

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF
CALIFORNIA**



CJA PANEL BILLING INFORMATION

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Information for Attorneys new to the CJA Panel

The CJA Panel Attorney Payment System Voucher Processing Chart on the previous page illustrates the many steps each CJA voucher follows on its journey to funding. Below are a few highlights for your information:

- The Magistrate Judge appoints a CJA Panel Attorney to represent a client. The Court Room Deputy Clerk notifies the attorney of their appointment and prepares CJA Vouchers with case and attorney information.
- Panel members can collect these vouchers from the Public Service Window of the Clerk's Office during normal business hours.
- Once complete, all CJA vouchers are submitted to the CJA Deputy Clerk for processing. The vouchers are audited for mathematical and technical accuracy and then submitted to the presiding judge for approval.
- Once approved by the presiding judge, the voucher is returned to the CJA Deputy Clerk for data input. If required, the voucher is sent to the Ninth Circuit for approval.
- Once approved, the voucher is returned to the CJA Deputy Clerk for data input and for payment approval.
- The voucher receives a final review, and is approved for check disbursement by an approving official. The check is mailed from the U.S. Courts Administrative Office in Washington, D.C.
- A CJA voucher is normally reviewed, approved and paid within 30-60 days of receipt.
- The Southern District of California processes about 1,100 CJA vouchers every month.

The following instructions are provided for efficient processing of CJA vouchers

- Voucher preparation begins with maintaining an accurate time log of all hours worked for a CJA case.
- CJA 20 vouchers must be submitted with supporting documents (time sheets) that break down services by in-court and out-of-court hours per day.
- It is also important to maintain accurate expense records for copies, mileage, postage and other approved expenses.
- Receipts are required for any expense over \$50 and for all travel expenses.
- All CJA 20 vouchers exceeding the statutory maximums must have prior approval of the court or be submitted with a letter explaining the need to exceed the limit. A copy of both the declaration or motion and the signed order associated with the prior approval of the court must be attached to the voucher when it is presented for payment.
- Access to the electronic docket and documents filed in the ECF system is available by registering for a PACER account. No PACER fees are charged to attorneys providing services authorized by the Criminal Justice Act, 18 U.S.C. § 3006A. You may register for a PACER account at <http://pacer.psc.uscourts.gov>.

- CJA case related travel requires prior court approval. A sample order that can be used as a guide is attached for your use. The order must identify the traveler and indicate departure and return dates. Reimbursement for air fare, lodging, meals and incidentals are limited to government contract rates and per diem allowances. For information on per diem rates please visit the GSA website at www.gsa.gov. A Travel Appendix with specific information regarding CJA case related travel can be found on page 12.
- Transcripts requested by counsel for representation of his/her client should be billed on a CJA 24, not as an expense on the CJA 20 voucher.
- Any compensation exceeding the statutory maximums, exclusive of reimbursement for reasonable expenses, is certified by the court and the Ninth Circuit Court of Appeals.
- All CJA 21 vouchers that exceed \$500 must be accompanied by a letter of explanation or motion and order from the court. All vouchers that exceed \$1600 must be approved by the District Court as well as by the Ninth Circuit Court of Appeals and must include an order with a motion or letter of explanation.
- Each attorney is responsible for ensuring the completion and accuracy of their voucher. Audit requirements do not allow the use of "White Out". Corrections should be made by using one line to cross out the error, writing the correct information next to the error and placing your initials next to the correction.
- All vouchers must be submitted to the Clerk's Office within 90 days of the sentencing or dismissal of the case.

These procedures will help ensure that your voucher is processed efficiently the first time it is received. Thank you for your cooperation.

If you have any questions regarding these procedures please contact the CJA clerk at 619-557-5736.

1. What is the current pay rate for CJA attorneys?

The CJA hourly rates are as follows:

DATES	HOURLY RATES
01/01/07 - PRESENT	\$100.00
05/20/07 - 12/31/07	\$94.00
01/01/06 - 05/19-07	\$92.00
05/01/02 - 12/31/05	\$90.00

2. How do I submit claims if service overlaps two pay rate periods?

Please submit two separate vouchers, one for services performed before the rate change, and one for services performed on or after rate change (*example: rate change 05/20/07. If you worked on a case from 01/01/07 - 05/31/07, all work done from 01/01/07-05/19/07 on one voucher and all work done from 05/20/07-05/31/07 on a separate voucher.*)

3.Can I claim mileage? What is the current mileage rate?

Yes. You may claim mileage for travel done for CJA work. Mileage rates are as follows:

DATE	RATE
02/01/07 - PRESENT	\$0.485 PER MILE
01/01/06 - 01/31/07	\$0.445 PER MILE
09/01/05 - 12/31/05	\$0.485 PER MILE
02/04/05 - 08/31/05	\$0.405 PER MILE
01/01/04 - 02/03/05	\$0.375 PER MILE
01/01/03 - 12/31/03	\$0.360 PER MILE

4. What are the current statutory limits? (service providers and or attorneys)

The Statutory Maximums are as follows:

TYPE OF CHARGE (CJA 20)	CURRENT LIMIT
FELONY CHARGE	\$7,000.00
MISDEMEANOR	\$2,000.00
MATERIAL WITNESS/OSC/OTHER	\$1,500.00
EXPERTS (CJA 21/31) ALL CHARGES	
WITHOUT PRIOR APPROVAL	\$500.00
WITH PRIOR APPROVAL	\$1,600.00
9TH CIRCUIT APPROVAL REQUIRED	\$1600.00+

5. What do I need if my voucher exceeds the statutory limits?

If your voucher exceeds the statutory limit you are required to submit a motion and court order authorizing your claim with your voucher. If an order was not approved prior to completing your services you may submit a letter of explanation describing the events that caused you to exceed the limit with your voucher. Should these items not be submitted with your voucher it will be returned to you which will result in a delay of payment.

6. Can I bill for a law student or paralegal working at my firm?

You may hire law clerks or paralegals with the prior approval of the presiding judge. The law clerk or paralegal must submit their own CJA 21 voucher with the order stating the authorized hourly rate. Typical rates for paralegals and/or law clerks range from \$25-\$50 per hour.

7. My voucher and worksheets contain quarter hours (3.25, 6.75 etc). Is this a problem?

Yes. The CJA system does not allow for more than one decimal. Hours should be rounded to the nearest tenth of an hour (3.25 = 3.3hours, 6.75 = 6.8hours etc.).

8. My voucher is over 90 days old, can I still turn it in?

Yes. You may still submit vouchers that are over 90 days old, but they must be accompanied by a letter explaining the delay. The presiding judge determines if payment will be made. Vouchers over the 90 day limit that are submitted without a letter will be returned to you, resulting in a delay of payment. Vouchers over one year old are not accepted per general order 494-A.

9. I need to travel outside the district, can I do it and how do I get paid?

You may travel outside the district, but prior authorization **MUST** be obtained in the form of an order signed by the presiding judge. **The order must include the name of traveler, dates of travel, and destination.** Once approval is received you should call Mickey Ochoa at 619-557-7347 for information regarding government contract agency contacts and charging airfare to the CJA Travel Card. Omega World Travel is authorized to book CJA related Travel at government rates using the CJA Travel Card. When submitting a CJA Voucher with travel expenses, the motion and order obtained authorizing travel **MUST** be attached or your voucher will be returned resulting in a delay of payment.

10. How long does it take to process my voucher?

Most vouchers are paid within 30 to 60 days, but may take longer depending on how long it takes to receive District and Ninth Circuit approval. Ninth Circuit approval tends to add 4 to 6 weeks onto the processing time. Please do not contact the CJA clerk about the status of your voucher unless the voucher was submitted more than 60 days prior.

11. I have a very long case and need to be paid soon, what are my options?

If you have a complex and protracted case, you may request to submit interim bills to the court. ALL interim payments **MUST** have prior court approval and will not be accepted without an order approving interim payments. Please note: Billing the same date on two separate vouchers will cause the CJA Payment System to reject the voucher with overlapping dates (*example: Interim billing #1 from 6/1/06 to 12/31/06 and interim billing #2 from 12/31/06-3/31/07*). To prevent double payments, such vouchers will be returned with a note that the voucher cannot be processed because the dates of service overlap with a previously paid voucher. We ask that you check your records and make appropriate changes before resubmitting.

12. I traveled in the district and handled work for multiple clients on the trip, how should I bill this?

There are two billing options for multiple representations. You may bill all travel to a single client and none to the other clients, or you may divide all travel hours and expenses between clients. An example of divided travel would be as follows: 01/01/07 to El Centro (3 clients) = $240\text{miles}/3 = 80$ miles per client. The 4 hours travel time/ $3 = 1.3\text{hrs}$, 1.3hrs , & 1.4hrs . Note on each voucher that the travel has been divided between multiple clients. Under no circumstances is it acceptable to bill a full trip multiple times. Multiple billings will be removed and reported to the presiding judge(s).

13. There is a different person answering at the CJA desk, do I have the wrong number?

No. The CJA desk phone number does not change, it is 619-557-5736. Duties in the Financial Department of the Clerk's Office are rotated among staff periodically but anyone at the CJA desk has been fully trained or has previously worked at the desk and can answer any question.

VITAL INFO ON CJA 20,21,30 & 31's

CJA Forms 20, 21, 30 and 31 and their official instructions are attached for your use. Although the entire form must be completed, we have highlighted required information in yellow. This information is also listed below. Should these items not be included, vouchers will be returned and may cause payment delays. Accuracy and thoroughness will speed up the processing time for all vouchers.

CJA 20:

BOX 2: Defendant's FULL NAME.

BOX 3 & 4: Magistrate docket number AND criminal docket number.

BOX 7, 8, 9 & 10: Case name, payment category, type of person represented and representation type.

BOX 12: Attorney's name and address (if you receive a voucher from the clerks office with the incorrect address, please correct and notify the CJA Clerk upon submission).

BOX 15-18: Please double check math to prevent errors as they slow down processing time.

BOX 19: Dates of service which match your time sheets.

BOX 22: Claim Status - FINAL, INTERIM or SUPPLEMENTAL. Please check correct box and include the interim number if applicable. Signature of attorney - ALL signatures must be the ORIGINAL signature of the attorney that is stated in box 12. Vouchers with photocopied, missing, or substituted signatures will be returned.

CJA 21

BOX 2: Defendant's FULL NAME.

BOX 3 & 4: Magistrate docket number AND criminal docket number.

BOX 7, 8, 9 & 10: Case name, payment category, type of person represented and representation type.

BOX 12: Attorney's name and address and ORIGINAL SIGNATURE.

BOX 14: Must include type of service. Type 24 (other), requires you list a specific service.

BOX 16: Please double check math to prevent errors as they slow down processing time.

BOX 17: All information MUST be included or voucher will be returned. Signature must be ORIGINAL.

BOX 18: Signature of attorney must match signature in box 12 and must be ORIGINAL.

CJA 30

Follow directions for CJA 20, but also include

BOX 14: Stage of proceeding.

CJA 31

Follow directions for CJA 21, but also include

BOX 14: Stage of Proceeding.

*Please do not fill out the VOUCHER NUMBER BOX at the top right of any vouchers. This box is used for an internal control number that is assigned by the CJA system and not for any other use, such as interim voucher payment numbers, client numbers or hourly rate billed.

MOST FREQUENT VOUCHER PREPARATION ERRORS

These mistakes may result in the return of a voucher, delay in payment and a slow down of processing time for all vouchers.

1. Vouchers submitted 90 days after sentencing without a letter of explanation.
2. Overlapping dates with prior vouchers submitted on the same case.
3. Photocopied or missing signatures.
4. Form not properly filled out.
5. Use of whiteout on any portion of the form.
6. Forms and/or backup documentation not legible.
7. Voucher exceeds the statutory limit without an order or letter of explanation included.
8. Math errors on backup documentation and/or voucher.
9. Travel expenses (box 17) includes more than just mileage, parking, meals and lodging, etc. Please bill charges in appropriate boxes.
10. Voucher does not include both magistrate and district case numbers.
11. Mileage rate errors - see FAQ's mileage rate table. Please include number of miles traveled as well as dates of travel.
12. Missing receipts for expenses over \$50.00.
13. Attorney address on voucher differs from the address in our CJA payment system. Please notify CJA clerk of address changes and be sure to correct all vouchers before submitting them.
14. Hourly rate incorrect, see the FAQs hourly rate table.
15. Submitting interim payments without prior approval from the presiding judge.



CJA FACT SHEET

Attorneys (See Note 1 and 2)
In Court \$100 p/h
Out of Court \$100 p/h

Mail to:

CJA CLERK
US DISTRICT COURT
880 FRONT ST RM 4290
SAN DIEGO CA 92101-8900
Tel: (619) 557-5736
Fax: (619) 702-9970

Experts (See Note 3)
Investigators \$55 p/h
Interpreters \$45 p/h
Psychologist/Psychiatrist \$1,000

Mileage Rates (Auto)

02/01/07 to Present \$0.485 per mile
01/01/06 to 01/31/07 \$0.445 per mile
09/01/05 to 12/31/05 \$0.485 per mile
02/04/05 to 08/31/05 \$0.405 per mile
01/01/04 to 02/03/05 \$0.375 per mile
01/01/03 to 12/31/03 \$0.360 per mile

Current Statutory Maximums (Eff: 12/08/05)

Felony \$7,000
Misdemeanor \$2,000
Material Witness/OSC/Other \$1,500

Old Maximums (Eff: 11/13/00 to 12/07/04)

Felony \$5,200
Misdemeanor \$1,500
Material Witness/OSC/Other \$1,200
Appeal \$3,700

Experts Statutory Maximums (Eff: 12/08/05)

Without Prior Approval \$500
With Prior Approval \$1,600
9th Circuit Approval Required \$1,600+

Mileage Bench Marks (Round Trip)

El Centro Jail 220 miles
Otay Mesa CCA 50 miles
San Bernardino 260 miles

Ninth Circuit Court of Appeals (CJA Questions for 9th Circuit)

ATTN: CJA CLERK
OFFICE OF THE CLERK
US COURT OF APPEALS
125 SOUTH GRAND AVENUE
PASADENA, CA 91105

Our Fax Number: (619) 702-9970

Note: Effective 01/01/08 the rate is \$100 per hour. Effective 05/20/07 the rate is \$94 per hour. Effective 01/01/06 the rate is \$92 per hour. Effective 05/01/02 the rate is \$90 per hour for all representation for all court locations, including Yuma. For period 01/04/01 to 04/30/02, Yuma CJA attorneys were paid p/h \$75.00 In Court and \$55 Out of Court. For period 01/01/00 to 03/31/01, Yuma CJA attorneys were paid \$70 In Court & \$50 Out of Court.

Note 2: CJA Attorneys in Death Penalty cases are paid \$160 p/h (effective 02/01/05). Effective 01/01/06 \$163 per hour. Effective 05/20/07 \$166 per hour.

Note 3: Effective 05/21/03, Investigators and San Diego Interpreters are paid at the new rate, and El Centro interpreters are paid \$45 p/h (effective 01/11/96).

TRAVEL APPENDIX

Traveling for CJA

- Travel within the district is permitted without prior authorization from the court. Only mileage and travel time are billable expenses for in-district travel. The current mileage rate is a national standard set by GSA and is intended to cover gas as well as wear and tear. The current rate of \$0.485 per mile covers 6.2 miles per gallon at a price of \$3.00 per gallon.
- Travel outside the district that requires air travel, an overnight stay or other extraordinary expenses MUST be approved by order of the court. Your order requesting travel must include traveler's name, dates of travel, destination, the defendant represented and the case number. After the Court has authorized travel, you should contact Mickey Ochoa at 619-557-7347 for instructions regarding travel arrangements. The Court uses Omega World Travel to book CJA case related travel arrangements. Omega will charge airline tickets to the CJA Case Related Travel Card. They can also assist with government rate hotel and rental car reservations. Only after the court has authorized travel and you have spoken with Mickey Ochoa or his designate, can you contact Omega World Travel to make the appropriate travel arrangements. The phone number for Omega World Travel is 866-450-0401.
- When traveling under CJA authorization, you are subject to the same limitations and regulations as a government employee. CJA case related travel must be itemized by day and can be reimbursed up to the allowable GSA per diem rate. Current per diem rates may be found at www.gsa.gov for your reference.
- If you are unsure of what may or may not be reimbursed and what documentation you will need to include with your voucher to substantiate your expenses, please contact the CJA Clerk BEFORE you travel. Keep all receipts. Tracking down necessary receipts after travel has been completed is sometimes difficult, almost always time consuming, and in some cases impossible.

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SAMPLE TRAVEL ORDER

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,

vs.
DEFENDANT'S NAME,

Plaintiff,

Defendant.

CASE NO. XX-CR-XXXX
ORDER AUTHORIZING
COUNSEL'S TRAVEL

GOOD CAUSE APPEARING, it is hereby authorized and ordered that counsel (attorney) may utilize Criminal Justice Act funds to travel at the government rate from (city, state) to (city, state) on 00/00/00 and returning on 00/00/00 for the purpose of XXXXX

Lodging, meals and incidental expenses up to the per diem rate as published by GSA are authorized during these dates.

IT IS SO ORDERED

Dated: _____

Hon. XXXXXXXXX
United States District Judge

Contact Information

CJA Clerk - 619-557-5736

**Financial Supervisor:
Mickey Ochoa - 619-557-7347**

**United States District Court
Southern District of California
Clerk's Office - Main Number - 619-557-5600**

**Office of Defender Services
Duty Day Attorney - 202-502-3030**

Omega World Travel - 866-450-0401

**Guidelines for the Administration of the Criminal
Justice Act and Related Statutes -
<http://www.uscourts.gov/defenderservices/>**

CJA FORMS APPENDIX

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 (Case Name)		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 (See Instructions)				
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 (First Name, M.I., Last Name, including any suffix), 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 (See Instructions) _____ 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 (Only provide per instructions)						
CLAIM FOR SERVICES AND EXPENSES			FOR COURT USE ONLY			
CATEGORIES (Attach itemization of services with dates)		HOURS CLAIMED	TOTAL AMOUNT CLAIMED	MATH/TECH. ADJUSTED HOURS	MATH/TECH. ADJUSTED AMOUNT	ADDITIONAL REVIEW
15. 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 (Specify on additional sheets)		0.00		0.00	
	(RATE PER HOUR = \$ _____) TOTALS:		0.00	0.00	0.00	0.00
16. 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 (Specify on additional sheets)		0.00		0.00	
(RATE PER HOUR = \$ _____) TOTALS:		0.00	0.00	0.00	0.00	
17. Travel Expenses (lodging, parking, meals, mileage, etc.)						
18. Other Expenses (other than expert, transcripts, etc.)						
GRAND TOTALS (CLAIMED AND ADJUSTED):			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 (compensation or anything of value) 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		

J-Net

Printer Friendly

[Back to Graphical Site](#)**INSTRUCTIONS FOR CJA FORM 20****APPOINTMENT AND AUTHORITY TO PAY COURT-APPOINTED COUNSEL**

Read these instructions carefully before completing the form. Accuracy and thoroughness will aid in the prompt payment of the claim. If possible, use a typewriter to complete the form; otherwise, write legibly with a ball point pen (preferably black or dark blue ink). If the form is system generated, Items 1 through 12 and 14 will be preprinted on the form. Attach an itemized statement of the services provided and expenses incurred. Give the date and the number of hours claimed for each service provided. Provide dates for and a description of the expenses incurred. For additional guidance, see the *Guidelines for the Administration of the Criminal Justice Act and Related Statutes (CJA Guidelines)*, Volume VII, *Guide to Judiciary Policies and Procedures*, which is available for reference in the Clerk's office.

Appointed counsel may obtain investigative, expert, and other services necessary for adequate representation in accordance with the procedures set forth in subsection(e) of the Criminal Justice Act (CJA), 18 U.S.C. §3006A. Prior authorization from the presiding judicial officer is required for all such services where the cost, excluding expenses, will exceed \$500. Failure to obtain prior authorization will result in the disallowance of any amount claimed for compensation in excess of \$500, unless the presiding judicial officer, in the interest of justice, finds that timely procurement of necessary services could not await prior authorization. Payment for these services should be claimed directly by the service provider on a CJA Form 21, "Authorization and Voucher for Expert and Other Services."

Vouchers shall be submitted no later than 45 days after the final disposition of the case, unless good cause is shown (Paragraph 2.21A, *cja guidelines*). All payments made pursuant to this claim are subject to post-audit; contemporaneous time and attendance records as well as expense records must be maintained for three years after approval of the final voucher (paragraph 2.32, *cja guidelines*). Any overpayments are subject to collection, including deduction of amounts due from future vouchers

- Item 1.** **CIR./DIST./DIV. CODE:** This four-character location code is the circuit or district, and divisional office codes of the court where the proceedings for the person represented are held.
- Item 2.** **PERSON REPRESENTED:** Give the full name of the person whom you were appointed to represent.
- Items 3-6.** **DOCKET NUMBERS:** Provide the case file or miscellaneous number assigned by the court. Enter the number using the last two digits of the calendar year (YY), the sequential number assigned by the court (NNNNNN), and the defendant number (DDD) as shown on the indictment or charging document. Thus, the format of the docket number is YY-NNNNNN-DDD. **Note:** If two or more cases are heard or tried together for the person represented, complete a separate voucher for each case in which representation is provided (i.e., for each docket number listed). Prorate the total time among the cases. On supporting documentation, cross reference all related claims for which costs are prorated.
- Item 7.** **IN CASE/MATTER OF (CASE NAME):** In criminal cases, enter *U.S. vs. Defendant's Name*. If it is a multiple defendant case, give the case cite as provided on the indictment or information (e.g., *U. S. vs. Lead Defendant's Name, et al*). If the person represented is not a defendant (e.g., material witness), enter the first named defendant in the court's recording of the case. If this is a civil case (e.g., habeas corpus), enter the *Name of the Petitioner vs. the Name of the Respondent* and include the respondent's title. If other than a civil or criminal case (i.e., miscellaneous matters), enter "*In the Matter of*" followed by the *Name of the Person Represented*.
- Item 8.** **PAYMENT CATEGORY:** Check the appropriate box that establishes the

statutory threshold for representation in this case type. If "Other" payment category is checked, specify the category within the scope of the CJA. See paragraph 2.22 B(2) of the *CJA Guidelines*.

Item 9. TYPE PERSON REPRESENTED: Check the box that defines the legal status of the person represented.

Item 10. REPRESENTATION TYPE: From the list below, select the code that describes the type of representation:

CC A defendant charged in a criminal case with an offense(s) that is a felony, misdemeanor, or petty offense under the United States Code, or an assimilated crime under a state code including ancillary matters.

NT A new trial either directed from the court of appeals on remand or as a result of a mistrial

MA Motion attacking a sentence (28 U.S.C. § 2255)

MC Motion to correct or reduce sentence (Fed. R. Crim. P. 35)

HC Habeas corpus, non-capital (28 U.S.C. § 2254)

BP Bail Presentment

WI Material Witness (in custody)

VW Witnesses (Grand Jury, a Court, the Congress, a Federal Agency, etc.)

PR Probation Revocation

PA Parole Revocation

SR Supervised Release Hearing

EW Extraordinary Writs (Prohibition, Mandamus)

CH Mental Competency Hearings (see Chapter 313 of Title 18 U.S. Code)

PT Pretrial Diversion

EX Extradition Cases (Foreign)

OT Other types (e.g., line ups, consultations, prisoner transfer, etc.)

TD Appeal of a Trial Disposition

CA Other Types of Appeals

AP Appeal From Magistrate's Decision

CF Civil Asset Forfeiture

AF Appeal of Civil Asset Forfeiture

FOR DEATH PENALTY CASES, USE THE CJA FORM 30 AND APPLICABLE TYPE OF REPRESENTATION CODES

Item 11. OFFENSE(S) CHARGED: Cite the U.S. Code, with title and section, or other code citation of the offense or offenses (list up to five) with which the person represented is charged. If other than a federal code is cited, state the statutory maximum period of confinement authorized for the offense. If a civil matter, such as a habeas corpus representation or a motion attacking sentence, cite 28 U.S.C. § 2254 or 28 U.S.C. § 2255, respectively. For direct appeals from a case disposition, cite the major offense (U.S. Code, title and section) for which the defendant was convicted.

Items 12/14 ATTORNEY'S NAME AND MAILING ADDRESS and NAME AND MAILING ADDRESS OF LAW FIRM: Complete Item 12 with the legal name and address of the attorney appointed to represent the person whose name is shown in Item 2. If prior to your appointment for representation, you had a pre-existing agreement with a law firm or corporation, including a professional corporation, indicating that CJA earnings belong to the law firm or corporation, rather than to the court-appointed attorney/payee, provide the name and mailing address of that law firm or corporation in Item 14. This information will allow earnings to be reported to the Internal Revenue Service (IRS) on a 1099 Statement as earnings of the law firm or corporation and not as the earnings of the attorney appointed. (Note: Information about a pre-existing agreement, including the Taxpayer

Identification Number (TIN) of the law firm or corporation, should be provided to the court staff when the attorney is admitted to the panel or at initial appointment to a case.)

Item 13. COURT ORDER: Check the box that describes the type of counsel appointed. If appointed as a substitute counsel, give the name of the previous counsel and the appointment date. If appointed as a "Standby Counsel," check "Other" and attach a court order establishing this type of appointment in accordance with paragraph 2.17 of the *CJA Guidelines*. Also check "Other" if counsel is appointed pursuant to 28 U.S.C. § 1875(d)(1) to protect a juror's employment rights, and attach the court order appointing counsel for this purpose. The remaining portion of this item will be completed by the clerk of court or other court-designated person. The presiding judicial officer or clerk of court must sign and date this court order to validate the appointment. If services were provided prior to court appointment, the presiding judicial officer may wish to ratify the previous service by indicating a "nunc pro tunc" date that covers the services prior to appointment. No other court order is necessary. Indicate whether the court orders full or partial repayment of the cost for representation from the person represented at the time of appointment by checking "Yes" or "No."

Item 15. IN-COURT SERVICES: Enter the total number of hours claimed (in hours and tenths of an hour) for each applicable in-court service category. To support the totals entered in each category, attach to the voucher an itemization of services, by date, and indicate the number of hours for each service. Enter the total in-court hours where required on the form, and multiply the total number of in-court hours claimed by the hourly rate in effect for the place of holding court in which the representation is provided or the attorney maintains his or her principal office. If the case is an appeal to the court of appeals, enter the higher of the rates per hour in effect for the place of holding court in which the attorney maintains his or her principal office or the place of holding court out of which the case arose. Enter the total amount claimed in the appropriate box on the form.

Item 16. OUT-OF-COURT SERVICES: Complete according to the instructions above for in-court time, using the applicable out-of-court hourly rate of compensation.

NOTE: The "FOR COURT USE ONLY" column will reflect any mathematical or technical adjustments to the claim during the judicial approval process or changes during a required additional review of the chief judge of the court of appeals (or delegate).

Item 17. TRAVEL EXPENSES: Travel related expenses that are incidental to the representation (e.g., transportation, lodging, meals, car rental, parking, bridge, road and tunnel tolls, etc.) must be itemized on a separate sheet, indicating dates the expense was incurred. Attach supporting documentation (receipts, canceled checks, etc.) for all travel expenses. Travel expenses by privately owned automobile, motorcycle, or aircraft should be claimed at the rate in effect for federal employees at the time of travel. For overnight travel, reasonable expenses for lodging and meals will be reimbursed on an actual expense basis; per diem is not allowed. Counsel should be guided by prevailing limitations for travel and subsistence expenses of federal employees. The clerk of court can advise you of applicable rates and federal government travel regulations.

Item 18.

OTHER EXPENSES: Itemize all reimbursable out-of-pocket expenses incidental to representation. Provide dates and a brief description of the expense. Enter the total claimed where required on the form. Submit supporting documentation (receipts, canceled checks, etc.) for single item expenses in excess of \$50. Reimbursable expenses may include, in some circumstances, payments to law students or law clerks for legal research and assistance and the cost of computer assisted legal research (CALR) when conducted by counsel. See paragraphs 2.27 B and 3.15 of the *CJA Guidelines* for an explanation. The following are not reimbursable expenses, and should not be claimed:

1. General office overhead, such as rent, telephone services, and secretarial services.
2. Expenses for items of a personal nature for the client (e.g., clothes, haircuts).
3. The cost of printing briefs. However, the cost of photocopying or similar copying service is reimbursable.
4. Fact witness fees, witness travel costs, and expenses for service of subpoenas. These expenses are not paid out of the CJA appropriation, but instead are paid by the Department of Justice pursuant to Fed. R. Crim. P. 17, and 28 U.S.C. § 1825. Contact the United States Marshal for payment procedures. See paragraph 3.13 of the *CJA Guidelines* for guidance on payment of witness fees generally.
5. Filing fees. These fees are waived for persons proceeding under the CJA.
6. The cost of allowable investigative, expert, or other services. (See Chapter III of the *CJA Guidelines*). Such services should be requested using a CJA Form 21.
7. Compensation taxes. Taxes paid on attorney compensation, whether based on income, sales or gross receipts are not reimbursable expenses.

Totals. Enter the Grand Totals where required by adding "in-court" and "out-of-court" totals, "travel" and "other expenses."

- Item 19. CERTIFICATION OF ATTORNEY/PAYEE FOR PERIOD OF SERVICE:** The person appointed by the court must certify dates of service for the representation. Indicate, where required, the date range for the services claimed on the voucher.
- Item 20. APPOINTMENT TERMINATION DATE, IF OTHER THAN CASE COMPLETION:** If the appointment is discontinued by order of the court (i.e., substitute counsel or reasons other than disposition of the defendant's case, such as fugitive defendant, appointment of federal defender, or retention of counsel by a defendant), give the effective date for termination of appointment.
- Item 21. CASE DISPOSITION:** Indicate case disposition for the person represented (e.g., dismissed, convicted/final plea guilty, probation revoked, other, etc.). Select a code from the table below.

	Type of Disposition	Code
District Court Criminal and Other Proceedings	Dismissed	1
	Acquitted by court, or government motion for judgment of acquittal granted	2
	Acquitted by jury	3
	Convicted/final plea guilty	4
	Convicted/final plea nolo	5
	Convicted/court trial	8
	Convicted/jury trial	9
	Mistrial	C
	Not Guilty/insane/court trial	E
	Guilty/insane/court trial	F

	Not guilty/insane/jury trial	G
	Guilty/insane/jury trial	H
	Other (PTD matters, other reps. Transfers)	X
Appeals	Affirmed	A
	Reversed	R
	Remanded	0
	Reversed in Part/Affirmed in Part	RA
	Affirmed in Part/Reversed in Part	AR
	Dismissed	1
Probation/Parole/	Revoked	RV
Supervised Release	Restored	RS
Habeas/Petitions/Writs	Granted	GR
	Denied	DE

Item 22. CLAIM STATUS: Indicate, by checking the appropriate box, whether the voucher is (1) the final payment for the services, (2) an interim payment, or (3) a supplemental payment (an additional claim submitted after a final payment is made). If an interim payment, indicate the interim payment number. Complete the remaining portion of Item 22, and sign and date the affirmation statement before submitting the claim for court approval.

Items 23-28a. APPROVED FOR PAYMENT: The presiding judicial officer will indicate the amount approved for payment in each category (Items 23 - 26). These amounts will reflect any mathematical and technical adjustments to your claim. The **"TOTAL AMOUNT APPROVED/CERTIFIED"** for payment equals the amount approved in the major categories, less any amounts withheld for an interim payment.

SIGNATURE OF THE PRESIDING JUDICIAL OFFICER: If the total amount approved for payment (both in-court and out-of-court), not including expenses, is less than or equal to the statutory limitation, the claim will be processed for payment. The presiding judicial officer will sign and date the voucher indicating approval of the amount to be paid in Item 27. If compensation exceeds the statutory threshold for the representation, submit a detailed memorandum, supporting and justifying that the representation was provided in a complex or extended case and that the claim for the excess amount is necessary to provide fair compensation. Upon preliminary approval of the claim, the presiding judicial officer will (1) signify approval by circling the word "cert" (for word certified) in Item 27 and (2) forward the voucher to the chief judge of the court of appeals (or delegate) for approval of the excess amount. The **JUDGE CODE** will be provided by the court staff.

Item 29-33. APPROVED FOR PAYMENT: For payments in excess of the statutory limitation, the chief judge for the court of appeals (or delegate) will indicate the amount approved for payment in Items 29 - 32. This amount will reflect any adjustments in your claim resulting from additional technical or mathematical review by the chief judge (or delegate). The chief judge of the court of appeals (or delegate) will indicate the **TOTAL AMOUNT APPROVED** for payment of the claim, less any amounts withheld for an interim payment in Item 33.

Item 34. SIGNATURE OF CHIEF JUDGE, COURT OF APPEALS (OR DELEGATE): Before the claim is paid for the excess amount, the chief judge of the appeals court (or delegate) must sign and date Item 34, approving payment for compensation that exceeds the statutory threshold. If approval is not granted, compensation will be limited to the statutory maximum for the representation and expenses as approved. The **JUDGE CODE** will be provided by the court staff.

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AUTHORIZATION AND VOUCHER FOR EXPERT AND OTHER SERVICES**

Read these instructions carefully before completing the form. Accuracy and thoroughness will aid in the prompt payment of the claim. Use a typewriter if possible to complete the form; otherwise, write legibly with a ball point pen (preferably black or dark blue ink). If the form is system generated, Items 1 through 10 and 14 will be preprinted on the form. Attach an itemized statement of the services provided and expenses incurred. Give the date and the number of hours claimed for each service provided. Provide the dates for, and a description of expenses incurred. For additional guidance, see the *Guidelines for the Administration of the Criminal Justice Act and Related Statutes (CJA Guidelines)*, Volume VII, *Guide to Judiciary Policies and Procedures*, which is available for reference in the Clerk's Office.

All payments made pursuant to this claim are subject to post-audit. any overpayments are subject to collection, including deduction of amounts due from future vouchers.

Refer to 18 U.S.C. § 3006A(e)(1) and the CJA Guidelines on making Ex Parte applications for services other than counsel.

NOTE: Prior authorization from the presiding judicial officer should be obtained for all investigative, expert, or other services where the cost (excluding reimbursement for reasonable expenses) will exceed \$500. Failure to obtain prior authorization will result in the disallowance of any amount claimed for compensation in excess of \$500, unless the presiding judicial officer, finds that, in the interest of justice, timely procurement of necessary services could not await prior authorization.

Compensation may not exceed \$1,600, excluding reasonable expenses, unless the excess amount is certified by the presiding judicial officer as necessary to provide fair compensation for services of an unusual character or duration, and the amount exceeding the statutory limit is approved by the chief judge of the court of appeals (or active appeals court judge to whom the chief judge has delegated excess compensation authority).

If prior authorization is obtained for investigative, expert or other services and later it is determined that the cost of the service will exceed the initial estimate by a significant amount, you should seek, from the presiding judicial officer, further prior authorization for the additional amount.

- Item 1. CIR./DIST./DIV. CODE:** This four-character location code is the circuit or district and divisional office codes of the court where the proceedings for the person represented are held.
- Item 2. PERSON REPRESENTED:** Give the full name of the person whom you were appointed to represent.
- Items 3-6. DOCKET NUMBERS:** Provide the case number or miscellaneous number assigned by the court. Enter the number using the last two digits of the calendar year (YY), the sequential number assigned by the court (NNNNNN), and the defendant number (DDD), as shown on the indictment or charging document. Thus, the format of the docket number is YY-NNNNNN-DDD. **Note:** If two or more cases are heard or tried together for the person represented, complete a separate voucher for each case in which services are provided (i.e., docket number listed). Prorate the total time among the cases. On the supporting documentation, cross reference all related claims for which costs are prorated.

- Item 7. IN CASE/MATTER OF (CASE NAME):** In criminal cases, enter *U.S. vs. Defendant's Name*. If it is a multiple defendant case, give the case cite as provided on the indictment or information (e.g., *U. S. vs. Lead Defendant's Name, et al*). If the person represented is not a defendant (e.g., material witness), enter the first named defendant in the court's recording of the case. If this is a civil case (e.g., habeas corpus), enter the *Name of the Petitioner vs. the Name of the Respondent* and include the respondent's title. If other than a criminal or civil case (i.e., miscellaneous matters), enter "*In the matter of*" followed by the "*Name of the Person Represented*."
- Item 8. PAYMENT CATEGORY:** Check the appropriate box that identifies the offense class for the representation in which the expert or other services are requested. If "Other" payment category is checked, specify the category within the scope of the CJA.
- Item 9. TYPE PERSON REPRESENTED:** Check the box that defines the legal status of the person represented.
- Item 10. REPRESENTATION TYPE:** From the list below, select the code that describes the type of representation:

CC A defendant charged in a criminal case with an offense(s) that is a felony, misdemeanor, or petty offense under the U.S. Code, or an assimilated crime under a state code.

NT A new trial either directed from the court of appeals on remand or as a result of a mistrial

MA Motion attacking a sentence (28 U.S.C. § 2255)

MC Motion to correct or reduce sentence (Fed. R. Crim. P. 35)

HC Habeas Corpus, non-capital (28 U.S.C. § 2254)

BP Bail Presentment

WI Material Witness (in custody)

WW Witnesses (Grand Jury, a Court, the Congress, a Federal Agency, etc.)

PR Probation Revocation

PA Parole Revocation

SR Supervised Release Hearing

EW Extraordinary Writs (Prohibition, Mandamus)

CH Mental Competency Hearings (See Chapter 313 of Title 18 U.S.Code)

PT Pretrial Diversion

EX Extradition Cases (Foreign)

OT Other types (e.g., line ups, consultations, prisoner transfer, etc.)

TD Appeal of a trial disposition

CA Other Types of Appeals

AP Appeal From a Magistrate Case to District Court

FOR DEATH PENALTY CASES, USE THE CJA FORM 31 AND THE APPLICABLE TYPE OF REPRESENTATION CODE.

- Item 11. OFFENSE(S) CHARGED:** Cite the U. S. Code, title and section, or other code citation of the offense or offenses (list up to five) with which the person represented is charged. If other than a federal code is cited, state the maximum period of confinement authorized for the offense. If a civil matter, such as a habeas corpus representation or a motion attacking sentence, cite 28 U.S.C. § 2254 or 28 U.S.C. § 2255, respectively. For direct appeals from a trial disposition, cite the major offense (U.S. Code, title and section) at case disposition.
- Item 12. ATTORNEY'S STATEMENT, NAME AND MAILING ADDRESS:** Check the appropriate box to indicate whether the request is for authorization to obtain services, or approval of services already provided. (Note that prior authorization is required for compensation of all services in excess of \$500.) Indicate the

estimated cost of the services requested. Note the basis for compensation (e.g., hourly rates, daily rates, fixed fee, etc.). This statement must be signed and dated by counsel for the person represented (or by the person proceeding *pro se*). Check the appropriate box to designate attorney status as a panel attorney, retained attorney, attorney for a legal organization (bar association, legal aid agency, or community defender organization not receiving a periodic sustaining grant under the CJA), or as a person who qualifies for representation under the CJA but has chosen to proceed *pro se*.

Give the complete legal name of the attorney appointed to represent the person whose name is shown in Item 2. Provide the mailing address and telephone number of the attorney.

Item 13.

DESCRIPTION OF AND JUSTIFICATION FOR SERVICES: Briefly, describe the nature of the services requested and the reason services are necessary to provide adequate representation.

Procedures for Requesting Psychiatric and Psychological Services.

If this is a request for an examination by a psychiatrist or psychologist, state specifically the purpose of the examination. If the examination is ordered pursuant to a statute, cite the statute (U.S. Code, title and section).

The payment procedures for psychiatric and psychological examinations are outlined below. For further information, refer to paragraph 3.11 of the *CJA Guidelines*.

1. If this is a court-ordered examination to determine, exclusively, the mental condition as set forth in 18 U.S.C. §§ 4241-4246, DO NOT USE THIS FORM, regardless of who requested the examination. Examinations conducted pursuant to these statutes are considered "non-defense" purpose examinations. The costs are paid by the Department of Justice, and claims for these examinations should be submitted to the U.S. Attorney.
2. If this is an examination exclusively for a "defense" purpose (where the person represented selects the expert and controls disclosure of the report), USE THIS FORM. The court order executed in Item 15 is sufficient for this purpose.
3. If this is a dual purpose examination for a "non-defense" and a "defense" purpose, USE THIS FORM. For the convenience of the expert, the Administrative Office will pay the expert the total amount approved and obtain reimbursement from the Department of Justice for one-half of the total amount approved. In order for the Administrative Office to obtain this reimbursement, a separate court order authorizing the examination must be attached to the voucher when it is submitted for payment. This order should indicate (1) who requested the examination, (2) the specific purpose(s) of the examination, (3) to whom the report of the examination is directed, and (4) to whom copies of the report are to be given. This separate order is in addition to the court order at Item 15, which also must be signed and dated by the presiding judicial officer.
4. If this is a dual purpose examination for two "non-defense" purposes (e.g., evaluation of competency to stand trial under 18 U.S.C. § 4241 and evaluation of sanity at the time of the offense under 18 U.S.C. § 4242), DO NOT USE THIS FORM. Submit the entire claim to the U. S. Attorney for payment.

Item 14. TYPE OF SERVICE PROVIDER: Check the box which identifies the type of service provider requested. If you check the box "Other," be sure to specify the type of service or service provider. If computer assisted legal

research (CALR) is checked, refer to paragraph 3.15 of the *CJA Guidelines* for an explanation of the criteria and procedures for approval of CALR as a necessary service under the CJA.

Item 15. COURT ORDER: This court order must be signed and dated by the presiding judicial officer. An additional court order is not necessary except for certain psychiatric and psychological examinations as explained in the instructions for Item 13, or to authorize payment for services exceeding \$500 when prior authorization was not obtained (see Item 23). Indicate whether full or partial repayment of the cost for these services was ordered by the court from the person represented by checking "Yes" or "No."

Item 16. CLAIM FOR SERVICES AND EXPENSES:

COMPENSATION (16a): Enter the total amount claimed for professional services rendered. On an attachment to the voucher, describe in detail the services provided, including dates of service and the amount of time spent (in hours and tenths of hours). State the basis for the fee claimed (e.g., hourly rate, daily rate, fixed fee).

TRAVEL EXPENSES (16b): Travel related expenses that are incidental to the representation (e.g., transportation, lodging, meals, car rental, parking, bridge, road and tunnel tolls, etc.) must be itemized on a separate sheet, indicating dates the expense was incurred. Attach supporting documentation (receipts, canceled checks, etc.) for all travel expenses. Travel expenses by privately owned automobile, motorcycle, or aircraft should be claimed at the rate in effect for federal employees at the time of travel. For overnight travel, reasonable expenses for lodging and meals will be reimbursed on an actual expense basis; per diem is not allowed. Service providers are limited to the travel and subsistence expenses of federal employees. The clerk of court can advise you of applicable rates and federal government travel regulations.

OTHER EXPENSES (Item 16c): Itemize all reimbursable out-of-pocket expenses incidental to the services provided. Provide dates and a brief description of the expense. Submit supporting documentation (receipts, canceled checks, paid invoice, etc.) for single item expenses of \$50 or more. Do not include general office overhead (e.g., rent, telephone services, secretarial services) as reimbursable expenses.

The columns provided "**FOR COURT USE ONLY**" will reflect any mathematical or technical adjustments to the claim during judicial approval or required additional review of the chief judge of the court of appeals (or delegate).

Item 17. PAYEE'S NAME AND MAILING ADDRESS, TAXPAYER IDENTIFICATION NUMBER (TIN), CLAIMANT'S CERTIFICATION AND CLAIM STATUS: Provide the complete name and address of the payee (claimant). The claimant must certify dates covered in the claim for payment by indicating the date range for services rendered. Check the box to indicate the status of the claim as: (1) final payment for the services, (2) an interim payment, or (3) a supplemental payment (an additional claim submitted after a the final payment). If this is an interim payment, indicate the interim payment number. The claimant or payee must sign and date the payment certification statement prior to submitting the claim to the attorney for certification that services were rendered and received. Provide the Taxpayer Identification Number (TIN) to report these earnings to the IRS.

Item 18. CERTIFICATION OF ATTORNEY: This section must be completed by the attorney appointed to provide representation, a retained attorney whose client is unable to afford the cost of service requested, or by a person proceeding *pro se* under the CJA.

Items 19-22. APPROVED FOR PAYMENT: The court will review, for reasonableness and compliance with the *CJA Guidelines*, every claim for compensation of services

rendered and any claim for reimbursement of expenses incurred. The presiding judicial officer will indicate the amount approved for payment in each of the payment categories (Items 19-21). These amounts will reflect any mathematical or technical adjustments made to the claim.

The "**TOTAL AMOUNT APPROVED/CERTIFIED**" (Item 22) is the amount approved for payment of the claim, less any amounts to be withheld in accordance with an interim payment order. Upon preliminary approval of a claim for more than the \$1,600 statutory threshold, not including expenses, the presiding judicial officer will (1) signify approval by circling the word "cert" (for word certified) and indicate the amount approved in Item 22, and (2) forward the claim to the chief judge of the court of appeals (or delegate) for additional review and approval of the excess amount.

Item 23. SIGNATURE OF THE PRESIDING JUDICIAL OFFICER: The presiding judicial officer must check the appropriate box to indicate (1) either the cost, excluding expenses, does not exceed \$500, or prior authorization was obtained, or (2) approval of cost, excluding expenses, exceeding \$500 when prior authorization was not obtained but in the interest of justice the court finds that timely procurement of these services could not await prior authorization. The presiding judicial officer must sign and date Item 23, indicating approval/certification of the amount indicated in Item 22. The court will provide the judge code.

If the amount approved for compensation, excluding expenses, is less than or equal to the \$1,600 statutory limitation, the claim will be forwarded for payment processing.

Items 24-27. APPROVED FOR PAYMENT: If the chief judge (or delegate) approves the excess compensation, the judge will indicate the amounts approved in each of the payment categories, Items 24-26, and the total amount approved for payment in Item 27.

Item 28. SIGNATURE OF CHIEF JUDGE, COURT OF APPEALS (OR DELEGATE): Before a claim is paid for the excess amount certified, the chief judge of the appeals court (or delegate) must sign and date Item 28, approving payment for compensation that exceeds the statutory threshold. If approval is not granted, compensation will be limited to the statutory maximum for the representation and expenses approved. The **JUDGE CODE** will be provided by court staff.

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DEATH PENALTY PROCEEDINGS
APPOINTMENT OF AND AUTHORITY TO PAY COURT-APPOINTED COUNSEL**

The CJA Form 30 should be used for all death eligible cases, regardless of whether the death penalty is authorized, not-authorized, or de-authorized.

Read these instructions carefully before completing the form. Accuracy and thoroughness will aid in the prompt payment of the claim. If possible, use a typewriter to complete the form; otherwise, write legibly with a ball point pen (preferably black or dark blue ink). If the form is generated from the automated system, Items 1-11 and 13 will be preprinted on the form. Attach an itemized statement of the services provided and expenses incurred. Give the date and the number of hours claimed for each service provided. Provide dates for, a description of, and the purpose for any expenses incurred. For additional guidance, refer to the *Guidelines for the Administration of the Criminal Justice Act and Related Statutes (CJA Guidelines)*, Volume VII, *Guide to Judiciary Policies and Procedures*, which is available for reference in the Clerk's Office.

Appointed counsel may obtain investigative, expert, and other services necessary for adequate representation in accordance with the procedures set forth in subsection (e) of the Criminal Justice Act (as amended), codified in part at 18 U.S.C. §3006A (CJA) and subsection (q)(9) and (10)(B) of the Anti Drug Abuse Act, 21 U.S.C. § 848. Prior authorization from the presiding judicial officer is required for all such services where the cost, excluding reimbursable out-of-pocket expenses, will exceed \$500. Failure to obtain prior authorization will result in the disallowance of any amount claimed unless the presiding judicial officer, in the interest of justice, finds that timely procurement of necessary services could not await prior authorization. Payment for these services should be claimed directly by the service provider on the CJA Form 31.

Vouchers shall be submitted no later than 45 days after the final disposition of the case, unless good cause is shown (paragraph 2.21A, *cja guidelines*). All payments made pursuant to this claim are subject to post-audit; contemporaneous time and attendance records, as well as expense records must be maintained for three years after approval of the final voucher (paragraph 2.32, *cja guidelines*). any overpayments are subject to collection, including deduction of amounts due from future vouchers.

- Item 1. CIR./DIST./DIV. CODE:** This four-character location code is the circuit or district, and divisional office codes for the court where the proceedings whom the person represented are held.
- Item 2. PERSON REPRESENTED:** Give the full name of the person whom you were appointed to represent.
- Items 3-6. DOCKET NUMBERS:** Provide the case number assigned by the court. Enter the number using the last two digits of the calendar year (YY), the sequential number assigned by the court (NNNNNN), and the defendant number (DDD), as shown in the indictment or charging document. Thus, the format of the docket number is YY-NNNNNN-DDD. **Note:** If two or more cases are heard or tried together for the person represented, complete a separate voucher for each case in which representation is provided (i.e., for each docket number listed). Prorate the total time among the cases. On the supporting documentation, cross reference the voucher number of all related claims for which costs are prorated.
- Item 7. IN CASE/MATTER OF (CASE NAME):** In criminal cases, enter *U.S. vs. Defendant's Name*. If it is a multiple defendant case, give the case cite as

provided on the indictment (e.g., *U.S. vs. Lead Defendant's Name, et al*). If this is a habeas corpus proceeding, enter the *Name of the Petitioner vs. the Name of the Respondent* and include the respondent's title.

Item 8. TYPE PERSON REPRESENTED: Check the box that defines the legal status of the person represented.

Item 9. REPRESENTATION TYPE: Check one of the following types of representations:

- D1 Habeas corpus (capital) petition pursuant to 28 U.S.C. § 2254, seeking to vacate or set aside a state death sentence and Appeals;
- D2 Federal capital prosecution, either trial or direct appeal;
- D3 Habeas corpus (capital) petition pursuant to 28 U.S.C. § 2255 seeking to vacate or set aside a federal death sentence and appeals; or
- D4 Death penalty prosecution in federal court under a state statute or any authority other than the United States Code, and appeals.

Item 10. OFFENSE(S) CHARGED: If the case is a capital prosecution in federal court, cite the U. S. Code, title and section, or other code citation of all charges up to five. List all death-eligible charges first. If the case is a direct appeal of a federal prosecution, list all offenses for which the defendant was convicted.

Item 11/13 ATTORNEY'S NAME AND MAILING ADDRESS AND NAME AND MAILING ADDRESS OF LAW FIRM: Complete Item 11 with the legal name and address of the attorney appointed to represent the person whose name is shown in Item 2. If prior to your appointment for representation, you had a pre-existing agreement with a law firm or corporation, including a professional corporation, indicating that CJA earnings belong to the law firm or corporation, rather than to the court-appointed attorney/payee, provide the Name and Mailing address of that law firm or corporation in Item 13. This information will allow earnings to be reported to the Internal Revenue (IRS) on a 1099 Statement as earnings of the law firm or corporation and not as the earnings of the attorney appointed. (*Note: Information about a pre-existing agreement, including the Taxpayer Identification Number (TIN) of the law firm or corporation, should be provided to the court staff when the attorney is admitted to the panel or at initial appointment to a case.*)

Item 12. COURT ORDER: Check the box that describes the type of counsel appointed. If appointed as a substitute counsel, give the name of the previous counsel and the appointment date. If appointed as a "Standby Counsel," attach the court order establishing this type of appointment in accordance with paragraph 2.17 of the *CJA Guidelines*. Specific qualifications are required for all counsel appointed to provide representation in death penalty cases. See 21 U.S.C. § 848 (q)(5)- (7) and 18 U.S.C. § 3005. The remaining portion of the Item will be completed by the clerk of court or other court-designated person.

If the court approves interim payments because of the conditions stated in Box "D," the court should check this box. The presiding judicial officer or clerk of court must sign and date this court order to validate the appointment. Check statement "E," if full or partial repayment was ordered by the court from the person represented at the time of the appointment. If services were provided prior to court appointment, the presiding judicial officer can ratify the previous service by indicating a "nunc pro tunc" date that covers the services prior to appointment. No other court order is necessary.

Item 14. STAGE OF PROCEEDING: Check the box that corresponds to the stage of proceeding for services claimed in Item 15 even if it is anticipated that the work will be used in connection with a later stage of the proceeding. CHECK ONLY ONE BOX. Submit a separate voucher for each stage of proceeding. **NOTE:** The stage noted as "Other" under "Other Proceeding" should be used only for a petition for presidential pardon or clemency, or other proceeding that cannot fit within the other described categories.

Item 15. CLAIM FOR SERVICES--CATEGORIES FOR HOURS AND COMPENSATION: On the applicable lines "a" through "j" enter the actual time spent in hours and tenths of hours. Total the number of hours in out-of-court categories "b" - "j" and enter the total in the "HOURS CLAIMED" column where required. Multiply the total hours for in-court and out-of-court time by the allowable compensation rate. Enter the amount claimed in the "TOTAL AMOUNT CLAIMED" column for category "a", and for categories "b" - "j." **NOTE:** Indicate "Other Dispositive Motions" only for work related to a motion to dismiss, motion for summary judgment, or similar motion to end the entire habeas corpus proceeding. If services included in-court hearings of one hour each on separate dates, enter two hours on the form and attach a sheet indicating one hour for each of the two dates.

Any mathematical or technical adjustments to your claim during the judicial approval process or an additional review will be indicated in the columns provided on the form under the heading **"FOR COURT USE ONLY."**

Item 16. TRAVEL EXPENSES: Travel related expenses that are incidental to the representation (e.g., transportation, lodging, meals, car rental, parking, bridge, road and tunnel tolls, etc.) must be itemized on a separate sheet, indicating dates the expense was incurred. Attach supporting documentation (receipts, canceled checks, etc.) for all travel expenses. Travel expenses by privately owned automobile, motorcycle, or aircraft should be claimed at the rate in effect for federal employees at the time of travel. For overnight travel, reasonable expenses for lodging and meals will be reimbursed on an actual expense basis; per diem is not allowed. Counsel should be guided by prevailing limitations for travel and subsistence expenses of federal employees. The clerk of court can advise you on applicable rates and federal government travel regulations.

Item 17. OTHER EXPENSES: Itemize all reimbursable out-of-pocket expenses incidental to the representation. Provide dates and a brief description of the expense. Submit supporting documentation (a receipt, canceled check, etc.) for single item expenses in excess of \$50. Reimbursable expenses may include, in some circumstances, payments to a law student or law clerks for research and assistance, and the cost of computer assisted legal research (CALR) when conducted by counsel. See paragraph 2.27 B and 3.15 of the *CJA Guidelines* for an explanation. Fees and expenses for expert attorney and other consultants in death penalty cases should be authorized and claimed on a CJA Form 31. The following are not reimbursable expenses, and should not be claimed:

1. General office overhead, such as rent, telephone services, and secretarial services.
2. Expenses for items of a personal nature for the client (e.g., clothes, haircuts).
3. The cost of printing briefs. However, the cost of photocopying or similar copying service is reimbursable.
4. Fact witness fees, witness travel costs, and expenses for service of subpoenas. These expenses are not paid out of the CJA appropriation, but instead are paid by the Department of Justice pursuant to Fed. R. Crim. P. 17 and 28 U.S.C. § 1825. Contact the United States Marshal for payment procedures. See paragraph 3.13 of the *CJA Guidelines* for guidance on payment of witness fees generally.
5. Filing fees. These fees are waived for persons proceeding under the CJA.

6. The cost of allowable investigative, expert, or other services. (See Chapters III and VI of the *CJA Guidelines*) such services should be requested using a CJA Form 31.

7. Compensation taxes. Taxes paid on attorney compensation, whether based on income, sale, or gross receipts, are not reimbursable expenses.

Totals. Enter the "Grand Total" where required by adding the total amount claimed for "in-court," "categories b - j," "Travel Expenses," and "Other Expenses."

Item 18. CERTIFICATION OF ATTORNEY/PAYEE FOR PERIOD OF SERVICE: The person appointed by the court must certify dates of service for the representation. Indicate where required, the date range for the services claimed on the voucher.

Item 19. APPOINTMENT TERMINATION DATE, IF OTHER THAN CASE COMPLETION: If the appointment is discontinued by order of the court (i.e., substituted counsel or reasons other than disposition of the defendant's case such as fugitive defendant, appointment of a public defender, or retention of counsel by defendant), give the effective date for termination of appointment.

Item 20. CASE DISPOSITION: Indicate case disposition for the person represented. Select applicable code from the table below.

	Type of Disposition	Code
District Court Criminal and Other Proceedings	Dismissed	1
	Acquitted by court, or government motion for judgment of acquittal granted	2
	Acquitted by jury	3
	Convicted/final plea guilty	4
	Convicted/final plea nolo	5
	Convicted/court trial	8
	Convicted/jury trial	9
	Mistrial	C
	Not Guilty/insane/court trial	E
	Guilty/insane/court trial	F
	Not guilty/insane/jury trial	G
	Guilty/insane/jury trial	H
	Other (PTD matters, other reps. Transfers ,etc)	X
Appeals	Affirmed	A
	Reversed	R
	Remanded	0
	Reversed in Part/Affirmed in Part	RA
	Affirmed in Part/Reversed in Part	AR
	Dismissed	1
Habeas/Petitions/Writs	Granted	GR
	Denied	DE

Item 21. CLAIM STATUS: Indicate, by checking the appropriate box, whether the voucher is (1) the final payment for the services, (2) an interim payment, or (3) a supplemental payment (an additional claim submitted after a final payment is made). If an interim payment, indicate the payment number. Complete the remaining portion of Item 21, and sign and date the affirmation statement before submitting the claim for court approval.

**Items 22-
27a.**

APPROVED FOR PAYMENT--COURT USE ONLY: The presiding judicial officer will indicate the amount approved for each major category. These amounts will reflect mathematical or technical adjustments to your claim. The total amount approved for payment of the claim, less any amounts withheld for interim payment, is reflected in the "**TOTAL AMOUNT APPROVED.**" The "**SIGNATURE OF THE PRESIDING JUDICIAL OFFICER**" is required to effect payment of the claim. The **JUDGE CODE** will be provided by the court staff.

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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 (Case Name)	
8. TYPE PERSON REPRESENTED <input type="checkbox"/> Adult Defendant <input type="checkbox"/> Appellant <input type="checkbox"/> Other <input type="checkbox"/> Habeas Petitioner <input type="checkbox"/> Appellee		9. REPRESENTATION TYPE <input type="checkbox"/> D1 28 U.S.C. § 2254 Habeas (Capital) <input type="checkbox"/> D3 28 U.S.C. § 2255 (Capital) <input type="checkbox"/> D2 Federal Capital Prosecution <input type="checkbox"/> D4 Other (Specify)
10. 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>		

REQUEST AND AUTHORIZATION FOR EXPERT SERVICES

11. 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. (See Instructions)

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: _____

12. DESCRIPTION OF AND JUSTIFICATION FOR SERVICES (See Instructions)	13. TYPE OF SERVICE PROVIDER
14. COURT ORDER Financial eligibility of the person represented having been established to the Court's satisfaction, the authorization requested in Item 11 is hereby granted. 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 of authorization. <input type="checkbox"/> YES <input type="checkbox"/> NO	01 <input type="checkbox"/> Investigator
	02 <input type="checkbox"/> Interpreter/Translator
	03 <input type="checkbox"/> Psychologist
	04 <input type="checkbox"/> Psychiatrist
	05 <input type="checkbox"/> Polygraph
	06 <input type="checkbox"/> Documents Examiner
	07 <input type="checkbox"/> Fingerprint Analyst
	08 <input type="checkbox"/> Accountant
	09 <input type="checkbox"/> CALR (Westlaw/Lexis, etc.)
	10 <input type="checkbox"/> Chemist/Toxicologist
	11 <input type="checkbox"/> Ballistics
	12 <input type="checkbox"/> Weapons/Firearms/Explosive Expert
	13 <input type="checkbox"/> Pathologist/Medical Examiner
	14 <input type="checkbox"/> Other Medical
15 <input type="checkbox"/> Voice/Audio Analyst	
16 <input type="checkbox"/> Hair/Fiber Expert	
17 <input type="checkbox"/> Computer (Hardware/Software/Systems)	
18 <input type="checkbox"/> Paralegal Services	
19 <input type="checkbox"/> Legal Analyst/Consultant	
20 <input type="checkbox"/> Jury Consultant	
21 <input type="checkbox"/> Mitigation Specialist	
22 <input type="checkbox"/> Duplication Services (See Instructions)	
23 <input type="checkbox"/> Other (Specify)	
24 <input type="checkbox"/> Other (Specify)	

15. STAGE OF PROCEEDING Check the box which corresponds to the stage of the proceeding during which the work claimed at Item 16 was performed even if the work is intended to be used in connection with a later stage of the proceeding. CHECK NO MORE THAN ONE BOX. Submit a separate voucher for each stage of the proceeding.

CAPITAL PROSECUTION a. <input type="checkbox"/> Pre-Trial e. <input type="checkbox"/> Appeal b. <input type="checkbox"/> Trial f. <input type="checkbox"/> Petition for the U.S. Supreme Court Writ of Certiorari c. <input type="checkbox"/> Sentencing g. <input type="checkbox"/> Habeas Petition d. <input type="checkbox"/> Other Post Trial h. <input type="checkbox"/> Evidentiary Hearing i. <input type="checkbox"/> Dispositive Motions j. <input type="checkbox"/> Appeal	HABEAS CORPUS k. <input type="checkbox"/> Petition for the U.S. Supreme Court Writ of Certiorari l. <input type="checkbox"/> Stay of Execution m. <input type="checkbox"/> Appeal of Denial of Stay n. <input type="checkbox"/> Petition for Writ of Certiorari to the U.S. Supreme Court Regarding Denial of Stay	OTHER PROCEEDING o. <input type="checkbox"/> Other
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CLAIM FOR SERVICES AND EXPENSES	FOR COURT USE ONLY		
16. SERVICES AND EXPENSES (Attach itemization of services with dates)	AMOUNT CLAIMED	MATH/TECHNICAL ADJUSTED AMOUNT	ADDITIONAL REVIEW
a. Compensation			
b. Travel Expenses (lodging, parking, meals, mileage, etc.)			
c. Other Expenses			
GRAND TOTALS (CLAIMED AND ADJUSTED):	\$0.00	\$0.00	

17. PAYEE'S NAME (First Name, M.I., Last Name, including any suffix), AND MAILING ADDRESS _____
 TIN: _____
 Telephone Number: _____
 CLAIMANT'S CERTIFICATION FOR PERIOD OF SERVICE FROM _____ 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 Claimant/Payee _____ Date _____

18. CERTIFICATION OF ATTORNEY I hereby certify that the services were rendered for this case.
 Signature of Attorney _____ Date _____

APPROVED FOR PAYMENT — COURT USE ONLY

19. TOTAL COMPENSATION	20. TRAVEL EXPENSES	21. OTHER EXPENSES	22. TOTAL AMOUNT APPROVED/CERTIFIED \$0.00
23. <input type="checkbox"/> Either the cost (excluding expenses) of these services does not exceed \$500, or prior authorization was obtained; OR <input type="checkbox"/> 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 \$500.			
Signature of Presiding Judge		Date	
Judge Code			

24. TOTAL COMPENSATION	25. TRAVEL EXPENSES	26. OTHER EXPENSES	27. TOTAL AMOUNT APPROVED \$0.00
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28. FOR REPRESENTATIONS COMMENCED AND APPELLATE PROCEEDINGS IN WHICH AN APPEAL IS PERFECTED ON OR AFTER APRIL 24, 1996,
 A. Total compensation and expense payments approved to date (include amounts withheld for interim payments) for investigative, expert and other services for this representation is \$ _____
 B. Payment approved (compensation and expenses) in excess of the statutory threshold for investigative, expert and other services under 21 U.S.C. § 848(q)(10)(B) is \$ _____
 Signature of Chief Judge, Court of Appeals (or Delegate) _____ Date _____ Judge Code _____

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[Back to Graphical Site](#)**INSTRUCTIONS FOR CJA FORM 31****INSTRUCTIONS FOR CJA 31
DEATH PENALTY PROCEEDINGS: EX PARTE REQUEST FOR
AUTHORIZATION AND VOUCHER FOR EXPERT AND OTHER SERVICES**

The CJA Form 31 should be used to obtain investigative, expert and other services in all death eligible cases through disposition of the case, regardless whether the death penalty is authorized, not-authorized, or de-authorized.

Read these instructions carefully before completing the form. Accuracy and thoroughness will aid in the prompt payment of the claim. Use a typewriter if possible to complete the form; otherwise, write legibly with a ball point pen (preferably black or dark blue ink). If the form is generated by the automated system, Items 1 through 10 and 13 will be preprinted on the form. Attach an itemized statement of the services provided and expenses incurred. Give the date and the number of hours claimed for the service requested. Provide the dates for and a description of expenses incurred. For additional guidance, refer to the *Guidelines for the Administration of the Criminal Justice Act and Related Statutes (CJA Guidelines)*, Volume VII, *Guide to Judiciary Policies and Procedures*, which is available for reference in the Clerk's office.

All payments made pursuant to this claim are subject to post-audit; overpayments are subject to collection, including deduction of amounts due from future vouchers.

Refer to 21 u.s.c. 848(q)(9) and the *cja guidelines* concerning the conditions for making *ex parte* requests.

Note: Prior authorization from the presiding judicial officer must be secured for all investigative, expert or other services where the cost (excluding reimbursement for reasonable expenses) will exceed \$500. Failure to obtain prior authorization will result in the disallowance of any amount claimed for compensation in excess of \$500, unless the presiding judicial officer finds that, in the interest of justice, timely procurement of necessary services could not await prior authorization.

If prior authorization is obtained for an investigative, expert or other service and later it is determined that the cost of the service will exceed the initial estimate by a significant amount, you should seek, from the presiding judicial officer, further prior authorization for the additional amount.

for cases commenced, and appellate proceedings for which an appeal is perfected, on or after April 24, 1996, the presiding judicial officer's approval of payment in Item 28 may require additional approval by the chief judge of the court of appeals (or active circuit judge to whom the chief judge has delegated excess compensation approval authority) consistent with the \$7,500 statutory amount set forth in 21 U.S.C. § 848(q)(10)(B). Pursuant to that provision, if the aggregate amount of compensation and expenses for all investigative, expert, and other services exceeds \$7,500 in any case, payment in excess of that amount must be certified by the presiding judicial officer as necessary to provide fair compensation for services of an unusual character or duration, and the amount of the excess payment must be approved by the chief judge of the court of appeals (or delegate).

Item 1. CIR./DIST./DIV. CODE: This four-character location code is the circuit or district, and divisional office codes for the court where the proceedings for the person represented are held.

Item 2. PERSON REPRESENTED: Give the full name of the person whom you

were appointed to represent.

Items 3-6. DOCKET NUMBERS: Provide the case number assigned by the court. Enter the number using the last two digits of the calendar year (YY), the sequential number assigned by the court (NNNNNN), and the defendant number (DDD), as shown in the indictment or charging document. Thus, the format of the docket numbers is YY-NNNNNN-DDD. If two or more cases are heard or tried together for the person represented, complete a separate voucher for each case in which services are provided (i.e., for each docket number listed). Prorate the total time among the cases. On the supporting documentation, cross reference all related claims for which costs are prorated.

Item 7. IN CASE/MATTER OF (CASE NAME): In criminal cases, enter *U.S. vs. Defendant's Name*. If it is a multiple defendant case, give the case cite on the indictment (e.g., *U.S. vs. Lead Defendant's Name, et al*). If this is a habeas corpus proceeding, enter the *Name of the Petitioner vs. the Name of the Respondent* and include the respondent's title.

Item 8. TYPE PERSON REPRESENTED: Check the box that defines the legal status of the person represented.

Item 9. REPRESENTATION TYPE: Use the CJA Form 31 only if this is a death penalty representation. Check one of the following types of representation:

- D1 Habeas corpus (capital) petition pursuant to 28 U.S.C. § 2254, seeking to vacate or set aside a state death sentence and appeals;
- D2 Federal capital prosecution, either trial or direct appeal;
- D3 Habeas corpus (capital) petition pursuant to 28 U.S.C. § 2255, seeking to vacate or set aside a federal death sentence and appeals; or
- D4 Death penalty prosecution in federal court under a state statute or any authority other than the United States Code and appeals.

Item 10. OFFENSE(S) CHARGED: If the case is a capital prosecution in federal court, cite the U.S. Code (title and section) or other code citation of all charges, up to five. List all death-eligible offenses first. If this is a direct appeal of a federal prosecution, list all offenses for which the defendant was convicted.

Item 11. ATTORNEY'S STATEMENT, NAME AND MAILING ADDRESS: Check the appropriate box to indicate whether the request is for authorization to obtain services, or approval of services already provided. Include, for the services described in Item 12, the total estimated dollar amount for compensation and expenses. Estimate the cost of the services (including expenses) requested, and show the amount where required on the form. Note the basis for compensation (e.g., number of hours of work at hourly rate, number of days at daily rate, or a fixed dollar fee). This statement must be signed and dated by counsel for the person represented (or by the person proceeding *pro se*). Check the appropriate box to designate the attorney status as an attorney from a legal organization (bar association, legal aid agency, or community defender organization not receiving a periodic sustaining grant under the Criminal Justice Act (CJA), a CJA panel attorney, a retained attorney whose client is unable to afford the cost of the service requested, or a person who qualifies for representation under the CJA but has chosen to proceed *pro se*.

Give the complete legal name, mailing address, and telephone number of the attorney appointed to represent the person whose name is shown in Item 2. Provide the mailing address and telephone number of the attorney.

For cases commenced, and appellate proceedings for which an appeal is perfected, on or after April 24, 1996, all totals for compensation and

expenses authorized for investigative, expert, and other services will be included as a part of the statutory threshold. (Payments to counsel for representation is not a part of the statutory threshold.) The court may use this information to help determine whether advance approval should be obtained from the chief judge of the court of appeals (or delegate) in anticipation that the \$7,500 amount for compensation and expenses for investigative, expert, and other services will be exceeded. If the estimated amount has been authorized already, in whole or in part, through a case budgeting process by the court (and by the chief judge of the court of appeals (or delegate) if applicable), attach the appropriate documentation to the first payment voucher submitted.

Item 12. Procedures for Requesting Psychiatric and Psychological Services.

If this is a request for an examination by a psychiatrist or psychologist, state whether the purpose of the examination is to determine (1) the current mental state of the person represented, or (2) the mental state at the time of the person's alleged offense. Counsel may request authorization to obtain necessary psychiatric and related services when the purpose of an examination is to assist the defense and counsel wishes to control disclosure of the examination report (i.e., keep it confidential from the court and the prosecution) as well as to select the expert conducting the examination. If the examination is ordered pursuant to a statute, cite the statute (U.S. Code, title and section). See paragraph 3.11 of the *CJA Guidelines* and accompanying chart, "Responsibility for Payment of Psychiatric and Related Expert Services."

In habeas corpus proceedings, payment of fees and expenses of psychiatric examinations for purposes other than representation of the petitioner is not paid from Defender Services funds, but is determined by the rules governing section 2254 cases in the united states district courts and rules governing 2255 cases in the united states courts. In order to avoid confusion and possible delays in payment, the order authorizing the services to be obtained should specify the statutory authority and the agency responsible for payment.

DESCRIPTION OF AND JUSTIFICATION FOR SERVICES: Briefly, describe the nature of the services requested and the reason services are necessary to provide adequate representation.

Item 13. TYPE OF SERVICE PROVIDER: Check the box that identifies the type of service provider requested. If you check the box "Other," be sure to specify the type of service or service provider. If computer assisted legal research (CALR) is checked, refer to paragraph 3.15 of the *CJA Guidelines* for an explanation of the criteria and procedures for approval of CALR as a necessary service under CJA.

Item 14. COURT ORDER: This court order must be signed and dated by the presiding judicial officer. An additional court order is not necessary except for certain psychiatric and psychological examinations as explained in the instructions for Item 12, or to authorize payment for services exceeding \$500 when prior authorization was not obtained (see Item 23). Indicate whether full or partial repayment was ordered by the court from the person represented by checking "Yes" or "No."

Item 15. STAGE OF PROCEEDING: Check the box that corresponds to the stage of proceeding for services claimed in Item 16 even if it is anticipated that the work will be used in connection with a later stage of the proceeding. CHECK ONLY ONE BOX. Submit a separate voucher for each stage of proceeding. The stage noted as "Other" under "Other Proceeding" should be used only for a petition for presidential pardon or clemency, or other

proceeding that does not relate to the other described categories.

Item 16. CLAIM FOR SERVICES AND EXPENSES:

COMPENSATION (Item 16a): Enter the total amount claimed for professional services rendered. On an attachment to the voucher, describe in detail the services provided, including dates of service and the amount of time spent (in hours and tenths of hours). State the basis for the fee claimed (e.g., hourly rate, daily rate, fixed fee).

TRAVEL EXPENSES (Item 16b): Travel related expenses that are incidental to providing services (e.g., transportation, lodging, meals, car rental, parking, etc.) must be itemized on a separate sheet, indicating dates the expense was incurred. Attach supporting documentation (receipts, canceled checks, etc.) for travel expenses. Travel expenses by privately owned automobile, motorcycle or aircraft, should be claimed at the rate in effect for federal employees at the time of travel. For overnight travel, reasonable expenses for lodging and meals will be reimbursed on an actual expense basis; per diem is not allowed. Service providers are limited to the travel and subsistence expenses of federal employees. The clerk of court can advise you of applicable rates and federal government travel regulations.

OTHER EXPENSES (Item 16c): Itemize all reimbursable out-of-pocket expenses incurred incidental to services provided. Enter the total claimed where required on the form. Submit supporting documentation (receipts, canceled checks, paid invoices, etc.) for all single item expenses in excess of \$50. Do not include general office overhead (e.g., rent, telephone services, secretarial services) as reimbursable expenses. Fees and expenses for consultants in death penalty cases should be claimed on this form.

The columns under "FOR COURT USE ONLY" will reflect any mathematical and technical adjustments to the claim during the judicial approval process or changes during a required additional review of the chief judge of the court of appeals (or delegate).

Item 17. PAYEE'S NAME AND MAILING ADDRESS, CLAIMANT'S CERTIFICATION OF SERVICE PERIOD AND CLAIM STATUS: Provide the complete name and address of the payee (claimant). The claimant must certify the dates covered by indicating the date range for services rendered. Check the box to indicate whether this is (1) a final payment for services, (2) an interim payment, or (3) a supplemental payment (an additional claim submitted after a final payment). If this is an interim payment, indicate the interim payment number. The claimant or payee must sign and date the payment certification statement prior to submitting the claim to the attorney for certification that the services were rendered and received. Provide the Taxpayer Identification Number (TIN) to report these earnings to the Internal Revenue Service (IRS).

Item 18. CERTIFICATION OF ATTORNEY: This section must be completed by the attorney appointed to provide representation, a retained attorney whose client is unable to afford cost of the services requested, or by a person proceeding *pro se* under the CJA.

Items 19-22. APPROVED FOR PAYMENT -- COURT'S USE ONLY: The presiding judicial officer must review for reasonableness and compliance with the *CJA Guidelines* every claim for compensation and any reimbursement for expenses incurred. After review, the judicial officer will indicate the amount approved for payment in each of the payment categories. These amounts will reflect any mathematical and technical adjustments made to the claim.

The "**TOTAL AMOUNT APPROVED/CERTIFIED**" (Item 22) is the amount approved for payment of the claim, less any amounts withheld in accordance with an interim payment order. If the amount exceeds the statutory threshold, including expenses, the presiding judicial officer certifies the excess compensation for payment approval of the chief judge of the court of appeals (or delegate), by circling the word "certified" and indicating the amount approved in Item 22).

Item 23. SIGNATURE OF THE PRESIDING JUDICIAL OFFICER: The presiding judicial officer must check the appropriate box to indicate (1) either the cost, excluding expenses, does not exceed \$500, or prior authorization was obtained; or (2) in the interest of justice, the court finds that timely procurement of the services could not await prior authorization, even though the cost, excluding expenses, exceeds \$500. The presiding judicial officer will sign and date Item 23, indicating approval/certification of the amount in Item 22. The court will provide the **JUDGE CODE**.

Items 24-27. PAYMENT APPROVED IN EXCESS OF THE STATUTORY THRESHOLD: The chief judge of the court of appeals (or delegate) will indicate the amount approved for payment in each of the payment categories (Items 24 -26). This amount will reflect any adjustments of your claim resulting from the additional review of claims by the chief judge (or delegate) for amounts that exceed the statutory threshold for the payment category of the case. The chief judge (or delegate) will sign and date Item 28 for the total amount approved and entered in Item 27. The **JUDGE CODE** of the chief judge (or delegate) approving the excess compensation will be provided by the court staff.

Item 28. FOR CASES COMMENCED, AND APPELLATE PROCEEDINGS FOR WHICH AN APPEAL IS PERFECTED, ON OR AFTER APRIL 24, 1996. The presiding judicial officer should sign and date Item 28, indicating, in paragraph A of Item 28, the total amount paid for compensation and expenses for investigative, expert and other service providers on behalf of the person represented in this case, and that payment in excess of the statutory threshold is approved.

Complete Item 28 only for cases commenced, and appellate proceedings for which an appeal is perfected, on or after April 24, 1996. If the amount approved for compensation and expenses for investigative, expert, and other services on behalf of the person represented in a case is less than or equal to \$7,500, the claim will be forwarded to the clerk of court for processing for payment. Upon preliminary approval of a claim in excess of \$7,500 (including other claims for investigative, expert, and other services on behalf of the person represented), the presiding judicial officer will (1) signify approval of the excess amount under 21 U.S.C. § 848(q)(10)(B) by circling "Certification" in Item 22. If the chief judge (or delegate) approves the excess amount, the judge will enter the amount approved for payment in Item 27, sign and date Item 28. If approval is not granted, the claim will be returned to the presiding judicial officer for appropriate action.

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