls, but not for local calls or surcharges. Your billing record must be attached with the case related long distance expense highlighted.
- **Facsimile** - reimbursement is limited to the actual cost of any long-distance charge associated with the phone transmission for an outgoing document. Reimbursement is not allowed for receipt of a facsimile. The costs of the machine, supplies and phone line are considered general office overhead and are not reimbursable.
- **Photocopying** - counsel is expected to use the most fiscally responsible method for discovery duplication. In some instances, this may require coordination among co-counsel and use of a commercial duplication firm.
  - a. Receipts must be attached for reimbursement of any commercial duplication expense.
  - b. In-office copying will be reimbursed at the actual cost and in no event more than 15 cents per page.
  - c. Claims for reimbursement of in-office copying must be itemized and contain an affidavit describing (1) the nature of the items copied, (2) the number of pages copied, and (3) the actual cost per page for duplication.
  - d. Excessive duplication of case law is strongly discouraged.
  - e. Excessive duplication of discovery materials for associate review will not be reimbursed.

- **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.
- **Messenger or Courier Services** are not reimbursable.
- **Transcripts** - counsel must submit a CJA Form 24 to the trial judge for approval.
  - a. Payment is made directly to the court reporter with the CJA Form 24.
  - b. Expedited or daily copy is discouraged. Any requests for expedited or daily copy must be justified.
  - c. 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 CJA Form 24.
  - d. 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.
  - e. Each transcript request must contain the date of the necessary testimony.

C. **Non-reimbursable Out-of-Pocket Expenses**

- General office overhead items such as secretarial service, rent, and telephone service are not reimbursable.
- 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 next section on CJA Form 21.
- 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.

- 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.
- Fact witness fees, witness travel costs and expenses for service of subpoenas are not reimbursable under the CJA. These expenses may be paid by the Department of Justice. (See the motion for issuance of subpoenas pursuant to FRCP 17, in Appendix 1.) Travel vouchers for fact witnesses are contained in the Appendix. The procedures for securing subpoenas and fact witness fees are explained below in Section II.D.
- Books, journals, publications, and supplies for the law office are not reimbursable.
- Costs related to educational seminars or continuing legal education are not reimbursable.

#### D. Special Cases

##### 1. Subpoenas/Fact Witness Reimbursement

##### a. Subpoenas

- After a subpoena is prepared by your office, it must be certified by the Clerk of the United States District Court.
- Certified blank subpoenas 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 in Appendix 1. The motion is filed *ex parte*. You may request that the motion and order be sealed.
- 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.

- 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.
- All out of district witness travel must be approved by the presiding judicial officer.

\* REMEMBER: NEVER PAY WITNESS FEES, TRANSPORTATION, LODGING, MEALS, ETC. BECAUSE ATTORNEYS CANNOT GET REIMBURSED THROUGH CJA FOR SUCH EXPENSES.

2. Depositions

- a. Depositions are covered by F.R.Cr.P. 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. 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.

### **III. INSTRUCTIONS FOR COMPLETING CJA FORM 21 – THE USE OF INVESTIGATORS, EXPERTS, PARALEGALS, INTERPRETERS AND OTHER “SERVICE PROVIDERS”**

#### **A. General Principles - Maximums**

- All requests for investigators, paralegal services, or expert witnesses shall be made by motion with an accompanying affidavit of counsel. This motion will be addressed by the Magistrate Judge in your division.
- Prior authorization must be obtained for any investigative, paralegal, or expert witness expense where the cost will exceed \$800 (or the appropriate current maximum – always check for this; see Appendix 2). Failure to obtain prior authorization may result in disallowance of any claim for investigative or expert compensation in excess of \$800.00. This policy will be strictly enforced.

- Claims for investigative, paralegal, or expert compensation in excess of \$800.00 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.
- Excess compensation for experts or investigators must have prior approval: Investigative, Paralegal, or Expert compensation, exclusive of reasonable expenses, may not exceed \$2,400.00 (or the current maximum) unless payment in excess of \$2,400.00 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.

B. Procedure for Obtaining Approval of Investigative, Paralegal, Expert or Other Service Provider Expenses.

- 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. The relevant CJA forms and a sample *ex parte* motion for expert services authorization is included at Appendix 1. Such *ex parte* motions may be filed through CM/ECF.
- A request for Expert/Investigative Services must contain: (1) the expert's name, address, telephone number and tax payer identification number or social security number; (2) the investigator's, paralegal's or expert's hourly rate; (3) the estimated number of hours to complete the work; (4) justification for the use of the expert, paralegal, or investigator; (5) a properly prepared CJA Form 21 for the judge's approval; and (6) an affidavit of counsel (see CJA Form 21).
- An approved request for compensation in excess of \$2,400 will be forwarded to the Chief Judge of the Third Circuit Court of Appeals for approval.

### C. Procedures for Obtaining Compensation of Service Providers

- After receipt of the approval memorandum, a copy of the order and the CJA Form 21 will be mailed to appointed counsel by the Clerk's office.
- 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 that breaks down the work by:
  - date(s) the work was performed
  - a 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 submitted to the court for processing for payment.
- The Court will review and approve for payment vouchers with prior approval under \$2,400 or those vouchers without prior approval if the compensation does not exceed \$800. If the expert compensation amount is in excess of \$2,400 the voucher will be forwarded to the presiding 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.

### D. 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 cannot be billed as an expense of counsel.
- The limits on service providers are applicable to paralegals. You may spend up to \$800.00 without judicial permission. The District Judge

can approve funding up to the statutory maximum of \$2,400.00. Any expenditure over that amount must be approved by the Chief Judge of the Circuit.

E. 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 forth in Appendix 2, Rates.

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 \$800.00. If the total claim will exceed \$2,400.00 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 (i.e., hourly or half or full day) and bill accordingly. The current District Court fee structure is set forth in Appendix 2.
5. Regardless of the billing method (half or full day vs. hourly) the interpreter must not bill appointed attorneys for services provided to them by the court during the same period. 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 interpreter's 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.

#### IV. VOUCHER PAYMENT PROCESS AND GUIDELINES

- Once you have completed your representation, or, in a case where interim vouchers have been authorized, you must submit your completed, signed and certified voucher to the Court. The actual, original voucher and all attachments are physically submitted to the Clerk's office and are not filed on CM/ECF.

NOTE: If interim payments have been approved, make copies of your appointing voucher and use those copies to file your interim vouchers for payment. Worksheets or billing statements must accompany each interim payment voucher, as well as a CJA Form 26, if the total vouchers submitted to date exceed the maximum.

The final claim for payment must be accompanied by worksheets for the final work period, along with a letter or memorandum detailing the total cost of the representation.

- 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.
- Once your voucher claim is in excess of the statutory maximum you must file the voucher claim along with a CJA Form 26, or a detailed memorandum in support of excess compensation. Currently, the case maximum is \$9,700.00. See case maximum table in Appendix 2. NOTE: When determining the final amount of compensation the Court may rely on your memo or CJA Form 26 without soliciting further information.

##### A. Approval for payment:

- Vouchers under the statutory case compensation maximum are checked for compliance and accuracy by the Clerk, forwarded for substantive review to the appropriate judicial officer, and then approved by the Court.
- Excess compensation vouchers, including interim vouchers, are reviewed by the Clerk's office, then forwarded to a judicial officer for approval by the Court and then for certification to the Chief Judge of the Third Circuit or his or her designee.

- When the voucher claim reaches the statutory maximum (see Appendix 2), 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 claim for excess compensation.

#### B. Voucher Reduction Procedures

- Prior to the reduction of any voucher or the denial of certification, the judicial officer will notify the attorney of the reason for the denial or reduction, and allow the attorney to submit a revised voucher, or a written request for reconsideration.
- The Court will review a timely submitted request for reconsideration and may grant it in full, in part, or not at all, and will communicate the decision to the attorney.

#### C. Interim Payment Requests

- In extended cases or cases that exceed the statutory maximum, a request for interim payments may be granted. 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. Procedures for submitting interim vouchers are explained in Appendix III of the CJA Plan for the District Court of the Virgin Islands (Revised 2011).
- The voucher and interim payment request must be approved by the Magistrate Judge and the Court, then forwarded for approval to the Chief Judge of the United States Court of Appeals for the Third Circuit or his or her designee.

## VII. CASE BUDGETING

### GUIDELINE TO JUDICIARY POLICIES AND PROCEDURES VOLUME 7, SECTION 230.26.10 – 230.26.20

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. Guides to case budgeting can be found at **Error! Hyperlink reference not valid.**click on CJA panel information, forms guidelines, and more.

**VIII. APPOINTMENTS AND COMPENSATION UNDER THE CIVIL ASSET FORFEITURE REFORM ACT OF 2000 – SEE GUIDELINE TO JUDICIARY POLICIES AND PROCEDURES VOLUME 7, SECTION 230.20.40**

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 29(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 currently is \$9,700.00. 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: Section 210.20.30.

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 Section 210.40.30 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 Section 201.40.30 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 Section 230.23.10(g) of these Guidelines. A private 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. 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 to 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.

**XI. 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 Jan. 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 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, 21U.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.

## Appendix 1: Forms

Examples of frequently used forms are available at the website of the District Court ([www.vid.uscourts.gov](http://www.vid.uscourts.gov), under the “Criminal Justice Act” tab) or through the Office of Defender Services of the Administrative Office of the United States Courts ([www.fd.org](http://www.fd.org)).

SCJA 20 APPOINTMENT OF AND AUTHORITY TO PAY COURT-APPOINTED COUNSEL (Rev. 12/03)

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) <i>If more than one offense, list (up to five) major offenses charged, according to severity of offense.</i>			
12. ATTORNEY'S NAME ( <i>First Name, M.I., Last Name, including any suffix</i> ), AND MAILING ADDRESS  Telephone Number : _____		13. COURT ORDER <input type="checkbox"/> O Appointing Counsel <input type="checkbox"/> C Co-Counsel <input type="checkbox"/> F Subs For Federal Defender <input type="checkbox"/> R Subs For Retained Attorney <input type="checkbox"/> P Subs For Panel Attorney <input type="checkbox"/> Y Standby Counsel  Prior Attorney's Name: _____ Appointment Dates: _____ <input type="checkbox"/> Because the above-named person represented has testified under oath or has otherwise satisfied this Court that he or she (1) is financially unable to employ counsel and (2) does not wish to waive counsel, and because the interests of justice so require, the attorney whose name appears in Item 12 is appointed to represent this person in this case, OR <input type="checkbox"/> Other ( <i>See Instructions</i> )  _____ Signature of Presiding Judge 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 appointment. <input type="checkbox"/> YES <input type="checkbox"/> NO	
14. NAME AND MAILING ADDRESS OF LAW FIRM ( <i>Only provide per instructions</i> )			

CLAIM FOR SERVICES AND EXPENSES			FOR COURT USE ONLY		
CATEGORIES ( <i>Attach itemization of services with dates</i> )	HOURS CLAIMED	TOTAL AMOUNT CLAIMED	MATH/TECH. ADJUSTED HOURS	MATH/TECH. ADJUSTED AMOUNT	ADDITIONAL REVIEW
In Court	a. Arraignment and/or Plea	0.00		0.00	
	b. Bail and Detention Hearings	0.00		0.00	
	c. Motion Hearings	0.00		0.00	
	d. Trial	0.00		0.00	
	e. Sentencing Hearings	0.00		0.00	
	f. Revocation Hearings	0.00		0.00	
	g. Appeals Court	0.00		0.00	
	h. Other ( <i>Specify on additional sheets</i> )	0.00		0.00	
(RATE PER HOUR = \$ _____ ) TOTALS:		0.00	0.00	0.00	
Out of Court	a. Interviews and Conferences	0.00		0.00	
	b. Obtaining and reviewing records	0.00		0.00	
	c. Legal research and brief writing	0.00		0.00	
	d. Travel time	0.00		0.00	
	e. Investigative and other work ( <i>Specify on additional sheets</i> )	0.00		0.00	
(RATE PER HOUR = \$ _____ ) TOTALS:		0.00	0.00	0.00	
17. Travel Expenses ( <i>lodging, parking, meals, mileage, etc.</i> )					
18. Other Expenses ( <i>other than expert, transcripts, etc.</i> )		0.00		0.00	
<b>GRAND TOTALS (CLAIMED AND ADJUSTED):</b>		0.00		0.00	

19. CERTIFICATION OF ATTORNEY/PAYEE FOR THE PERIOD OF SERVICE FROM: _____ TO: _____	20. APPOINTMENT TERMINATION DATE IF OTHER THAN CASE COMPLETION	21. CASE DISPOSITION
22. CLAIM STATUS <input type="checkbox"/> Final Payment <input type="checkbox"/> Interim Payment Number _____ <input type="checkbox"/> Supplemental Payment Have you previously applied to the court for compensation and/or reimbursement for this representation? <input type="checkbox"/> YES <input type="checkbox"/> NO      If yes, were you paid? <input type="checkbox"/> YES <input type="checkbox"/> NO Other than from the Court, have you, or to your knowledge has anyone else, received payment ( <i>compensation or anything of value</i> ) from any other source in connection with this representation? <input type="checkbox"/> YES <input type="checkbox"/> NO      If yes, give details on additional sheets. I swear or affirm the truth or correctness of the above statements. Signature of Attorney _____ Date _____		

APPROVED FOR PAYMENT — COURT USE ONLY					
23. IN COURT COMP.	24. OUT OF COURT COMP.	25. TRAVEL EXPENSES	26. OTHER EXPENSES	27. TOTAL AMT. APPR./CERT. \$0.00	
28. SIGNATURE OF THE PRESIDING JUDGE			DATE	28a. JUDGE CODE	
29. IN COURT COMP.	30. OUT OF COURT COMP.	31. TRAVEL EXPENSES	32. OTHER EXPENSES	33. TOTAL AMT. APPROVED \$0.00	
34. SIGNATURE OF CHIEF JUDGE, COURT OF APPEALS (OR DELEGATE) <i>Payment approved in excess of the statutory threshold amount.</i>			DATE	34a. JUDGE CODE	





**CJA 20 Worksheet**

**OUT-OF-COURT WORKSHEET**

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







## 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>	

Appendix 2: Rates

CJA counsel are responsible for using the appropriate rates for services and expenses that are in effect from time to time. Information as to the rates applicable for specific time periods is available through the District Court's website ([www.vid.uscourts.gov](http://www.vid.uscourts.gov), under the "Criminal Justice Act" tab) and the Office of Defender Services of the Administrative Office of the United States Courts ([www.fd.org](http://www.fd.org)).

A. Effective January 1, 2011, the mileage rate is \$0.51 per mile.

Previous mileage rates and their effective periods are:

1/1/10 - 1/1/11	.50
2/1/09 - 12/31/09	.55

B. Attorney compensation hourly rate as of January 1, 2010 is \$125.00 per hour both in and out of court.

Previous hourly rates and their effective periods are:

March 11, 2009-December 31, 2009	\$110
January 1, 2008-March 10, 2009	\$100/\$100
May 20, 2007-December 31, 2007	\$94/\$94
January 1, 2006-May 18, 2007	\$92/\$92

C. Interpreters -- Fee rates to be paid to interpreters

Full Day -	\$388
Half Day -	\$210

Language Skilled (Non-Certified) Interpreters

Full Day -	\$187
Half Day -	\$103

D. Case Maximums

If a case is a...	And service were completed...			
	Before October 13, 2008, the case maximum is...	On or after October 13, 2008, and before March 11, 2009, the case maximum is...	On or after March 11, 2009m and before January 1, 2010, the case maximum is...	On or after January 1, 2010 the case maximum is...
Felony (including pre-trial diversion of alleged felony)	\$7,000	\$7,800	\$8,600	\$9,700
Misdemeanor (including pre-trial diversion of alleged misdemeanor)	\$2,000	\$2,200	\$2,400	\$2,800
Proceeding under 18 U.S.C. § 4106A	\$1,500	\$1,700	\$1,800	\$2,100
Proceeding under 18 U.S.C. §§ 4107 or 4108 (for each verification proceeding)	\$2,000	\$2,200	\$2,400	\$2,800
Proceeding under 18 U.S.C. § 983	\$7,000	\$7,800	\$8,600	\$9,700
Post-conviction proceeding under 28 U.S.C. §§ 2241, 2254 or 2255	\$7,000	\$7,800	\$8,600	\$9,700
Proceeding under 28 U.S.C. § 1875	\$7,000	\$7,800	\$8,600	\$9,700
Appeal (from felony, misdemeanor, proceeding under 18 U.S.C. § 4106A, 18 U.S.C. § 983, post-conviction proceeding under 28 U.S.C. §§ 2241, 2254 or 2255, and 28 U.S.C. § 1875)	\$5,000	\$5,600	\$6,100	\$6,900
Other representation required or authorized by the CJA (including, but not limited to probation, supervised release hearing, material witness, grand jury witness)	\$1,500	\$1,700	\$1,800	\$2,100
Appeal of other representation	\$1,500	\$1,700	\$1,800	\$2,100

Care should be taken not to exceed case maximums as these are not simply suggested maximums – substantial justification must be provided to warrant compensation in excess of the maximum.