

CJA 21 Vouchers for Expert and Other Services

Background Counsel shall submit a CJA 21 form when they require expert or other services during their appointment under the Criminal Justice Act. The form can be found at www.med.uscourts.gov/operations/cjaforms.htm.

Recordkeeping Once the request for services has been approved by court order, the original CJA 21 form will be forwarded to and maintained by the requesting attorney.

The expert must maintain detailed and accurate records for all work performed throughout the pendency of the case and must attach an itemized statement to the CJA 21 voucher submitted to the court for payment.

Without Prior Approval Prior authorization should be secured for all services where the cost (exclusive of expenses) will exceed \$500.

Failure to obtain prior authorization will result in disallowance of any amount claimed for compensation in excess of \$500, unless the presiding judicial officer, in the interest of justice, finds that a timely procurement of necessary services could not await prior authorization.

With Prior Approval A request (CJA 21 form) for approval for expert or other services must be filed prior to securing any expert services if the cost (exclusive of expenses) will exceed \$500 and shall include the following information:

- Reason(s) for requested service
- Name of expert
- Qualifications of expert
- Hourly rate (or other billing method)
- Estimated cost of services

A request and CJA 21 voucher must be submitted for each expert service. See chart below.

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CJA 21 Vouchers for Expert and Other Services, Continued

(continued)

IF	THEN
expert services are required	a CJA 21 voucher must be submitted
the cost of the services will exceed the initial estimate or the amount authorized by the court	An additional CJA 21 form must be submitted and further authorization for the additional amount must be obtained from the presiding judicial officer <u>prior</u> to the expenditure of any additional amount by the expert
prior approval of services is not obtained	the court may decline payment of any such claim
the total compensation claimed exceeds the estimate of the CJA voucher	a written explanation must be submitted with the claim

Case Maximums

See 18 §3006A(d)(2) for an outline of the maximum compensation allowed. The usual maximums allowed at the district court level are:

- Without prior approval \$ 500
- With prior approval \$ 1,600

If the amount of compensation sought (not including expenses) exceeds the statutory maximum, a written statement in support of the authorization must be included in the request, since excess payment must be approved by the Chief Judge of the First Circuit or his designee.

Failure to obtain prior approval 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.

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CJA 21 Vouchers for Expert and Other Services, Continued

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.

Travel in excess of 200 miles (round trip) or any travel involving an overnight stay related to CJA expert services 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

Mileage rates are as follows:

Dates of Travel	Rate Per Mile
January 22, 2002 to December 31, 2002	\$0.365
January 1, 2003 to December 31, 2003	\$0.360
January 1, 2004 to February 3, 2005	\$0.375
February 4, 2005 to August 30, 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

Claims for Payment

All claims for payment for expert services, should include the following:

1. A statement outlining the:
 - Type of service
 - Date of service
 - Time expended for the service
 2. An explanation of the fee arrangement (i.e. hourly rate, per diem rate, etc.)
 3. An itemized statement of all expenses for which reimbursement is claimed
 4. Supporting documentation for all expenses of:
 - Lodging
 - Subsistence
 - Expenses in excess of \$50
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CJA 21 Vouchers for Expert and Other Services, 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:

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, subject to further order of the court.

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CJA 21 Vouchers for Expert and Other Services, Continued

Completion of CJA 21 Voucher

One voucher should be submitted for each expert service.

A line-by-line “Instructions for CJA Form 21” is provided to court-appointed counsel. These instructions should be followed to complete the CJA 21 Voucher completely and accurately.

Approval/ Payment

Counsel should not pay any expert directly.

Following pre-approval by the court, and upon completion of services by the expert, the CJA 21 voucher is completed and signed by the expert, certified and signed by counsel, and submitted to the court for payment.

Upon receipt by the Clerk’s Office of a fully complete and accurate CJA 21 voucher, with appropriate attachments, the vouchers are:

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

Checks are issued to experts 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 21 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 experts in CJA matters 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

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