



# CJA Panel Attorney Orientation

# CJA Statutory Limitations

- Hourly Panel Attorney Compensation Rates
- Attorney Case Compensation Maximums
- Payment Limits for Service Providers

# CJA Attorney Hourly Rates

HOURLY RATES			CAPITAL HOURLY RATES		
For Work Performed On or After	In-Court	Out-of-Court	For Work Performed On or After	In-Court	Out-of-Court
03/23/2018	\$140	\$140	03/23/18	\$188	\$188
05/05/2017	\$132	\$132	05/05/2017	\$185	\$185
01/01/2016	\$129	\$129	01/01/2016	\$183	\$183
01/01/2015	\$127	\$127	01/01/2015	\$181	\$181
03/01/2014	\$126	\$126	03/01/2014	\$180	\$180
09/01/13*	\$110	\$110	09/01/13*	\$163	\$163
01/01/10	\$125	\$125	01/01/10	\$178	\$178
03/11/09	\$110	\$110	03/11/09	\$175	\$175
01/01/08	\$100	\$100	01/01/08	\$170	\$170

# CJA Case Maximum Rates

TYPE OF PROCEEDING	For Services on or After JANUARY 1, 2015, and Before JANUARY 1, 2016	For Services on or After JANUARY 1, 2016, and Before MAY 5, 2017	For Services on or After MAY 5, 2017, and Before March 23, 2018	For Services on or After March 23, 2018
Felony (including pre-trial diversion of alleged felony)	\$9,900	\$10,000	\$10,300	\$10,900
Misdemeanor (including pre-trial diversion of alleged misdemeanor)	\$2,800	\$2,900	\$2,900	\$3,100
Proceeding under 18 U.S.C. § 4106A	\$2,100	\$2,100	\$2,200	\$2,300
Proceeding under 18 U.S.C. §§ 4107 or 4108 (for each verification proceeding)	\$2,800	\$2,900	\$2,900	\$3,100
Proceeding under 18 U.S.C. § 983	\$9,900	\$10,000	\$10,300	\$10,900
Post-conviction proceeding under 18 U.S.C. §§ 2241, 2254 or 2255	\$9,900	\$10,000	\$10,300	\$10,900
Proceeding under 28 U.S.C. § 1875	\$9,900	\$10,000	\$10,300	\$10,900
Appeal (from felony, misdemeanor, proceeding under 18 U.S.C. § 4106A, 18 U.S.C. § 983, post-conviction proceeding under 18 U.S.C. §§ 2241, 2254 or 2255, and 28 U.S.C. § 1875)	\$7,100	\$7,200	\$7,300	\$7,800
Other representation required or authorized by the CJA (including, but not limited to probation, supervised release hearing, material witness, grand jury witness)	\$2,100	\$2,100	\$2,200	\$2,300
Appeal of other representation	\$2,100	\$2,100	\$2,200	\$2,300

# Limits for Service Providers

- Prior approval for service costs exceeding \$800
- Other compensation limits
  - Non-capital: \$2,500, excluding expenses (case total for service providers, not including transcripts)
  - Capital: \$7,500, fees and expenses (case total for service providers, not including transcripts)

# Service Provider Limits

## CJA CASE COMPENSATION MAXIMUMS – Expert Services

	For Services Before May 27, 2010	For Services on or After May 27, 2010	For Services on or After January 1, 2016
With prior court authorization	\$1,600	\$2,400	\$2,500
Without prior court authorization	\$500	\$800	\$800

# Policy Guidance for Completing CJA Vouchers

- Reimbursable Expenses
- Advance Approvals
- Policy when Limits are Exceeded
- Case Budgeting
- Interim Payments
- Supporting Documentation

# Reimbursable Expenses for Attorney

- 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
  - Copying, postage, and messenger services
  - Court-authorized transcripts (Form CJA 24)

# Non-Reimbursable Expenses for Attorney

- 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 working on CJA cases
- Service of Process

# Expenses of Service Providers

- Service provider reimbursements for expenses reasonably incurred are claimed on 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
  - Our court requires advance authorization for travel requiring an overnight stay or out of district travel

# 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 service providers or attorneys (attorney must provide a memorandum of justification to the court)
- When ALL service providers total funding is over \$2,500 (AUTH) in non-capital cases
- When ALL service providers total funding is over \$7,500 in capital cases
- Overnight travel

# 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 as:
  - Necessary to provide fair compensation
  - For extended or complex representation
- Complete form CJA 26 in eVoucher

# Case Budgeting

- Judicial Conference policy encourages case budgeting for:
  - Federal capital prosecutions
  - Capital habeas corpus representations
  - Non-capital representations extraordinary in terms of cost (>\$40,000 total)
- Counsel submits a proposed initial budget that includes proposed costs of other services via email to Robert Ranz ([Robert\\_Ranz@ca6.uscourts.gov](mailto:Robert_Ranz@ca6.uscourts.gov) ; phone 513-564-7358)

# Case Budgeting Cont.

- A case budget is required in representations that appear likely to become or have become extraordinary in terms of potential cost. Ordinarily, this is a representation that is anticipated to cost more than \$40,000-\$42,000 or involve more than 300 hours of attorney time
- Proposed budgets shall be filed *ex parte* under seal
- Case budgeting forms are available on the Judiciary's public website [www.uscourts.gov](http://www.uscourts.gov) (Forms CJA28A-CJA 28H)

# Interim Payment Requests

- The presiding judge may approve interim payments for attorneys and service providers
- The interim payment request should include:
  - length of time interim payments will be needed and
  - a justification of need
- Chief circuit judge approval may be required
- A separate voucher must be submitted for each interim payment claim with prior approval/funding requests attached

# Supporting Documentation

- A memorandum justifying:
  - Good cause for submitting voucher 45 days after the termination of appointment (end of case OR substitution of counsel)
    - Interim payments
- Receipt for expenses \$50 and over
- For budgeted cases- motions, court orders, and interim payment authorizations
- Form CJA 26-excess compensation

# Reasons for CJA Voucher Rejection

- Receipt not attached for expenses \$50 or more
- Case disposition code not entered on the final voucher in the public/attorney notes section
- When reviewing court records, DE# not entered
- Service provider invoice attached to CJA 21/31 does not match amount claimed on voucher
- Supporting Documentation not attached to CJA voucher