

## CJA 20 Appointment & Authority to Pay CJA Counsel

---

**Background** When counsel are appointed under the Criminal Justice Act, the Clerk’s Office will generate a CJA 20 appointment form and provide it to counsel. Counsel must complete the CJA 20 form and return it to the Clerk’s Office for processing within 45 days following the completion of all work at the District Court level.

---

**Recordkeeping** Counsel must maintain contemporaneous time and attendance records for all work performed including:

- Work performed by associates, partners and support staff
- Expense records

Worksheets are provided to assist counsel and can be downloaded from the Court’s website at <http://www.med.uscourts.gov/operations/cjaforms.htm>.

Counsel’s time and attendance records are subject to audit and must be retained for three years after approval of the final voucher for an appointment.

---

**The Voucher** At the time of the appointment, counsel should receive the original CJA 20 Appointment voucher as well as the notice which indicates the instructions and forms required for processing the vouchers can be obtained from the Court’s website.

---

**Time Calculations** Following is the Hourly Conversion Table to be used in the calculation of attorney time on the case. Time calculations must be in tenths of hours.

**Hourly Conversion Table**

<b>Minutes</b>	<b>1-6</b>	<b>7-12</b>	<b>13-18</b>	<b>19-24</b>	<b>25-30</b>	<b>31-36</b>	<b>37-42</b>	<b>43-48</b>	<b>49-54</b>	<b>55-60</b>
<b>Tenths</b>	<b>.1</b>	<b>.2</b>	<b>.3</b>	<b>.4</b>	<b>.5</b>	<b>.6</b>	<b>.7</b>	<b>.8</b>	<b>.9</b>	<b>1.0</b>

---

*Continued on next page*

## CJA 20 Appointment & Authority to Pay CJA Counsel, Continued

---

**In Court Rates** Court-appointed counsel will be paid at the following rates for in-court time:

<b>WORK PERFORMED:</b>	<b>IN-COURT RATE PER HOUR IS:</b>
On or after 01/01/2006	\$92 (both in and out of court)
On or after 05/20/2007	\$94 (both in and out of court)
On or after 01/01/2008	\$100 (both in and out of court)
On or after 03/11/2009	\$110 (both in and out of court)
On or after 01/01/2010	\$125 (both in and out of court)

In-court time is defined as time counsel are actually talking with a judicial officer, whether in the courtroom, in chambers or by telephone. See CJA 20 appointment form for common occurrences of in-court time.

Some examples of in-court rates that may also be claimed on the CJA 20 voucher include time spent:

- Waiting for a hearing to commence
- Court recesses
- Jury deliberations

The in-court rate for these examples is premised upon counsel's unavailability to perform work on anything other than the CJA case for which the attorney is required to be at the courthouse.

Effective 10/16/2008, the Clerk's Office no longer maintains an Excel CJA spreadsheet to track time in court.

---

*Continued on next page*

## CJA 20 Appointment & Authority to Pay CJA Counsel,

Continued

### Out-of-Court Rates

Court-appointed counsel will be paid at the following rates for out-of-court time:

<b>WORK PERFORMED:</b>	<b>OUT-OF-COURT RATE PER HOUR IS:</b>
On or after 05/20/ 2007	\$94 (both in and out of court)
On or after 01/01/2008	\$100 (both in and out of court)
On or after 03/11/2009	\$110 (both in and out of court)
On or after 01/01/2010	\$125 (both in and out of court)

Some examples of out-of-court rates include time spent:

- Conferring with counsel, client or witnesses during court breaks
- Travel time
- Research
- Preparation of pleadings and correspondence

### Expenses

Reimbursement will be allowed for actual (not estimated) expenses. Supporting documentation, such as receipts, must be submitted for single item expenses in excess of \$50 (e.g. telephone bills, copy charges).

Extraordinary travel or any travel involving an overnight stay related to CJA representation must be arranged in advance through the Clerk's Office and a written travel authorization must be issued by the presiding judicial officer.

Mileage rates are as follows:

<b>Rates of Travel</b>	<b>Rate Per Mile</b>
January 1, 2006 to January 31, 2007	\$0.445
February 1, 2007 to March 18, 2008	\$0.485
March 19, 2008 to July 31, 2008	\$0.505
August 1, 2008 – January 31, 2009	\$0.585
February 1, 2009 – Present	\$0.55

*Continued on next page*

## **CJA 20 Appointment & Authority to Pay CJA Counsel,**

Continued

---

### **Computer-Assisted Legal Research**

Computer-assisted legal research may be an allowable expense, provided that the total amount approved for computer-assisted legal research does not exceed the total amount of attorney compensation that reasonably would have been approved if counsel had performed the research manually.

Any voucher including a request for reimbursement of computer-assisted legal research expense must include all of the following:

- A brief statement setting forth the issue or issues that were the subject matter of the research
- An estimate of the number of hours of attorney time that would have been required to do the research manually
- A copy of the bill and receipt for the use of the equipment or an explanation of the precise basis of the charge

---

### **Non-Payable Time**

Examples of time spent by court-appointed counsel that are not allowable are as follows:

- Time spent preparing the CJA 20 voucher
- Lunch breaks
- Legal research in subject areas with which counsel should be familiar

NOTE: Paralegal expenses must be billed on a CJA 21 voucher.

---

*Continued on next page*

## CJA 20 Appointment & Authority to Pay CJA Counsel,

Continued

### Subpoenas

Payment for service of subpoenas are not allowable under CJA. In all cases, counsel must follow the steps below prior to the issuance of any subpoena for service and payment thereof at government expense:

Step	Action
1	File a motion pursuant to Fed.R.Crim.P. Rule 17
2	Wait for receipt of Order and signed subpoena
3	Provide a copy of the Order and subpoena to the U.S. Marshal for execution.

### Writs

Writs are required for witnesses who are in custody.

Step	Action
1	Counsel must prepare and file an application for Writ (forms are available at the Clerk's Office and on it's website: <a href="http://www.med.uscourts.gov">www.med.uscourts.gov</a> )
2	The Clerk's Office will issue and deliver the writ to the US Marshal's Office for execution

### Transcripts

Payment for transcripts are not payable on a CJA 20 voucher. CJA counsel must request a transcript using the CJA 24 Voucher for Authorization and Payment of Transcript. See the CJA 24 Transcript Authorization and Voucher for Payment instructions.

*Continued on next page*

## CJA 20 Appointment & Authority to Pay CJA Counsel,

Continued

### Case Maximums

See 18 §3006A(d)(2) for an outline of the maximum compensation allowed for various types of representations. The case compensation maximums allowed for representation on or after March 11, 2009 at the district court level are:

Type of Representation	Representation Furnished Prior to 03/11/2009	Representation Furnished from 03/11/2009 to 12/31/09	Representation Furnished on or after 01/01/2010
Felony	\$7,800	\$8,600	\$9700
Misdemeanor	\$2,200	\$2,400	\$2800
Appeal	\$5,600	\$6,100	\$6900
All Others, include: Petty Offenses <ul style="list-style-type: none"> <li>• Revocation</li> <li>• Rule 40</li> <li>• Bail proceedings</li> <li>• Material/grand jury witness</li> <li>• 2254/2255 Petitions</li> <li>• Pre-indictment consultations</li> <li>• Probation violation</li> <li>• Supervised release hearing</li> </ul>	\$1,700	\$1,800	\$2100

NOTE: Maximum amounts do not include allowable expenses.

If the amount of compensation claimed (not including expenses) exceeds the statutory maximum, a written statement in support of the claim must accompany the voucher since the Chief Judge of the First Circuit or his designee must approve any excess payment. (See: Explanation of Complex Case Allowing Compensation Over Statutory Maximum prepared by Attorney Beneman).

*Continued on next page*

## CJA 20 Appointment & Authority to Pay CJA Counsel, Continued

### Proration of Claims

There may be times when proration of claims is appropriate. Whenever appointed counsel submit separate vouchers:

- Time spent in common on more than one indictment or case must be prorated among the indictments or cases on which the time was spent
- Each indictment or case must be cross-referenced on the vouchers
- Time spent exclusively on any one indictment or case may properly be charged on the voucher for that indictment or case.

Following is a table outlining appropriate prorations:

<b>IF</b>	<b>WHETHER OR NOT</b>	<b>THEN</b>	<b>AND UNDER (d)(2) OF CJA</b>
A defendant is charged in one indictment with severable counts	the counts are severed for trial	one voucher would be submitted	one maximum is applied
A defendant is charged in two or more indictments	the indictments are consolidated for trial (other than a superseding indictment or information)	a separate voucher should be submitted	a separate maximum is applied for each indictment
A single counsel is appointed to represent multiple defendants		Separate vouchers should be submitted for each defendant represented	A separate maximum is applied for each defendant

*Continued on next page*

## CJA 20 Appointment & Authority to Pay CJA Counsel,

Continued

---

***Ex Parte  
Applications/  
Motions***

Counsel is not required to serve opposing counsel with *ex parte* applications. *Ex parte* applications for services shall be heard *in camera* and shall not be revealed without the consent of the defendant. See: 18 USC § 3006 A(e)(1); U.S. v. Abreu, 202 F.3d 386 (1<sup>st</sup> Cir. 2000).

The application shall be placed under seal until the final disposition of the case in the district court and any appellate proceedings.

---

**Completion of  
CJA 20  
Voucher**

Provide the “Instructions for CJA Form 20” to court-appointed counsel. Counsel must follow these instructions to complete the CJA 20 Voucher completely and accurately and their time and expenses must substantially conform to the following worksheets:

- In Court Worksheet
- Out-of-Court Worksheet
- Other Expense Worksheet

Counsel should note the date of appointment in block 13. If time is claimed for a date prior to the appointment date, a motion for appointment nunc pro tunc must be filed.

---

**Approval &  
Payment**

Upon receipt by the Clerk’s Office of a fully complete and accurate CJA 20 voucher, with appropriate attachments, the vouchers are:

- Reviewed for accuracy and completeness
- Approved at the District Court level
- Approved by the First Circuit Court of Appeals (if necessary)
- Processed and entered into the CJA computer system

Checks are issued to counsel by the Administrative Office in Washington, D.C. and will include the docket number and name of the defendant. If the amount of the CJA 20 voucher has been “cut back,” the reason for the reduction will be included on the check.

---

*Continued on next page*

## **CJA 20 Appointment & Authority to Pay CJA Counsel,** Continued

---

**Public  
Disclosure**

Congress has mandated that the amounts paid to court-appointed counsel may be disclosed to the public, subject to the consideration of special circumstances.

---

**Questions**

If you have comments or questions, please contact the Clerk's Office:

U.S. District Court  
156 Federal Street  
Portland, Maine 04101  
(207) 780-3356

U.S. District Court  
202 Harlow Street  
Bangor, Maine 04401  
(207) 945-0575

---