

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 determine 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

