

# Making the Most of Your CJA Appointment

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# OVERVIEW



Appointment, scope, duration, compensation, “services v. expenses,” record keeping



Requesting service providers, associates, law clerks, travel authorizations, budgeting



Preparing vouchers, billing practices

# Where to find CJA Info:

CJA Guidelines in the Guide to Judiciary Policy, Vol. 7A [www.uscourts.gov](http://www.uscourts.gov)

- Policies and procedures of the Judicial Conference of the U.S.
- Most useful chapters are 2 (attorneys), 3 (service providers) and 6 (death penalty)

TXND CJA Plan [www.txnd.uscourts.gov](http://www.txnd.uscourts.gov)

- Contains district-specific policies such as associate policy and mentor program

TXND website [www.txnd.uscourts.gov/attorneys](http://www.txnd.uscourts.gov/attorneys)

- Link to eVoucher and defense resources; CJA panel applications by Division
- CJA Handbook with requirements for travel and expense reimbursement

eVoucher links [US Courts - CJA eVoucher \(adu.dcn\)](http://US Courts - CJA eVoucher (adu.dcn))

- Links take you to the Guidelines, the CJA Plan, the website handbook, and CJA Forms



# Applying for Appointments

**Panel Applications** <https://www.txnd.uscourts.gov/cja-panel-applications>

On the website, by division.

## **Capital Application**

<https://www.txnd.uscourts.gov/sites/default/files/documents/DeathPenaltyApp.pdf>

## **Mentor Program Application**

<https://www.txnd.uscourts.gov/sites/default/files/documents/CJAMentoringForm.pdf>

A training platform structured for mentees to acquire and demonstrate eligibility for membership on the CJA Panel.

Not required; doesn't guarantee admission on Panel.

Mentees must attend FPD Annual Criminal Practice Seminar

Paid at 50% of the standard CJA rate.

**eVoucher account** [www.txnd.uscourts.gov/cja-voucher](http://www.txnd.uscourts.gov/cja-voucher)

Keep your address updated!



# Representation overview

CJA 20, 30 (capital) vouchers are for counsel  
CJA 21, 31 (capital) are for service providers

“Compensation” is for services,  
whether by attorney,  
investigator or expert

“Reimbursement” is for  
expenses, or out-of-pocket  
costs [Investigators are not  
expenses.]

\$164/hour  
\$210/hour for capital cases.  
Case compensation maximum  
is \$12,800 for felonies

Substitute appointed counsel  
share the case compensation  
maximum with any prior  
appointed counsel. Guide, §  
230.56.

Appointment lasts through the  
appeal unless you withdraw.  
Guide, § 220.20.

Appointed counsel can handle  
ancillary matters “appropriate  
to the proceedings.”  
Guide, § 230.23.10(g)  
Guide, § 210.20.30(c)



## Attorney “Case Compensation Maximums”

18 USC § 3006A(d)(3); *Guide to Judiciary Policy*, § 230.23.20 ([www.uscourts.gov](http://www.uscourts.gov))

- \$12,800 - non-capital felonies, writs (§ 2241, 2254, 2255)
- \$3,600 - misdemeanors
- \$2,700 – “other” representations. Includes material witness, supervised release, target letter (unindicted)
- “Excess” compensation requires Circuit approval. District court must certify that payment is “fair compensation for an extended or complex representation.”
- Expenses are **not** included in compensation maximums.



## Record Keeping

Appointed counsel must maintain **contemporaneous time and attendance records** for all work performed by associates, partners, and support staff as well as expense records. Such records are subject to audit and must be retained for three years after approval of final voucher. *Guide*, § 230.76.





# Financial Eligibility (Overview)

- Procedure and standards for eligibility are in the [Guide, § 210.40](#)
  - CJA 23 financial affidavit is filed under seal.
  - Court may designate an employee to obtain or verify facts
  - Person is eligible if net financial resources and income are insufficient to obtain qualified counsel, considering the cost of providing the person and their dependents with the necessities of life and release on bail.
  - Doubts resolved in favor of appointment. Reimbursement orders can be entered before sentencing.
- If counsel has reason to believe that a party is financially able to obtain counsel (or make a partial payment), and the source of that information is not protected as privileged communication, counsel will advise the court. [Guide, § 210.10.30](#); [CJA Plan, Section XI\(E\)\(3\) \(p. 17\)](#)





- ▶ Basic Info
- ▶ Services
- ▶ Expenses
- ▶ **Claim Status**
- ▶ Documents
- ▶ Summary
- ▶ Confirmation

## Claim Status

Start Date  \*

End Date  \*

### Payment Claims \*

- Final Payment  (payment #)
- Interim Payment
- Supplemental Payment
- Withholding Return Payment

\*\* Reminder: Please select the appropriate claim status.

1. Have you previously applied to the court for compensation and/or reimbursement for this case? \*

Yes  No

If Yes, were you paid?

Yes  No

2. Other than from the Court, have you, or to your knowledge has anyone else, received payment (compensation or anything of value) from any other source in connection with this representation? \*

Yes  No



# Authorizations

**Required for:**



Additional counsel



Investigators, Experts & Others



Air Travel



## Second Counsel (two types)

1 – Rule: Do not put anyone's time on the CJA 20 voucher except your own or an approved associate.

2 – Associate: To bill for a partner or associate's time on your voucher, you must move for permission. [CJA Plan, Ch. XII.B.2, p. 18](#). Identify the other attorney's time on your voucher as such. You share the compensation max.

3 – Appointed co-counsel. In an "extremely difficult case where the court finds it in the interest of justice to appoint an additional attorney," move for the appointment of co-counsel. Each appointed attorney is eligible for the \$12,800 compensation maximum. [Guide, § 230.53.20](#).



## Investigators, Experts, and Others

Under 18 USC § 3006A(e), counsel for a person who is financially unable to obtain investigative, expert, or other services necessary for adequate representation may request them in an ex parte application.



1. Eligibility for these services is not automatic.
2. Retained counsel can request authorization for service providers. Guide, § 310.10.10
3. Pro se defendants can request authorization. Guide § 310.10.30.



## Is prior authorization required?

NO	YES
<p>If total for <i>all services combined</i> is less than or equal to \$900.</p> <p style="text-align: center;">* * * * *</p> <p>Just submit a CJA 21 voucher.</p> <p>Explain in Attorney Notes why services were necessary for a defense purpose</p> <p>Payment is not guaranteed.</p>	<p>If compensation for <i>all services combined</i> will exceed <b>\$900</b>. Guide, § 310.20.30.</p> <p>If compensation per provider will exceed <b>\$2,800</b>, you need district court and circuit court approval as well.</p> <p style="text-align: center;">* * * * *</p> <p>Submit voucher CJA 21, upload authorization order.</p> <p>Payment is not guaranteed.</p>



# Application for Authorization

1. Find your expert and agree on the cost and services.
2. File application *ex parte* and under seal:
  - Address whether the defendant has the ability to pay for the expert
  - Include the total dollar amount and explain the fee (hourly, flat rate, etc.)
  - State amounts already incurred by the service provider and any other providers in the case
  - State with specificity why the requested services are needed for a defense purpose
  - If > \$2,800, services should be of “unusual character or duration” [Guide, §310.20.20](#).
  - If you are related to the service provider, say so. [Guide, § 310.20.05\(a\)](#).
  - Attach CV or resume



# Computer Hardware/Software Authorizations

RULES

- File ex parte application for authorization to acquire hardware, software, or litigation support services *not typically in a law office*.
- Property purchased with CJA funds must be returned to Defender Services upon completion of case.
- Costs exceeding \$10,000 require consultation with National Litigation Support Team in Defender Services Office. Guide § 320.70.40

If you buy a storage device at moderate cost that will become part of the client's file, claim it as an expense. Reimbursement is not guaranteed.

I always recommend you call National Litigation Support Team (510-637-3500).





# Travel Authorization

TXND requires prior authorization for airline travel and hotel expenses.

Instructions and authorization forms are at [www.txnd.uscourts.gov](http://www.txnd.uscourts.gov) (CJA Handbook, Ch. VII.C.2)

[Judiciary Staff Travel Regulations | United States Courts \(uscourts.gov\)](http://www.txnd.uscourts.gov)

## *Travel Authorization*

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Authorized Traveler:

Authorized Travel Date:

Purpose of Travel:

Case Number and Style:

Pursuant to Section 702 of the Federal Courts Administration Act of 1992, Public Law 102-572, 106 Stat. 4506, you are hereby authorized to obtain government travel rates for the above-described trip in connection with your providing representation under the Criminal Justice Act (CJA).

You are authorized to contact National Travel Service at 1-800-445-0668 (24 hours a day Monday - Friday) to request reservations and airline tickets. You must advise National Travel Service that your tickets are to be charged to the CJA account for the District Court for the Northern District of Texas. You may instruct National Travel Service where to deliver your ticket and you should request an e-ticket whenever possible.

A copy of this Travel Authorization, as well as a copy of the airline tickets which were provided by National Travel Service, must be attached to your voucher for audit purposes. Our internal accounting control number for this trip is Internal Control Number 06-CJAPANL-DS01.

Sincerely,

\_\_\_\_\_  
U.S. District Judge

Date: \_\_\_\_\_

cc: Richard Holt





## BUDGETS

The [Guide § 230.26](#) encourages budgets if

- attorney time = 300 hours *or*
- total expenditures = \$50,000 (300 x \$164).



The [Circuit CJA Plan, p. 5](#) encourages budgets in capital representations.



## WHY BUDGET?

- No waiting. Interim vouchers paid at 80% without Circuit approval.
- Efficient: Budgets can authorize other service providers, paralegals, etc.
- Manage expectations. Budgets are not a guarantee of payment but can make payment more likely and quicker.



# BUDGET PROCEDURE

<https://eba.fd.org/>

- Talk to [Meg Alverson, Circuit Case Budgeting Attorney](#) (504-310-7799)
- Log in to <https://eba.fd.org/> to develop your budget
- File an *ex parte*, sealed “motion for case budget.”
- If district court approves budget, it will be sent to Circuit for review.
- Start filing interim vouchers.





# VOUCHERS (Getting Paid)

Audit Rules & Billing Practices





# Public/Attorney Notes (under Confirmation Tab)

APPROVED FOR PAYMENT - COURT USE ONLY				
23. IN COURT COMP. \$0.00	24. OUT OF COURT COMP. \$0.00	25. TRAVEL EXPENSES \$0.00	26. OTHER EXPENSES \$0.00	27. TOTAL AMT. APPR./CERT. \$0.00
28. SIGNATURE OF THE PRESIDING JUDGE			DATE	28a. JUDGE CODE
29. IN COURT COMP. \$0.00	30. OUT OF COURT COMP. \$0.00	31. TRAVEL EXPENSES \$0.00	32. OTHER EXPENSES \$0.00	33. TOTAL AMT. APPR./CERT. \$0.00
34. SIGNATURE OF THE CHIEF JUDGE, COURT OF APPEALS (OR DELEGATE) <i>Payment approved in excess of the statutory threshold amount</i>		DATE	34a. JUDGE CODE	TOTAL AMT. CERTIFIED FOR PAYMENT



Add any notes of explanation

Attention: The notes you enter will be available to the next approval level.

Public/Attorney Notes	Please see email
Private/Court Notes	No previous payments. ts
Appointment Notes	Attorney appointed 5/6/20, sentencing held 5/25/22.

I certify that I have reviewed the above information

Date: \_\_\_\_\_

 **Approve**       **Reject**



# TIME LIMITS

## Guide, § 230.13 Time Limits

(a) Vouchers should be submitted no later than 45 days after the representation concludes, unless good cause is shown. The clerks or CJA supervisory attorneys of the concerned courts should ensure that panel attorneys comply with the prescribed limits. Every effort should be made to have counsel submit the claim as soon as possible upon completion of services rendered. While extremely late submissions may impact the ability to adequately substantiate claims, voucher reductions based solely on submissions outside of the 45-day time limit are not authorized. **See:** [§ 230.33.10 \(Standard for Voucher Review\)](#).



## Voucher Review

18 U.S.C. § 3006A(d) states that the appointed attorney shall be paid for

- in-court time, and
- “reasonably incurred” out-of-court time.



# Voucher Cuts

- The [Guide § 230.33.10](#) states that voucher reductions should be limited to:
  - Mathematical errors
  - Non-compensable work
  - Work not undertaken or completed
  - When the hours billed are clearly in excess of what is reasonably required to complete the task

- **What is your recourse when a voucher is cut?**
- Except for mathematical corrections or work that is clearly clerical, counsel should be given notice and an opportunity to be heard before a voucher is reduced by more than 1 hour. CJA Plan, XII(B), p. 18.
- Under the [CJA Plan, VIII\(B\)\(6\), p. 11](#) (“Duties of the CJA Committee”), you can request the committee to review any voucher reduction and make a recommendation to the judge.





# Best Billing Practices

1. Descriptive details. Describe “what” was done with “whom” and “about what.” Excessive detail can potentially violate privilege. For unusual work, include brief explanation of the defense purpose.
2. Include CM/ECF Number.
3. Bill by the task, in tenths of an hour. No “block” billing.
4. Absent extraordinary circumstances, clerical tasks are not compensable no matter who does them. E.g., picking up hard drive, e-filing, going to post office. See [Guide, § 230.66.10](#) (general office overhead), [§ 320.70.30](#) (extraordinary office expenses)
5. Bill for budget work; don’t bill for billing.



## Best Billing Practices

6. Bill actual time spent. If minimum billing amount of six minutes is more time than you spent, combine entries of the same category in the same day (e.g., notice of electronic filings, email exchanges).
7. Prorate time spent in common with other clients. Double-billing is prohibited. Guide § 230.50.
8. eDiscovery. Counsel is expected to review discovery with discipline and focus. Consider hiring a paralegal to screen/organize. Call [National Litigation Support Team](tel:510-637-3500) (510-637-3500) for strategy tips.
9. Include tasks that you are not seeking compensation for. E.g., translation services.
10. Please don't copy docket entries and paste into e-voucher.



# Excess Attorney Vouchers

1. Attach a [CJA 26 form](#) – find in eVoucher Links tab
2. Attach a supporting memorandum. [Guide, § 230.30](#) . It should address:
  - a. whether the representation is “extended” (1 year) or “complex” and
  - b. why the payment is necessary to provide fair compensation

The representation is not necessarily complex just because the case is complex under the Speedy Trial Act.



# Excess Voucher Memorandum

Criteria for determining what is fair compensation ([Guide §230.23.40\(c\)](#)):

1. Responsibilities involved measured by the magnitude and importance of the case.
2. The manner in which duties were performed.
3. Knowledge, skill, efficiency, professionalism, and judgment required of and used by counsel.
4. Nature of counsel's practice and injury thereto.
5. Any extraordinary pressure of time or other factors under which services were rendered.
6. Any other circumstances relevant and material to a determination of a fair and reasonable fee.
7. If you are substitute counsel, the inability to use the work completed by prior counsel is a factor for determining reasonableness.



## Rules for Service Provider Vouchers

- Use CJA 21 voucher, not a CJA 20.
- Select “No authorization required”
- ≤ \$900: upload invoice, describe defense purpose in Attorney Notes
- >\$900 : upload invoice, attach authorization order or explain why “timely procurement of services could not await prior authorization” in Attorney Notes
- Submit voucher twice.
- Submit voucher twice.



# Expenses



- Out-of-pocket expenses must be reasonably incurred, itemized, and reasonably documented. [Guide, § 230.63.10.](#)
- Same rules apply to counsel and service providers. [Guide, § 230.63 \(reimbursable expenses\), 230.66 \(non-reimbursable expenses\), § 320.80.10.](#)
- *Note:* fees and expenses of fact witnesses are paid by the DOJ, not the CJA. Fed. R. Crim. P. 17(b); 28 USC § 1825. *See Guide, § 320.40.*
- [Ch. 7 of the CJA Handbook](#) on the court's website has specific district requirements (receipts for expenses over \$50, 15¢ in-house copy rate, etc.).



# Billing Tips for Expenses

- Hard drives – state in Attorney Notes whether it is part of client’s permanent file. Guide § 320.70.40.
- Need receipts for miscellaneous expenses over \$50 (e.g., cancelled check or invoice)
- Itemize in-house copies: \_\_\_ x 15¢. Copy service must not exceed 25¢; receipt required > 15¢
- Air travel/hotels require prior authorization - make sure dates for travel time and expenses match.
- PACER fees are not reimbursable. See [Activating CJA Privileges - Learning Aid.pdf \(uscourts.gov\)](#)
- No overhead: rent, telephone, cell phone, internet service, secretarial or personnel expenses. [Guide, § 230.66.10.](#)

# CJA Resources

- [www.txnd.uscourts.gov](http://www.txnd.uscourts.gov):
  - CJA Handbook on the court's website—special rules for reimbursement of expenses, travel authorizations
  - TXND CJA Plan (Misc. Order 3)
- [www.uscourts.gov](http://www.uscourts.gov):
  - Guide to Judiciary Policy, Vol. 7 “Defender Services” (mainly chapters 2 and 3)
  - Guide to Judiciary Policy, Vol. 19 “Judiciary Staff Travel Regulations” (ch. 4)
  - All CJA forms: CJA 23 (financial aff’t), CJA 28 (budget), CJA 20, 30, 21, 31
- <https://eba.fd.org/> (budget application)

CJA Help Desk: 214-753-2173, Tammy: 214-753-2209, or Kim: 214-753-2192.