

Procedure for Obtaining Investigative and Expert Services-

Under subsection(e) of the Criminal Justice Act, 18 U.S.C. 3006A, “[c]ounsel 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.” The application must show that the person is financially unable to obtain the services, and must show with particularity why they are necessary for adequate representation. To avoid the risk that the court will disapprove payment for subsection(e) expenses already incurred, counsel should apply for court authorization of those services in advance.

- **Payment for Investigative, Expert or Other Services Not Exceeding \$500 Without Prior Authorization:** The court may approve payment of expert service providers without prior authorization, upon a showing that the services were “necessary for adequate representation:” 18 U.S.C. 3006A(e)(2)(A). Except as provided in 18 U.S.C. 3006A(e)(2)(B), the total cost of services so obtained may not exceed \$500 and expenses reasonably incurred.
- **Conditional Payment for Investigative, Expert or Other Services Exceeding \$500 Without Prior Authorization:** The court may approve payment for expert services in excess of \$500 without prior authorization if it is in the interest of justice, but only “upon the finding that timely procurement of necessary services could not await prior authorization.” 18 U.S.C. 3006A(e)(2)(B).
- **Maximum Compensation for Investigative, Expert or Other Services:** Compensation paid to a person or organization for subsection(e) services [Investigative, Expert or Other Services] may not exceed \$1,600 per person covered under the Act, plus reasonable expenses, unless excess compensation is certified by the court and approved by the chief judge of the circuit or the chief judge’s delegate. 18U.S.C. 3006A(e)(3).
- **Capital Cases:** Procedures for investigative, expert, or other reasonably necessary services in capital defense and capital habeas corpus are set out in 18 U.S.C. 848(q)(9)-(10).
- **Obtaining Advance Authorization for Investigative, Expert or Other Services:** Applications for authorization of investigative, expert or other services are made by using the “Advanced Authorization for Investigative, Expert, or Other Services” Memo available on this website or through the CJA Administration by calling 206-553-2510.

Note: The amounts paid for subsection(e) services (Investigative, Expert or Other Services) “shall be made available to the public [upon request].” 18 U.S.C. 3006A(e)(4). Therefore, if counsel’s application for authorization of Investigative, Expert or Other Services contains sensitive information it is strongly recommended that it be marked “FILE UNDER SEAL” thereby requiring a court order for release should a request for the paperwork be made.