

## Compensable Services Generally . . .

- are case-specific and serve a representational purpose or appropriate ancillary purpose
- require legal knowledge, professional judgment, or otherwise involve representational strategy
- can include attorney, investigative, or paralegal services, but **not** purely clerical services

## Billing Standards

- Claimed out-of-court time must be "reasonably expended." *See* 18 U.S.C. § 3006A(d)(1).
- Vouchers must be sufficiently detailed to allow for meaningful reasonableness review of claimed out-of-court time.
- Each task should be billed separately under its own service category -- *except that* tasks that do not take 6 minutes should be combined with similar tasks so the time claimed overall does not exceed actual time spent (e.g., email exchanges or substantive review of CM/ECF filing notices).

## Provide Supporting Details

- Include the name and CM/ECF docket number for all documents or hearings.
- Identify the tasks performed; avoid general terms like "sentencing prep" or "reviewed discovery."
- Interviews and Conferences should specify (1) the type of communication (email, phone, etc.), (2) with whom, and (3) the general topic, which should reflect a representational purpose.
- Discovery and Records Review should specify (1) the type of material, such as transcripts, reports, photos, audio, etc., and (2) the amount of material, such as number of pages, text searches run, number of relevant hits reviewed, length of audio/video, etc.
- Legal Research & Writing should identify issue researched or type of motion.

## Don't Bill for Purely Clerical Tasks Such As . . .

- accessing, downloading, opening, renaming, saving, printing, or forwarding electronic files, including notices of electronic filing in CM/ECF (*except that* reviewing a document's substantive content is compensable)
- entering calls, meetings, due dates, or court appearances in a calendar
- rote or routine scheduling-related communications, including with the court
- leaving non-substantive voicemail messages
- e-filing, emailing courtesy copies to court, picking up/dropping off discovery drives
- time spent creating and submitting eVouchers (*except that* budgeting work is compensable)
- copying, scanning, printing, filing of office documents, preparing documents for mailing
- Exceptions may apply in extraordinary circumstances. *See* CJA Guidelines, Vol. 7A, § 320.70.30.

## Good Habits

- Keep contemporaneous time and expense records or enter your time into eVoucher daily.
- Obtain prior authorization for air travel and hotel stays to avoid unanticipated denial of payment.
- Obtain prior authorization for non-attorney services over \$1,000.
- Review discovery with discipline and focus; call Nat'l Litigation Support Team (510-637-3500) for logistical advice on voluminous e-discovery.
- Submit voucher as soon as possible after the representation concludes but no later than 45 days.
- Pro-rate time spent in common with other clients (appointed or retained); don't double bill.

\*These tips are intended to assist in understanding and applying the CJA and its Guidelines and do not grant any rights or assurances of payment. "The court shall fix the compensation and reimbursement to be paid" under the CJA. *See* 18 U.S.C. § 3006A(d)(5).