

CJA 20 Appointment and Authority to Pay Court-Appointed Counsel

Background Whenever 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.

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.

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

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

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

WORK PERFORMED:	IN-COURT RATE PER HOUR IS:
After April 1, 2001	\$75.00
After May 1, 2002	\$90.00 (both in and out of court)
After January 1, 2006	\$92 (both in and out of court)
After May 20, 2007	\$94 (both in and out of court)
After January 1, 2008	\$100 (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.

A log of compensatory in-court time is computed for every case by the Clerk's Office and will be provided to counsel at the close of each case as a reference tool when completing the voucher form.

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Out-of-Court Rates

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

WORK PERFORMED:	OUT-OF-COURT RATE PER HOUR IS:
After April 1, 2001	\$55.00
After May 1, 2002	\$90.00 (both in and out of court)
After January 1, 2006	\$92.00 (both in and out of court)
After May 20, 2007	\$94 (both in and out of court)
After January 1, 2008	\$100 (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.

Local travel of less than 5 miles is considered di minimis and is not reimbursed.

Mileage rates are as follows:

Dates of Travel	Rate Per Mile
January 1, 2003 to December 31, 2003	\$0.360
January 1, 2004 to February 3, 2005	\$0.375
February 4, 2005 to August 31, 2005	\$0.405
Sept 1, 2005 to December 31, 2005	\$0.485
January 1, 2006 to January 31, 2007	\$0.445
February 1, 2007 to March 18, 2008	\$0.485
March 19, 2008 to present	\$0.505

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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.

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.

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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: www.med.uscourts.gov)
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.

Case Maximums

See 18 §3006A(d)(2) for an outline of the maximum compensation allowed for various types of representations. Effective December 8, 2004, the maximums allowed at the district court level are:

- Felonies \$ 7,000
- Misdemeanors \$ 2,000
- Appellate Court Case \$ 5,000
- US Parole Commission Proceeding \$ 1,500
- US Parole Commission Appeal \$ 5,000
- All Others \$ 1,500

If all services were performed in a case prior to December 8, 2004, the former statutory maximums apply. However, if any services were performed in a case that commenced prior to December 8, 2004, but services were performed after December 8, 2004, the above-listed case maximums apply to the case.

NOTE: Maximum amounts do not include allowable expenses.

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Case Maximums Continued

Examples of representations falling into the category of “All Others” include:

- Petty Offenses
- Revocation
- Rule 40
- Bail proceedings
- Material/grand jury witness
- 2254/2255 Petitions
- Pre-indictment consultations
- Probation violation
- Supervised release hearing

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 any excess payment must be approved by the Chief Judge of the First Circuit or his designee. (See: Explanation of Complex Case Allowing Compensation Over Statutory Maximum prepared by Attorney Beneman).

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.

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Proration of Claims Continued

Following is a table outlining appropriate prorations:

IF	WHETHER OR NOT	THEN	AND UNDER (d)(2) OF CJA
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

Ex Parte Applications

Counsel are 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 (1st Cir. 2000).

The application shall be placed under seal until the final disposition of the case in the trial court, subject to further order of the court.

Completion of CJA 20 Voucher

A line-by-line “Instructions for CJA Form 20” is provided to court-appointed counsel. These instructions should be followed to complete the CJA 20 Voucher completely and accurately.

Computerized billing is permitted so long as the time and expense entries are listed separately and categorized the same as the CJA 20 voucher.

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.

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**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.

**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 one of the individuals listed below:

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

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U.S. District Court
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