

# Making the Most of Your CJA Appointment

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United States District Court for the Northern District of Texas, Dallas Division

July 2024

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Appointment, scope, duration,  
compensation, nomenclature, record  
keeping



Requesting second counsel, non-  
attorney services, budgets, travel



Preparing vouchers

# Where to find CJA Info:

## CJA GUIDELINES, Guide to Judiciary Policy, Vol. 7A

- <https://www.uscourts.gov/rules-policies/judiciary-policies/criminal-justice-act-cja-guidelines>. Chapters 2, 3

## DISTRICT COURT

- <https://www.txnd.uscourts.gov/miscellaneous-orders>. Misc. Order No. 3 (CJA Plan)
- <https://www.txnd.uscourts.gov/cja-handbook> (CJA Handbook)

## FIFTH CIRCUIT CJA PAGE and BUDGET APP

- <https://www.lb5.uscourts.gov/cja2/>
- <https://eba.fd.org/>

## eVOUCHER LINKS Tab

- [https://aoev-w-app05.adu.dcn/CJA\\_txn\\_prod/CJAeVoucher/Pages/Help/Links.aspx](https://aoev-w-app05.adu.dcn/CJA_txn_prod/CJAeVoucher/Pages/Help/Links.aspx)



# Applying for Appointments

## Panel Applications by Division

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

## Mentor Program

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

CJA Plan, Section VIII(C) (p. 11):

<https://www.txnd.uscourts.gov/sites/default/files/orders/misc/MiscOrder3Criminal.pdf>



# OVERVIEW

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

“Reimbursement” is for  
expenses or out-of-pocket  
costs

Hourly Rate:  
Non-capital felony - \$172  
Capital - \$220

[Guide § 230.16\(a\)](#)

Substitute counsel share the  
case compensation maximum  
with prior appointed counsel.

[Guide § 230.56](#)

Appointment lasts through the  
appeal unless judge allows you  
to withdraw.

[Guide § 220.20](#)

Representation includes  
ancillary matters “appropriate  
to the proceedings.”

[Guide § 230.23.10\(g\)](#)  
[Guide § 210.20.30\(c\)](#)



# 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 Standards

Guide, § 210.40.30

- Doubts are resolved in favor of eligibility and the appointment of counsel.



- Error can be corrected at sentencing through reimbursement order (CJA 7).

Reimbursement  
Order

- Counsel will advise the court if they have reason to believe client is able to obtain counsel or make a partial payment, and the source of the information is not privileged.

Guide § 210.10.30; CJA Plan, § 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





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

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

Public/Attorney  
Notes

Write your notes here

Private/Court  
Notes

No previous payments. Voucher was previously returned for entries for more information for entries for letter with client and administrative task but still did not provide. Ran attorney time report, no overlapping travel time. ts

7/5/23 sent email to counsel re clerical work and needed detail. ks

Appointment  
Notes

Attorney appointed 10/4/22, sentencing held 6/2/23

☐ I certify that I have reviewed the above information

Date:



Approve



Reject



# Authorizations

("Requesting Permission")

**Required for:**



Additional counsel



Investigators, Experts & Others



Air Travel, Hotels



# Two Types of Co-Counsel

## General Rule

- Panel attorneys who voluntarily seek appointments are expected to have the skill and experience necessary to represent the client solo in all but “extremely difficult” cases.
- Lawyers are appointed, not law firms.

## With Appointment (Guide § 230.53.20)

- Move for appointment of co-counsel in “extremely difficult case” and show it is in the interest of justice
- Each attorney is eligible for the compensation maximum.

**→ If the associate's goal is to join the CJA Panel, they should complete the Panel Application Form and ask to join the Mentoring Program.**



# Investigators, Experts, and Others

18 USC § 3006A(e), Guide § 310.10

“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.”

Statutory language allows *pro se* defendants to request funds.

Statutory language allows retained counsel to request funds,  
***but the Court will inquire into the fee arrangement.***



# When authorization is required . . .

Guide § 310.20.30

NOT REQUIRED	REQUIRED
<p>Compensation for <i>all non-attorney services combined</i> is <b>less than or equal to \$1000</b>.</p> <p><b>\$1000 = “no-authorization” limit</b></p>	<p>Compensation for <i>all non-attorney services combined</i> will exceed <b>\$1000</b>.</p> <p>If compensation per provider will exceed <b>\$3,000</b>, you need circuit court approval as well.</p> <p><b>\$3000 = authorization limit in district court</b></p>



# Ex parte Application for Authorization of non-attorney services

1

Address whether defendant has ability to pay for expert

2

Identify tasks the provider would perform and the hours required for each

3

State:  
-the pay rate  
-total dollar amount  
-amount already incurred

4

State with specificity why the services are needed for adequate defense

5

If > \$3000, show services are of "unusual character or duration"  
Guide §310.20.20

6

Disclose any relationship with provider.  
Guide §310.20.05(a)

7

Attach provider's resume.



## Creating Service Provider Vouchers (CJA 21s)

**COUNSEL  
MUST  
CREATE  
THE CJA 21  
VOUCHER:**

When creating CJA 21 voucher, select  
“No AUTH”

Counsel’s CJA 20 voucher will not be  
processed until we receive all service  
provider CJA 21 vouchers in the case.

Submit the CJA 21 voucher TWICE



# Computer Hardware/Software Authorizations

Guide § 320.70.40 is outdated.

*Reality:* If you buy a storage device at moderate cost that will become part of the client's file, claim it as an expense and confirm in Attorney Notes that it will be part of the client's permanent file.

- **Reimbursement is never a guarantee.** Counsel are expected to review voluminous discovery with “discipline & focus”
- At least once in your life, consult National Litigation Support Team ([www.fd.org.litigation-support](http://www.fd.org.litigation-support))





# Travel Authorizations

If you don't get prior authorization for hotel or airfare, reimbursement is limited to the government rate, if at all.

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

[Guide, Vol. 19, Ch. 4, § 455.15 - Judiciary Staff Travel Regs \(uscourts.gov\)](#)

## § 410.40 Prudent Traveler Rule

- (a) An individual traveling on official business must exercise the same care when incurring expenses that a prudent (e.g., fiscally responsible) person would if traveling at his or her own expense.
- (b) Excess costs, indirect routes, or unnecessary services in the performance of official business are not acceptable under this standard.

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

## CASE BUDGETS

### Guide § 230.26

Case Budgets are encouraged when . . .

attorney time = 300 hours

*or*

total expenditures = \$52,000 (300 x \$172).



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

# BUDGET PROCEDURE

Log in to <https://eba.fd.org/> to develop your budget.

Talk to [Meg Alverson, Circuit Case Budgeting Attorney](#) (504-310-7799).

File an *ex parte*, sealed “motion for case budget” in district court.

If approved, district court will send order to Circuit for review.

If Circuit approves, Circuit order will be filed in district court.



# ATTORNEY VOUCHERS (CJA 20s)

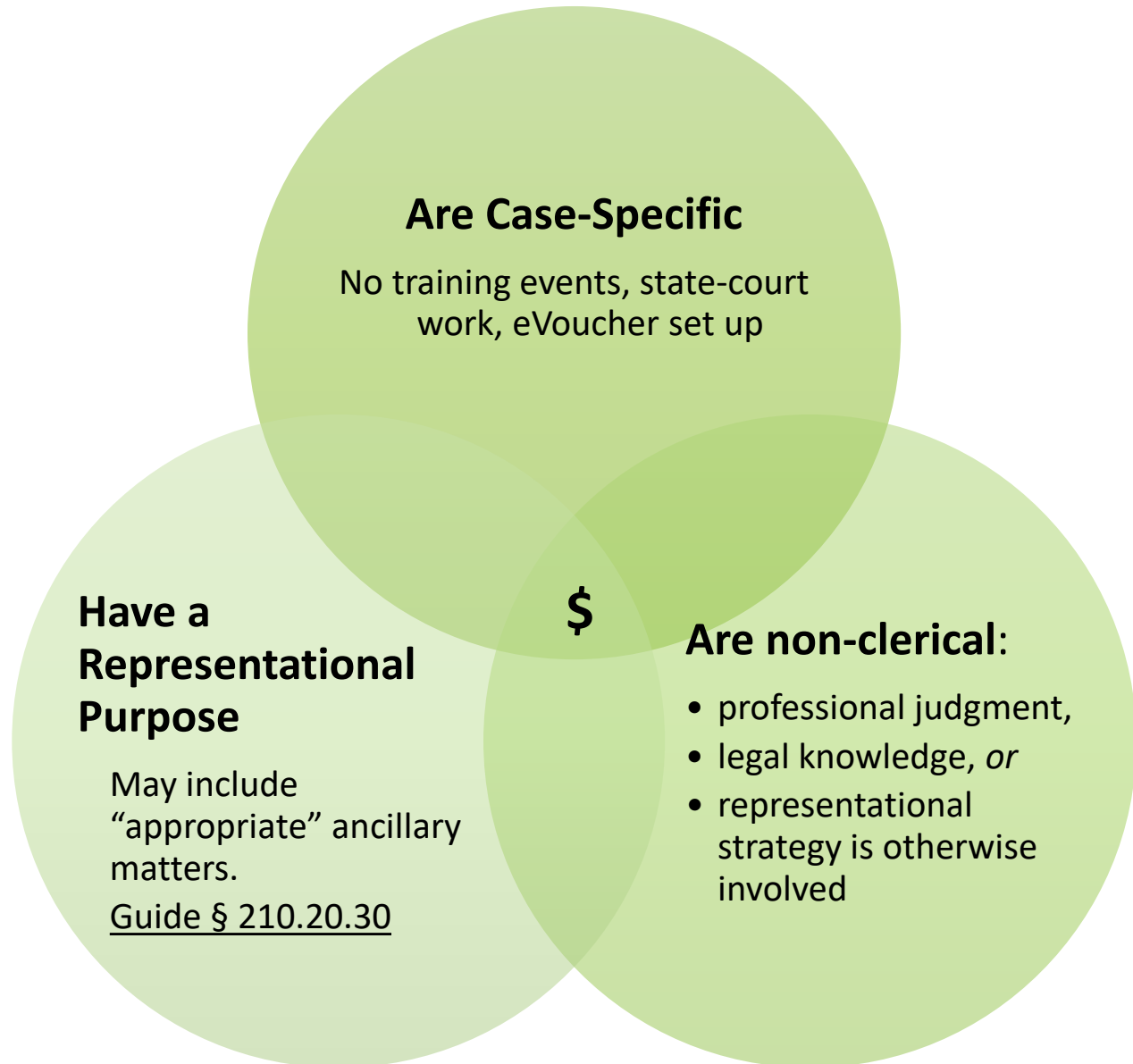
## Audit Rules & Billing Practices





## COMPENSABLE TASKS GENERALLY . . .

*99.99% of all  
communication from  
Kim or Tammy is an  
attempt to gather this  
type of information.*





# Review of Time Claimed

*See 18 USC § 3006A(d)*

**In-court** time is paid according to minute entries in the docket



**Out-of-court** time is reviewed for compensability and reasonableness.



# Common Billing Missteps

- \$ Insufficient Detail to Determine Compensability
- \$ Insufficient Detail to Determine Reasonableness of Time Spent
- \$ Omitting CM/ECF Numbers
- \$ Billing for Purely Clerical Tasks, Guide § 230.66.10
- \$ Billing the Minimum
- \$ Block Billing
- \$ Double Billing for Travel, Guide § 230.50 (e), (f), (g)
- \$ Billing for Someone Else's Time; Not Reviewing Voucher



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

Public/Attorney  
Notes

Write your "good cause" here

Private/Court  
Notes

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☐

I certify that I have reviewed the above information

Date:



Approve



Reject

## The 45-day rule

Submit vouchers no later than 45 days after representation concludes or provide "good cause" why you did not.

Guide § 230.13





## Attorney Case “Compensation” Maximums

*Expenses not included.*

18 USC § 3006A(d)(3); Guide § 230.23.20

Non-capital felony, § 2241, § 2254, §2255	\$13,400
Misdemeanors	\$3,800
Other (material witness, SR, target letter)	\$2,900

Compensation exceeding these amounts requires Circuit approval.



# Checklist for Excess Attorney Vouchers

1. CJA 26 form (find in eVoucher Links)
2. Memorandum to District Judge - [Guide § 230.30](#)

➤ Your Memorandum is used to draft district judge's memorandum to the circuit judge, so it should focus on **cost drivers** (that is, where you spent the most time) AND ideally provide information that only counsel would know about the challenges of the representation.



Memo  
to  
Judge  
Must  
Address

## Extended Representation

Longer than 1 year

**-or-**

## Complex Representation

Having unusual legal or factual issues, “thus requiring the expenditure of more time, skill, and effort by the lawyer than would normally be required in an average case.”


A representation is not necessarily complex just because the case is complex under the Speedy Trial Act. [Guide § 230.23.40\(b\)](#)

## Fair Compensation [\(Guide §230.23.40\(c\)\)](#)

- Responsibilities involved measured by the magnitude and importance of the case.
- Manner in which duties were performed.
- Knowledge, skill, efficiency, professionalism, and judgment used by counsel.
- Nature of counsel’s practice and injury thereto.
- Extraordinary pressure of time or other factors under which services were rendered.
- Other circumstances relevant and material to a determination of a fair and reasonable fee.
- If you are substitute counsel, the inability to use the work completed by prior counsel is a factor for determining reasonableness.


# Auditing Tip: Service Headings are Filters

[Home](#) [Operations](#) [Reports](#) [Admin](#) [Links](#) [Help](#) [Sign out](#)

**CJA-20**  
Kim Review  
[Auditing] [Approval]  
Flow: CJA-20 Kim Review  
[Redirect Workflow](#)  
Def.: Carlos Eduardo Plata-Ybarra  
[Link to CM/ECF](#)  
Voucher #: 0539.1493825  
Start Date: 1/5/2023  
End Date: 7/18/2023  
Services: \$10,446.80  
Expenses: \$509.80  
Representation Fee Limit:  
\$12,800.00  
Fee Amount Remaining After Approved and Pending:  
\$2,353.20  
Tasks  
[Link To Appointment](#)

[Basic Info](#) [Services](#) [Expenses](#) [Claim Status](#) [Documents](#) [Summary](#) [Confirmation](#)

### Services

Date8/30/2023\*

Audit Notes

Service Type\*

Doc.# (ECF)Pages

Hours\* at \$164.00 per hour.

AddRemove

\* Required Fields

To group by a particular Header, drag the column to this area

Service Type	Date	Description	Hrs	Rate	Amt	Audit Notes	Audit Hrs	Audit Amt
a. Arraignment and/or Plea	01/05/2023	Initial appearance in Fort Worth Texas.	0.1	\$164.00	\$16.40			
a. Interviews and Conferences	01/05/2023	Introduction. Discuss complaint. Discuss what's going to take place during hearing. Client interview prior to Initial appearance.	0.9	\$164.00	\$147.60			
h. Other	01/05/2023	Initial appearance in Fort Worth Texas.	0.4	\$164.00	\$65.60			
		Discuss the detention hearing.						



# EXPENSES

## GENERAL RULE

Guide § 230.63.10

- Out of pocket expenses reasonably incurred, itemized and reasonably documented may be claimed
- Non-attorney services (paralegal, investigator) are NOT considered out-of-pocket expenses.

## REIMBURSABLE

Guide § 230.63

- Transcripts, travel expenses, non-overhead videoconferencing, copies, thumb drives, etc.
- For expenses >\$500, interim reimbursement is available

## NOT REIMBURSABLE

Guide § 230.66

- Office overhead (personnel, rent, internet service, secretarial)
- Items of personal nature (haircut, dry cleaning, meals)
- Filing, PHV, or PACER fees



# PECULIAR RULES

Fact Witnesses	fees and expenses of fact witnesses are generally paid by DOJ, not the CJA. Fed. R. Crim. P. 17(b); 28 USC § 1825; <u>Guide § 320.40</u> .
Receipts	expenses over \$50 require receipt
Copies	Itemize in-house copies: ___ x 15¢. Copy service must not exceed 25¢/page; receipt required if copy service exceed 15¢/page. Requests for copies in the District Clerk's Office are free to Panel members.
PACER	fee-exempt PACER account instructions: <u><a href="#">Activating CJA Privileges - Learning Aid.pdf (uscourts.gov)</a></u>
Mileage	calculate car mileage from home or office to avoid commute distance.
Non-compensable tasks	consider including these in eVoucher, without claiming any related time, to show that they were done



# 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?
- Notice and an opportunity to be heard for cuts that exceed 1 hour *except for math errors or clearly clerical work*. [CJA Plan, XII\(B\)\(5\), p. 18.](#)
- Request CJA Committee to review and make recommendation to judge. [CJA Plan, VIII\(B\)\(6\), p. 11.](#)

# Questions?

This Powerpoint slide deck will be on the Court's website under [Attorneys/CJA Attorney Information/Links & Resources](#) (top of the list).

CJA Help Desk: 214-753-2173

Tammy: 214-753-2209

Kim: 214-753-2192