

FBA FEDERAL PRACTICE

2011 CJA PANEL SEMINAR

UNIVERSITY OF MEMPHIS
LAW SCHOOL

OCTOBER 26, 2011

2:30 – 3:45

MEETING AGENDA

- I. WELCOME and OVERVIEW
Clerk of Court Tom Gould

- II. CJA CASE APPOINTMENT PROCESS
Chief Deputy Clerk Ron Dowling
CJA Coordinator Lorri Fentress

- III. CJA VOUCHER TRAINING and UPDATES
CJA Administrator Daria Wyatt

- IV. QUESTIONS for FEDERAL PRACTITIONERS
CJA Panel Representative Michael Stengel

- V. CLOSING REMARKS

- CLERK OF COURT
TOM GOULD

CJA Case Assignment Process
Current Appointment Statistics
Court Website Information

Chief Deputy Ron Dowling
CJA Coordinator Lorri Fentress

CJA Case Assignments

- 2 Panels
 - Memphis Division (37 Attorneys as of 10/6/2011)
 - Jackson Division (16 Attorneys as of 10/6/2011)
- Contact Methods by Court Staff
 - Phone
 - 1st – Office
 - 2nd – Cell
 - 3rd – Designee
- Assignment ***MUST*** have immediate accept or decline, otherwise a “No Answer” will result in a one-point assessment in the system.

CJA Case Assignments

- Weighted System of Calling, where program logic continuously self-balances the number of calls across all panel attorneys
 - Attorney with lowest weighted call load will be called first
 - If one or more attorneys are “tied” at the same weighted call history, the system uses random selection to pick the next attorney to call
 - Every call transaction is maintained in the database
 - Randomness is inherent to this system

Weights (How points are assigned based on results of actual contacts)

- Criminal Case

3	Accept, Decline, or Judicial Appointment
1	Unable to reach Attorney
0	Case Conflict – Unable to Accept

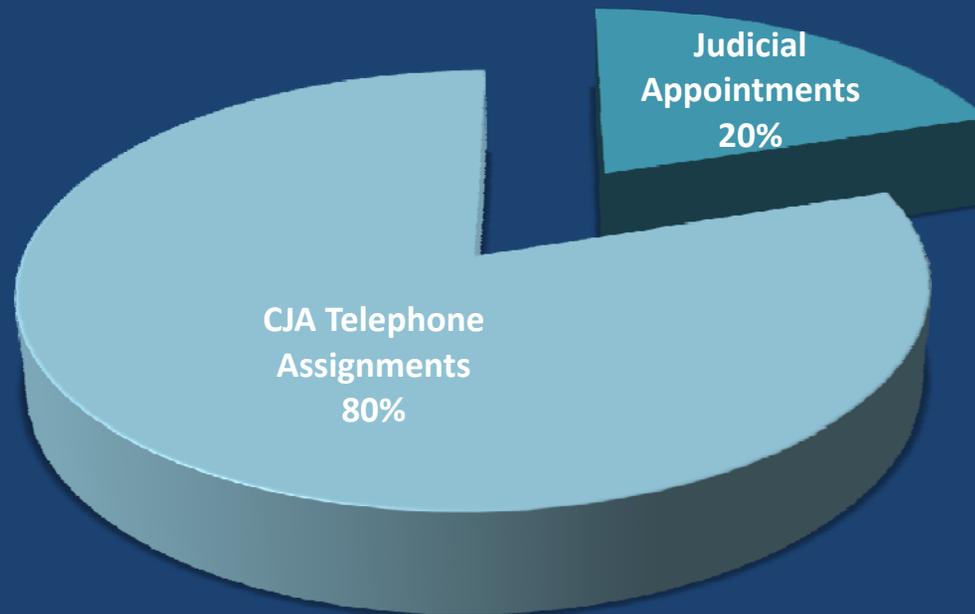
- Post Judgment Matters

1	Accept, Decline, or Judicial Appointment
1	Unable to reach Attorney
0	Case Conflict – Unable to Accept

** For statistical reporting, “Post Judgment” includes Re-sentencings

COURT APPOINTMENT STATISTICS

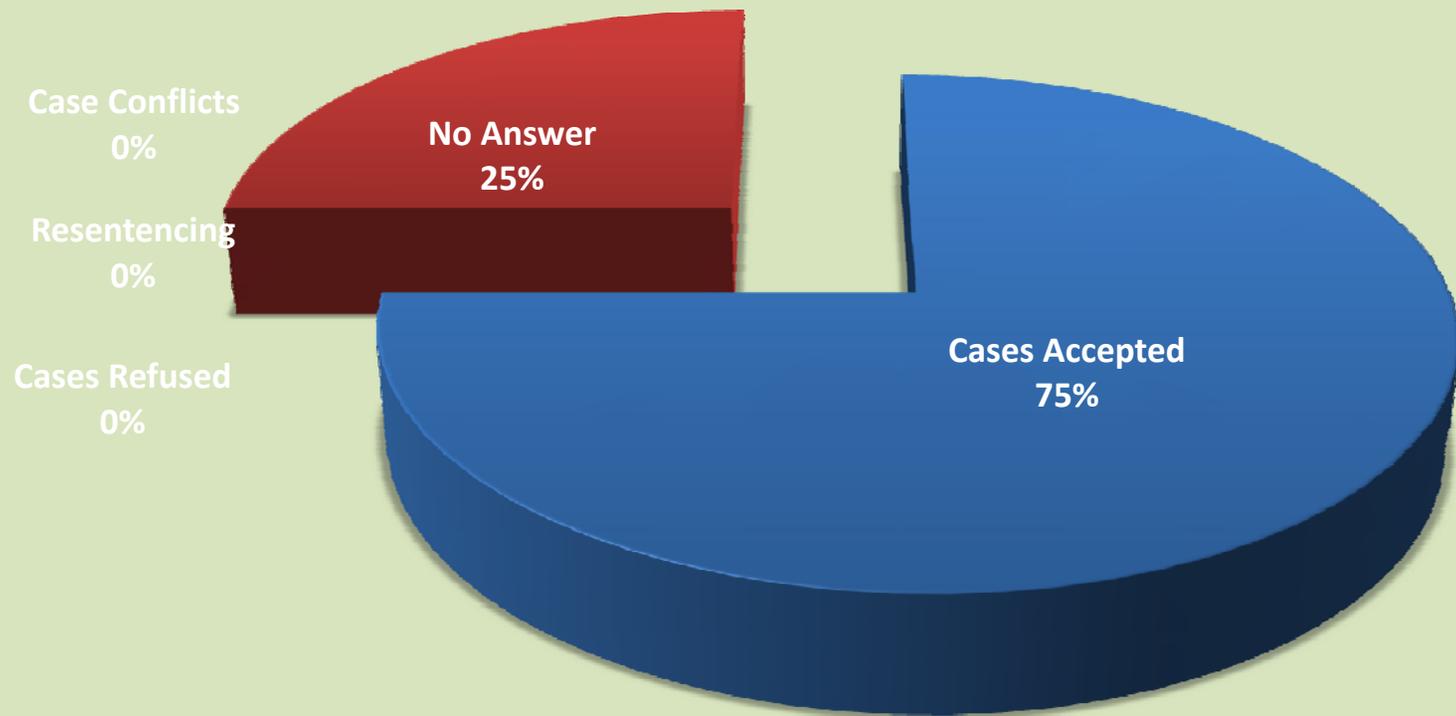
WESTERN DIVISION ANALYSIS OF TOTAL APPOINTMENTS FOR SEPTEMBER 2011



■ Judicial Appointments

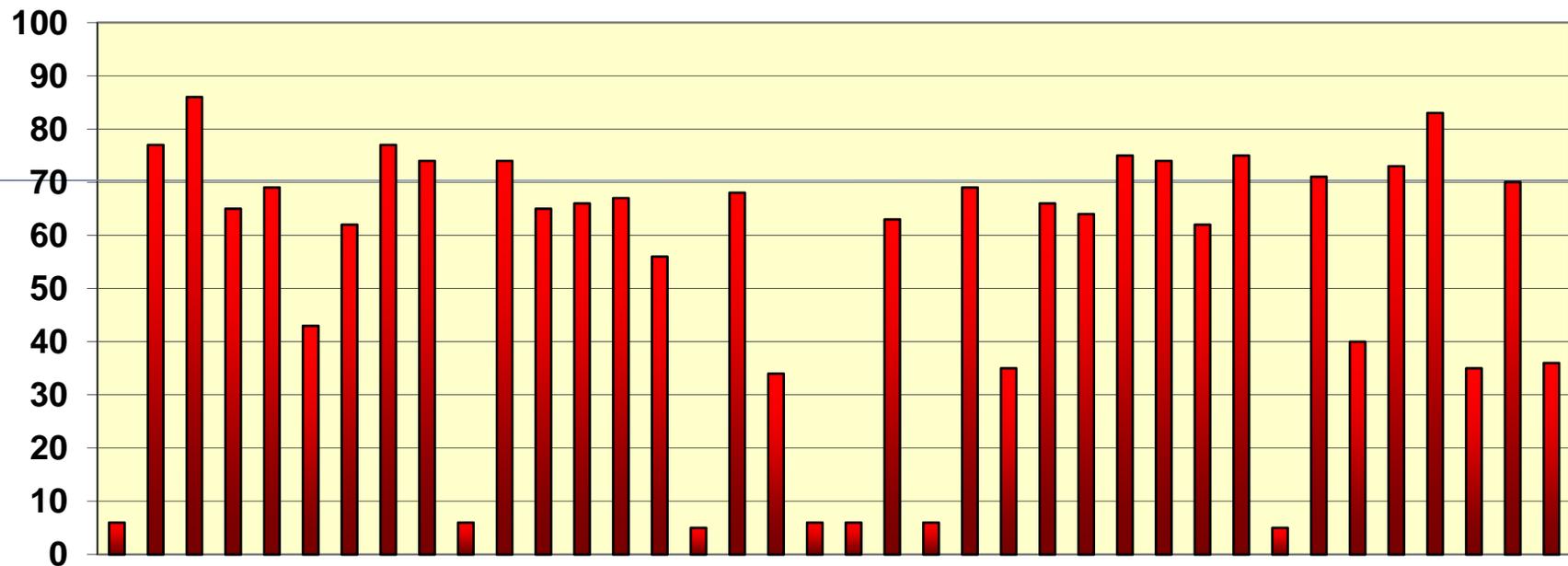
■ CJA Telephone Assignments

WESTERN DIVISION
CJA PANEL ANALYSIS OF CALLS
FOR SEPTEMBER 2011

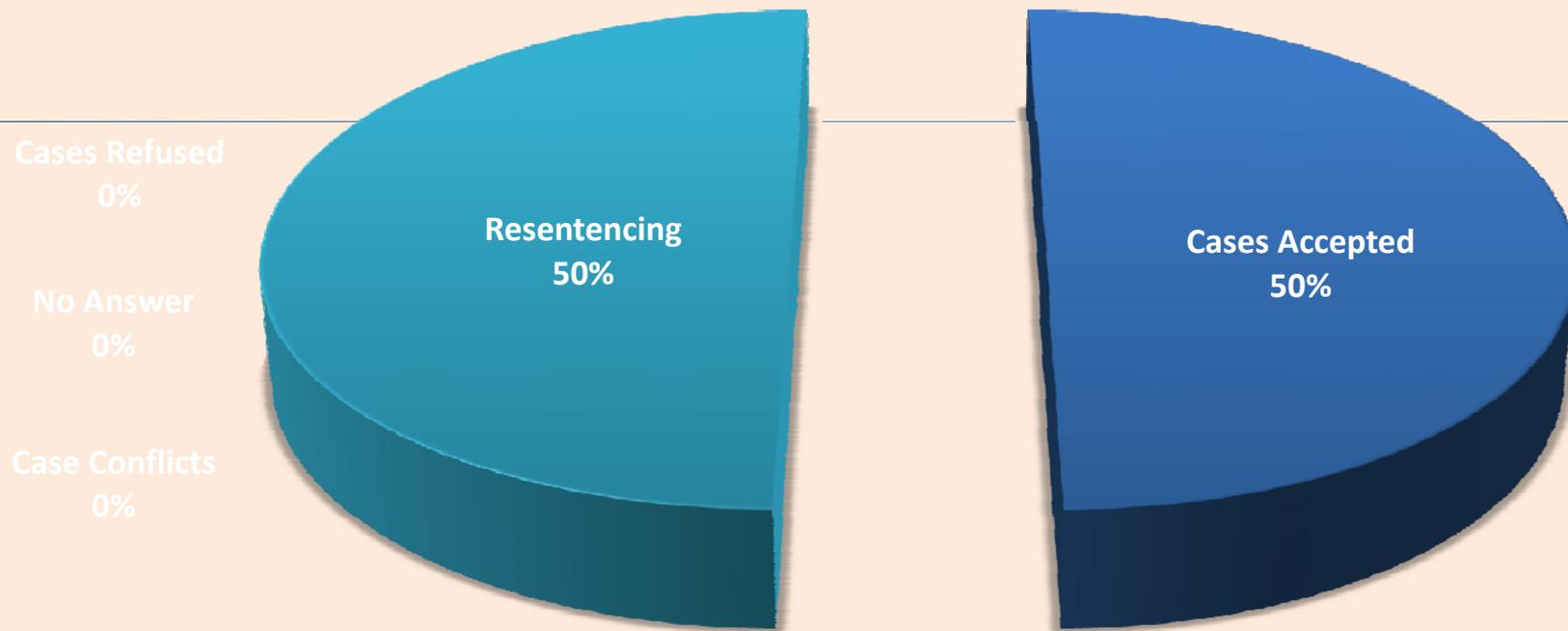


■ Cases Accepted ■ No Answer ■ Cases Refused ■ Case Conflicts ■ Resentencing

CJA Assignments and Failed Assignments January 1, 2005 through September 30, 2011 Western Division



EASTERN DIVISION CJA PANEL ANALYSIS OF CALLS FOR SEPTEMBER 2011



■ *Cases Accepted*

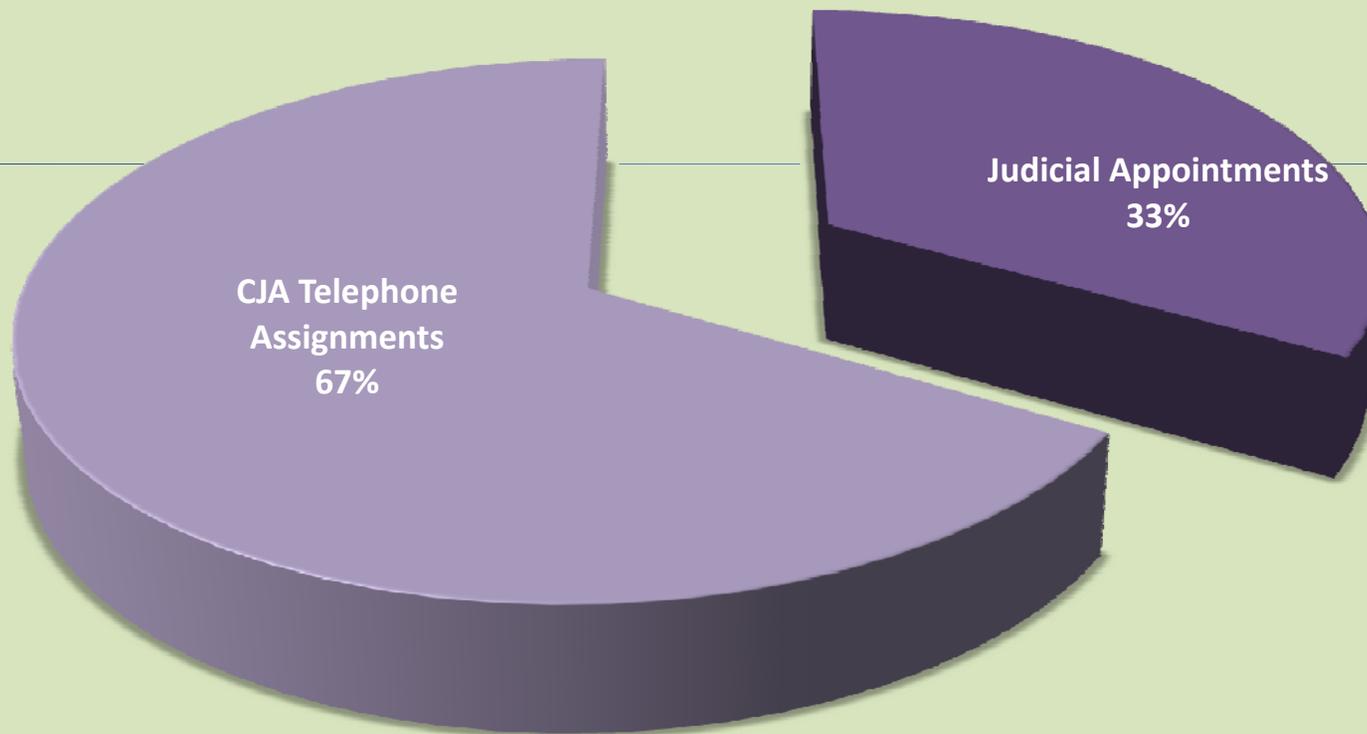
■ *No Answer*

■ *Cases Refused*

■ *Case Conflicts*

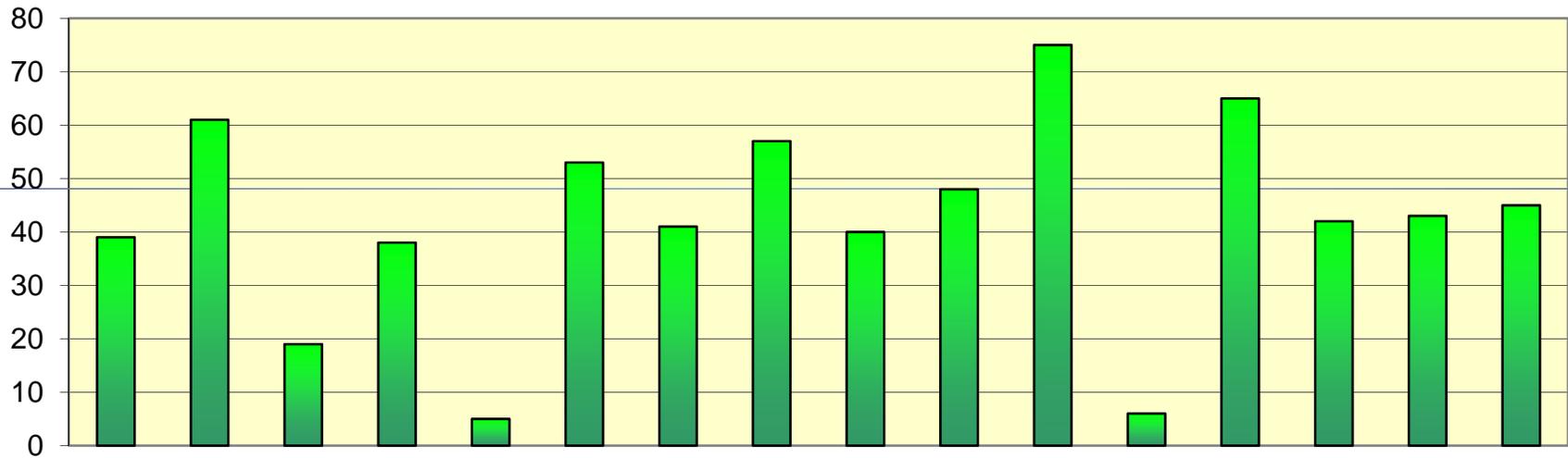
■ *Resentencing*

EASTERN DIVISION
ANALYSIS OF TOTAL ASSIGNMENTS
FOR SEPTEMBER 2011



■ Judicial Appointments ■ CJA Telephone Assignments

**CJA Assignments and Failed Assignments
January 1, 2005 through September 30, 2011
Eastern Division**



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UNITED STATES DISTRICT COURT Western District of Tennessee

We the People

Welcome

Welcome to the official website of the United States District Court for the Western District of Tennessee. Our website was designed to provide attorneys and public users convenient access to current information about our Court and the cases being adjudicated in this District. Our Court's mission is to facilitate the prompt and equitable administration of justice while maintaining the highest standards of integrity and accountability. We believe that this website plays a vital role in achieving that goal, so we welcome your suggestions as to how we might improve this website to better serve your needs.

Court Notices & Important Announcements

10/03/2011

Increase in PACER fees April 1, 2012

The Judicial Conference of the United States has authorized an increase in the fee charged for access to PACER documents from \$.08 per page to \$.10 per page. The fee change will take effect April 1, 2012. [Press Release](#)

09/23/2011

Discontinuation of CM/ECF helpdesk phoneline

Please be advised that effective October 1, 2011, the US District Court for the Western

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UNITED STATES DISTRICT COURT Western District of Tennessee



CJA Panel Portal

Login Name:

Password:

Enter

News and Announcements

2/18/2011

Advance Authorization for Investigative, Expert or Other Services

Appendix C - Advance Authorization for Investigative, Expert or Other Services - has been replaced by Appendix 3A. You can download Appendix 3A from our [Forms and Applications](#) page.

1/6/2011

Mileage rate increased

The General Services Administration has announced an increase in the mileage rates for



Criminal Justice Act (CJA)
Voucher Training
Daria Wyatt
CJA Administrator

CJA – Statutory Limitations

- Hourly Panel Attorney Compensation Rates
- Attorney Case Compensation Maximums
- Payment Limits for Other Service Providers
 - Prior approval for costs exceeding \$800
 - Other compensation limits
 - Non-capital: \$2400, excluding expenses
 - Capital: \$7500, fees and expenses (case total for other providers, not including transcripts)
 - Payments: For services necessary for adequate representation and expenses reasonably incurred

Case Budgeting

- Judicial Conference policy encourages case budgeting for:
 - Federal capital prosecutions
 - Capital habeas corpus representations
 - Non-capital representations extraordinary in terms of cost

Compensation and Expenses (Counsel)

- Authorized Compensation for Capital and Non-Capital Cases)
- Reimbursable and Non-Reimbursable Expenses
- Common Issues
- Voucher Completion and Submission

Authorized Compensation

- Hourly Rates
- Case Compensation Maximums
- Hourly rates and compensation maximums can be accessed through the on-line reference tool.

Reimbursable Expenses

- Reimbursement is authorized for expenses reasonably incurred for the representation
- Claim on Form CJA 20 or Form CJA 30
- Reimbursable out-of-pocket expenses:
 - Computer-assisted legal research
 - Travel expenses
 - Telephone toll calls and facsimile transmissions
 - Copying, postage, and messenger services
 - Court-authorized transcripts (Form CJA 24)

Non-Reimbursable Expenses

- General office overhead is not reimbursable:
 - Rent
 - Telephone service
 - Secretarial expenses
- CJA attorneys are expected to use their own office resources, including secretarial help, for work on CJA cases.

Non-Reimbursable Expenses

- Non-reimbursable expenses include:
 - Items and services of a personal nature
 - Filing fees
 - Printing briefs
 - Service of process
 - Taxes
 - Alcoholic beverages
 - Entertainment
 - Parking fines or fees for traffic violations
 - Personal automobile expenses

Common Issues

- Advance Approvals
- Policy when Limits are Exceeded
- Case Budgeting
- Interim Payment

Advance Approvals

Advance approvals are required:

- To claim compensation for work of lawyers who are neither appointed nor a partner or associate of the appointed attorney
- For interim payment of compensation and/or expenses
- For other matters pursuant to local policies

Excess Compensation

Payments that exceed the attorney case compensation limit may be authorized when:

- Certified by the presiding judge and
- Approved by the chief judge of the circuit (or judge delegate) as:
 - Necessary to provide fair compensation
 - For extended or complex representation.

Supporting Documentation

- Attach supporting documentation:
 - An itemized statement of services provided
 - An itemized statement of all expenses
 - Timesheets and worksheets
 - Receipts for single item expenses over \$50
 - Other – check local policies
- Include explanatory memoranda/justifications
 - Claims above case compensation maximum
 - Good cause for submitting voucher after 45 days

Common Errors

- Incomplete voucher forms
- Incorrect hourly rates
- Incorrect mileage rates
- Mathematical errors
- Reporting of hours
- Missing authentic signatures
- Incomplete documentation of time or expenses

Authorization and Payment for Services Other Than Counsel

- Authorization Requests
- Reimbursable and Non-Reimbursable Expenses
- Common Issues
- Voucher Completion and Submission

Authorization Requests

- Attorneys must obtain prior authorization for investigative, expert, or other necessary services, where the cost exceeds \$800.
 - Unless waived by the presiding judge, upon a finding that, in the interest of justice, timely procurement of necessary services could not await prior authorization.
- The attorney motions the court to request prior approval.

Authorization Requests

- The request should also include:
 - Reasons for requesting service
 - Provider's relevant experience and qualifications
 - Hourly rate requested
 - Fee arrangement, as applicable
 - Specific service and expenses to be included
 - Whether additional services/funding may be requested from/for this provider (as applicable)
- Counsel should communicate the specific terms of the approval to the service provider.

Expenses of Other Service Providers

- Service providers claim reimbursement for expenses reasonably incurred in performing authorized services on the Form CJA 21/31.
- Reimbursable travel expenses include reasonably incurred transportation, lodging, meals, and miscellaneous expenses.
 - Reimbursement is for actual expenses only; per diem is not authorized.
 - Some courts may require advance authorization.

Non-Reimbursable Expenses

- Non-reimbursable items (examples):
 - alcoholic beverages
 - entertainment (e.g., movies, sporting events, and sightseeing tours)
 - parking fines or fees for traffic violations
 - personal automobile expenses (e.g., Personal Accident Insurance and Personal Effects Coverage)

Authorization Requests

- Attorneys should also obtain prior approval when it is anticipated the cost of other services will exceed these statutory limits:
 - Non-Capital Cases: \$2400, excluding expenses
 - Capital Cases: \$7500, total per case for costs (fees and expenses) for other service providers
 - The Guide, Appendix 3A, provides a sample format for the request

When Limits are Exceeded

- Payments for services other than counsel that exceed statutory limits are authorized when
 - certified by the presiding judge or court and
 - approved by the chief judge of the circuit (or judge delegate)as necessary to provide fair compensation for services of an unusual character or duration.

Case Budgeting

- Case budgeting is encouraged for:
 - Federal capital prosecutions
 - Capital habeas corpus representations
 - Non-capital representations that are extraordinary in terms of cost
- Counsel submits an initial budget that includes proposed costs of other services

Interim Payment Requests

- The presiding judge may arrange for interim payments for other service providers.
- The interim payment request should include:
 - length of time interim payments will be needed and
 - a justification of need.
- Chief circuit judge (or delegate) approval may be required.
- The provider submits a separate voucher for each interim payment claim and attaches prior approval.

Submission of Claims

- Service provider:
 - Completes voucher form
 - Form CJA 21 (non-capital cases)
 - Form CJA 31 (capital cases)
 - Form CJA 24 (transcripts)
 - Attaches supporting documentation
 - Provides voucher to the attorney (directly or through the court) for review and certification that services were rendered as claimed

Supporting Documentation

- Attach supporting documentation:
 - An itemized statement of services provided
 - An explanation of the fee arrangement
 - Timesheets, worksheets, memoranda
 - An itemized statement of all expenses
 - Receipts for single-item expenses over \$50
 - Itemized receipts for lodging
- The attorney may also provide explanatory memoranda (e.g., where costs exceed statutory limitations).

On-line Reference Tool (ORT)

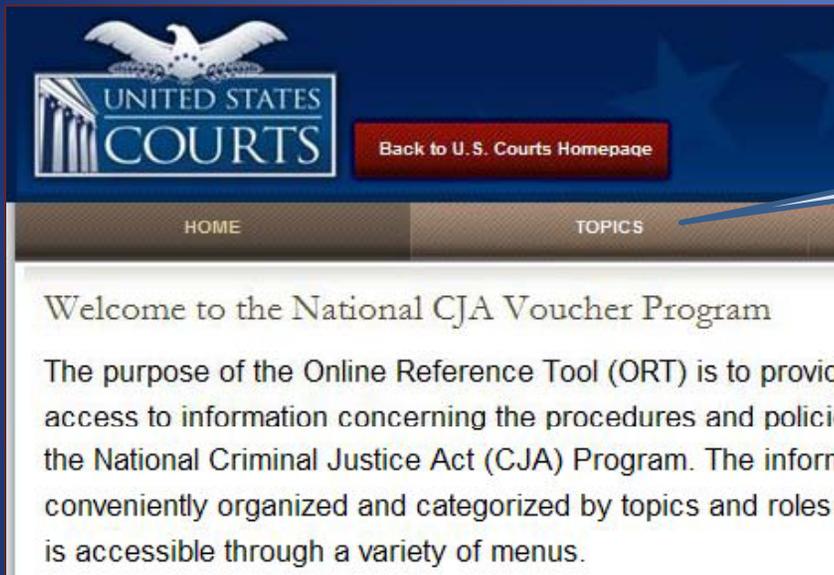
- Location and purpose of the ORT
- Navigation and search strategies
- Type of material you will find in the ORT

<http://www.uscourts.gov/uscourts/cjaort/index.html>

Location and Purpose

- Located on uscourts.gov and the J-NET
- Rapid access to voucher submission and processing procedures and policies
- Content conveniently organized
 - By **Topics**
 - By **Roles**

Access Content by Topics



UNITED STATES COURTS

Back to U.S. Courts Homepage

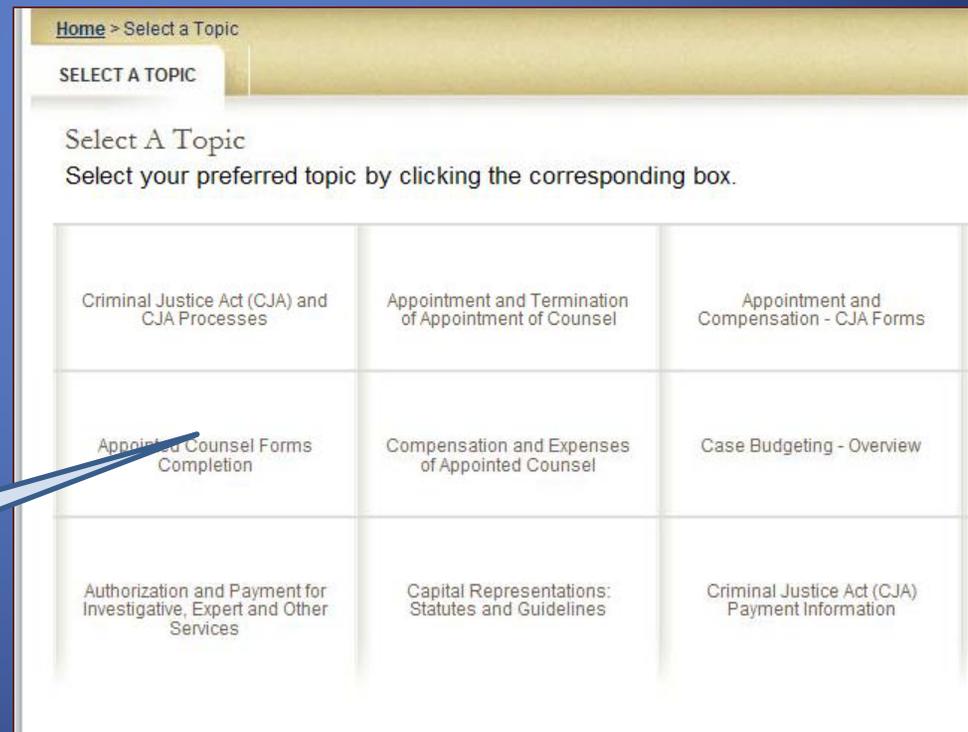
HOME TOPICS

Welcome to the National CJA Voucher Program

The purpose of the Online Reference Tool (ORT) is to provide access to information concerning the procedures and policies of the National Criminal Justice Act (CJA) Program. The information is conveniently organized and categorized by topics and roles and is accessible through a variety of menus.

Click Topics.

Click on preferred topic.



Home > Select a Topic

SELECT A TOPIC

Select A Topic

Select your preferred topic by clicking the corresponding box.

Criminal Justice Act (CJA) and CJA Processes	Appointment and Termination of Appointment of Counsel	Appointment and Compensation - CJA Forms
Appointed Counsel Forms Completion	Compensation and Expenses of Appointed Counsel	Case Budgeting - Overview
Authorization and Payment for Investigative, Expert and Other Services	Capital Representations: Statutes and Guidelines	Criminal Justice Act (CJA) Payment Information

Use the ORT for...

- Linking to the CJA Guidelines (Volume 7, Part A), also referred to as “the Guide”
 - In-text citations
 - Link to U.S. Courts publications page

Contrast with Counsel Claim

- The costs of obtaining necessary investigative, expert, or other services under the CJA, subsection (e), are NOT considered appointed attorney out-of-pocket expenses.
 - Attorneys request authorization for the services using the Form CJA 21/31.
 - Claims for payment are submitted by the service providers on the Form CJA 21/31.
 - The appointed attorneys should not claim these costs on the Form CJA 20/30.

Questions Regarding Federal Practice

CJA Panel Representative
Michael Stengel

CLOSING REMARKS