

UNITED STATES DISTRICT COURT
for the
WESTERN DISTRICT OF WASHINGTON

Name

Address

City, State, Zip Code

Telephone

MEMORANDUM

RE: Interim Payments for Services Other Than Counsel

CR _____, USA vs. _____

Due to the expected length of the trial in this case, and the anticipated hardship on persons providing services pursuant to subsection (e) of the Criminal Justice Act for such a period without compensation, pursuant to paragraph 3.06A of the Guidelines for the Administration of the Criminal Justice Act, I am requesting the court approve my application for interim payment. If approved, the following procedures as outlined in option _____ shall apply during the period of time in which I provide services in connection with this case.

1. Submission of Vouchers

Persons providing services under subsection (e) shall submit to the CJA Administrator once a month, an interim CJA Form 21, "Authorization and Voucher for Expert and Other Services." Compensation earned and reimbursable expenses incurred from the first to the 31st of each month shall be itemized on each interim voucher. The first interim voucher shall reflect all compensation claimed and reimbursable expenses incurred from the date on which your services were first retained until the vouchers' submission. Thereafter, the interim vouchers shall be submitted once a month. Claimants shall complete Item 17 on the form for each interim voucher submitted. Each voucher shall be assigned a number when processed for payment. Interim vouchers shall be submitted in accordance with this schedule even though little or no compensation or expenses are claimed for the respective statements. All interim vouchers shall be supported by detailed and itemized time and expense statements. Chapter III of the Guidelines for the Administration of the Criminal Justice Act outlines the procedures and rules for claims by persons providing services pursuant to subsection(e) and should be followed regarding each voucher.

The CJA Administrator will review the interim vouchers when submitted, particularly with regard to the amount of time claimed, and will request that the court authorize compensation to be paid for two-

thirds of the approved number of hours. This compensation will be determined by

multiplying two-thirds of the approved number of hours by the applicable rate. The CJA Administrator will also request the court authorize payment of all reimbursable expenses reasonably incurred.

(Select OPTION A or B)

OPTION A

At the conclusion of the period during which you provide services in this case, you shall submit a final voucher seeking payment of the one-third balance withheld from the earlier interim vouchers, as well as payment for representation provided during the final interim period. The final voucher shall set forth in detail the time and expenses claimed for the entire case, including all appropriate documentation. A statement should be attached to the voucher which reflects all compensation and reimbursement previously received, as well as the net amount remaining to be paid at the conclusion of the case. After reviewing the final voucher, the CJA Administrator will submit it to the Court and then to the Chief Judge of the Ninth Circuit Court for review and approval.

OPTION B

Every _____ months, counting from the submission date for the first interim voucher, until the conclusion of the services, claimants shall submit a cumulative interim voucher seeking payment of the outstanding one-third balance withheld from all earlier interim compensation paid out during the preceding _____-month interval, as well as payment for services provided during, the last interim period of the interval. The cumulative interim voucher shall be labeled as such and shall set forth in detail the time and expenses claimed for the entire interval, including all appropriate documentation. A statement should be attached to the cumulative interim voucher, which reflects all compensation and reimbursement previously received, as well as the net amount remaining to be paid at the end of the interval. After reviewing the cumulative interim voucher, the CJA Administrator will submit it to the Court and then to the Chief Judge of the Ninth Circuit Court for review and approval. At the conclusion of the period during which you provide services in this case, you shall submit a final cumulative voucher seeking payment of the one-third balance withheld from the interim vouchers processed during the final interval, as well as payment for services rendered during the last interim period of the interval.

2. Reimbursable Expenses

Persons providing services pursuant to subsection (e) may be reimbursed for out-of-pocket expenses reasonably incurred incident to the rendering of services.

The following additional guidelines may be helpful:

- a. Case related travel by privately owned automobile should be claimed at the rate of 36.5 cents per mile, plus parking fees, ferry fares, and bridge, road and tunnel tolls. Transportation other than by privately owned automobile should be claimed on an actual expense basis. Air travel in "first class" is prohibited. For service providers requiring air travel, counsel are encouraged to contact the CJA Administrator for air travel authorization at government rates.

- b. Actual expenses incurred for meals and lodging while traveling outside of the County in the course of this representation must conform to the prevailing limitations placed upon travel and subsistence expenses of federal judiciary employees in accordance with existing government travel regulations. For specific details concerning high cost areas, counsel should consult the CJA Administrator.
- c. Telephone toll calls, telegrams, photocopying, and photographs can all be reimbursable expenses if reasonably incurred. However, general office overhead, such as rent, secretarial help, and telephone service, is not a reimbursable expense, nor are items of a personal nature. In addition, expenses for services of subpoenas on fact witnesses are not reimbursable, but rather are governed by Rule 17, F.R.Cr.P. and 28 U.S. C. 1825.

3. Further questions or guidance

Answers to questions concerning appointment under the Criminal Justice Act can generally be found in (1) 18 U.S.C. 3006A; (2) the Plan of the United States District Court for the Western District of Washington, available through the clerk or the CJA Administrator, and (3) Guidelines for the Administration of the Criminal Justice Act, published by the Administrative Office of the U.S. Courts, also available through the clerk. Should these references fail to provide the desired clarification or direction, counsel should address their inquiry directly to the CJA Administrator.

APPROVED

United States District Judge

Date

APPROVED

Chief Judge of the United States
Court of Appeals for the Ninth Circuit

Date