

**Criminal Justice Act  
Panel Attorney  
Manual**

**Western District of Washington**

**August 2007**

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The following guidelines are to inform CJA panel attorneys of the Court's expectations and provide an understanding of the voucher review process. Along with these guidelines, panel attorneys should familiarize themselves with the following:

- (1) The Criminal Justice Act, 18 U.S.C. 3006A;
- (2) The Criminal Justice Act Plan for the Western District of Washington;
- (3) The Guide to Judiciary Policies and Procedures, Volume VII, *Appointment of Counsel in Criminal Cases*.

Should these references fail to provide the desired clarification or direction, counsel should address all questions to the CJA Administration at the Office of the Federal Public Defender, (206) 553-2510.

**All funding requests and compensation claims for CJA appointments made in the Western District of Washington should be submitted to the following address:**

**CJA Administration  
Office of the Federal Public Defender  
1601 Fifth Avenue, Suite 700  
Seattle, WA 98101**

**Phone: (206) 553-2510  
Fax: (206) 553-2334  
website: [www.wawfpd.org](http://www.wawfpd.org)  
e-mail: [zzzWAWml\\_CJA@fd.org](mailto:zzzWAWml_CJA@fd.org)**

# **I. Attorney Compensation and Recordkeeping**

## ***A. General Expectations***

### **1. Fiscal Responsibility**

Consistent with this manual, the court expects appointed counsel to assist the court by using the least expensive, most reasonable method to provide high quality legal and other services to indigent defendants. Whenever appropriate, without compromising the quality of the work, services should be performed by the least expensive, competent staff member authorized by the court and capable of performing the work.

### **2. Multi-Defendant Cases**

In all multi-defendant cases involving more than one CJA appointed attorney, absent a conflict of interest, counsel should make all reasonable efforts to reduce costs by coordinating the hiring and use of interpreters, as well as joint applications for funding of paralegals and other service providers. The CJA Administration should be contacted for assistance in coordination of multi-defendant cases, including possible appointment of a discovery/case manager to assist the defense group.

### **3. Record Retention**

Time and expense records for CJA representations may be subject to audit and must be retained by the appointed attorney for three years after approval of the final voucher for an appointment.<sup>1</sup>

### **4. Confidentiality**

All CJA documents shall be filed in the confidential CJA files maintained by the CJA Administration. A sealing order is not required. CJA documents include vouchers (CJA Forms 20, 21, 24, 30 and 31), a copy of the Financial Affidavit (CJA Form 23) if applicable, all supporting documentation, budget plans and orders, funding requests and authorizations, interim payment orders and travel requests and

orders. Documents maintained in the CJA financial file shall not be disclosed to the public except as provided by statute, by the Guide to Judiciary Policies and Procedures or by order of the court.<sup>2</sup>

## ***B. Compensation Maximums<sup>3</sup>***

**Felonies** (Non-Capital), Civil Forfeiture, Non-Capital Post-Conviction (2241, 2254, 2255) – \$7,000 trial court level, \$5,000 appeal level

**Misdemeanors** – \$2,000 trial court level, \$5,000 appeal level

**Pre-Pre-Trial Diversions** – \$7,000 felony, \$2,000 misdemeanor

**Prisoner Transfers** – \$1,500

**Paroled Prisoner Transfers** – \$1,500 before Parole Commission, \$5,000 appeal level

**Other:** Probation Violation; Supervised Release Violation; Parole Violation; Material Witness (in custody); Mental Condition Hearings (with exceptions); Contempt (with possible loss of liberty); Witnesses (Grand Jury, court, Congress, etc.); International Extradition – \$1,500 trial court level

## ***C. Staffing***

### **1. Court Appearances**

Attorneys appointed to a case under the CJA are expected to personally appear and participate in all proceedings related to plea, detention, substantive motions, trial and sentence.

### **2. Associate Attorneys<sup>4</sup>**

Associates in the same firm may assist appointed counsel on a CJA representation. However, by accepting appointment pursuant to the CJA, appointed counsel is

obligated to ensure the aggregate hours expended by appointed counsel and others working on the case are reasonable and not duplicative.

The CJA case compensation maximum applies to combined hours of the appointed attorney and the associate. If it is anticipated that the hours for both the associate and the appointed attorney will exceed the case compensation statutory maximum, appointed counsel should seek pre-authorization from the court to use the associate.<sup>5</sup>

Associate counsel should be billed at actual cost (hourly plus benefits, taxes, overhead, space, etc.), but not to exceed \$94 per hour. Billing records should identify the attorney performing the task.

Meeting time between the appointed attorney and any associates should only be billed by appointed counsel.

### **3. Contract Attorneys**

If appointed counsel wishes to use an attorney who is not a member of his or her firm, pre-authorization **must** be obtained. The preauthorization request must identify the contract attorney appointed counsel anticipates using as well as an explanation as to the need. Contract attorneys must be billed at cost not to exceed \$94 per hour unless used as an expert (see section C, Expert and Other Service Providers). All the above policies for associate attorneys apply to contract attorneys.<sup>6</sup>

### **4. Co-Counsel**

In a difficult case where the court finds it in the interests of justice, co-counsel may be appointed. If so, each attorney is eligible to receive the maximum compensation allowable under the Act.<sup>7</sup>

If co-counsel are not in the same firm, attorney conferences will be approved for limited and reasonable expenditures of time.

## ***D. CJA Billing and Voucher Process***

### **1. Attorney Hourly Rate**

#### **a. Non-Capital-CJA Form 20**

Attorneys appointed by the court pursuant to CJA for non-capital cases after May 20, 2007 are compensated at \$94 per hour; between January 1, 2006 and May 19, 2007 at \$92 per hour; between May 1, 2002 and December 31, 2005 at \$90 per hour; before May 1, 2002 at \$75 per hour.<sup>8</sup> The Court will sign a CJA 20 that should be used for compensation claims.

#### **b. Capital – CJA Form 30**

The maximum hourly rate for attorneys appointed to federal capital prosecution cases and capital post-conviction proceedings, effective May 20, 2007, is \$166 per hour; between January 1, 2006 and May 19, 2007, \$163 per hour; between February 1, 2005 and December 31, 2005, \$160 per hour; before February 1, 2005, \$125 per hour.<sup>9</sup> The Court will sign a CJA 30 that should be used for compensation claims.

### **2. Billing Software**

The United States District Court for the Western District of Washington requires that CJA appointed attorneys use the billing software package, **cjavoucher**, for timekeeping and preparation of the CJA Form 20/30 for submission for payment.

Contact the CJA Administration at (206) 553-2510 or by e-mail at [zzzWAWml\\_CJA@fd.org](mailto:zzzWAWml_CJA@fd.org) for license information.

### 3. Timekeeping

#### a. Time Increments<sup>10</sup>

Time must be reported in tenths of an hour (six minute increments).

<u>Minutes</u>	=	<u>Tenths</u>
1-6		.1
7-12		.2
13-18		.3
19-24		.4
25-30		.5
31-36		.6
37-42		.7
43-48		.8
49-54		.9
55-60		1.0

#### b. Contemporaneous Timekeeping<sup>11</sup>

Attorneys must maintain **contemporaneous** time and attendance records for all work performed on a case, including work performed by associates, partners and support staff, as well as expense records.

#### c. Billing Conventions/Codes

Time records must reflect discreet individual tasks performed and assign such tasks to the categories as specified on the face of the CJA Form 20.

- 16(a) Interviews and conferences – meeting or conference with whom
- 16(b) Obtain and review records – reviewing what volume of what type of record/discovery (be specific)
- 16(c) Research and writing – motion, memo, declaration on what (be specific)
- 16(d) Travel – where, why and mileage
- 16(e) Investigation and other - general correspondence/e-mails, ancillary matters, etc.

#### **d. Detailed Time Entry**

In addition to noting the codes, counsel should make detailed time entries on billing sheets. A description of the work performed should be provided for each time entry in sufficient detail as to permit meaningful review, without violation of the canons of ethics or disclosure of attorney work product.

Details should include, but are not limited to: identification of persons involved in telephone conversations, conferences or interviews and topics discussed (a simple description of the general topic of discussion, not specific details – names of individuals present may be shortened to a descriptive i.e., AUSA, guilty phase witness #1, etc.); specific topics researched; identification of documents reviewed or prepared, including transcripts and pleadings drafted or reviewed; and, if necessary for an understanding of the task, explanation of its relevance to the federal proceedings.

**Aggregate time blocks or entries which are vague or ambiguous will not be approved for payment.** If the level of detail is insufficient for auditing purposes, the voucher will be returned to counsel for resubmission with adequate detail.

#### **e. Travel Time<sup>12</sup>**

Compensation shall be approved for time spent in necessary and reasonable travel. Ordinary allowable time for travel includes only those hours actually spent in or awaiting transit.<sup>13</sup>

#### **f. Multiple Cases**

Time spent on multiple cases that require overlapping services (e.g., research, attendance in court, travel to visit clients, etc) should be appropriately allocated among the cases and not billed in full to each case.

#### **g. Secretarial Tasks**

Attorneys should not bill for secretarial tasks (see also II. C.5 Non-Reimbursable)<sup>14</sup>

## **h. Original Work Product**

Attorneys may only claim compensation for work that is originally prepared for the case in which the voucher is submitted. By submitting a signed voucher, the attorney certifies that the bill contains hours claimed for original work prepared in the current case and does not claim hours for previously prepared “boiler plate” documents from this case or another case.

## **i. Time Spent on Voucher Process**

Attorneys, or anyone else, should not bill for time involved in accepting a CJA appointment or for time taken to prepare their CJA billing, including time spent preparing the explanatory letter or other explanatory document in cases where the fees requested exceed the statutory maximum.

## **j. Ancillary Matters**

Pre-authorization from the court should be obtained prior to appointed counsel working on any related state court proceedings or other ancillary matters. If no prior authorization is obtained, a declaration explaining the necessity of the services must be submitted when payment is sought.<sup>15</sup>

## **4. Timeline for Submission of Vouchers**

Final vouchers must be submitted to the CJA Administration no later than 45 days after the final disposition of the case, unless good cause is shown.<sup>16</sup> Failure to do so may result in a voucher reduction or non-payment.

## **5. Complex or Extended Cases-Interim Payments**

For non-capital cases that are complex or extended, the attorney may request interim payments. The appointed attorney must initiate the request for interim payments by submitting a written request for extended-case interim payments in the form of a declaration to the CJA Administration detailing why the case is extended and complex. The CJA Administration will prepare the authorization. The interim agreement must be signed by the presiding judicial officer as well as the Chief Judge for the Ninth Circuit Court of Appeals before interim payments will be made. One-fifth of the requested compensation on interim vouchers will be held in

abeyance until the final voucher is approved and processed for payment. Interim vouchers should not be submitted if fees incurred during the interim period do not exceed \$1,000.00, as specified in the interim agreement.<sup>17</sup>

In federal capital prosecutions and capital habeas cases the judge may approve interim payments at the time of appointment. The CJA Administration will ensure that an interim payment order is generated and signed by the judge. Approval is necessary from the Ninth Circuit. There is no withholding of amounts from interim vouchers submitted on CJA Form 30.<sup>18</sup>

## **6. Vouchers in Excess of Maximum**

Vouchers submitted for compensation amounts that exceed the statutory maximum must be accompanied by an explanatory declaration from counsel detailing the complex or extended nature of the case.<sup>19</sup>

When submitting the final voucher on a case where counsel has been approved for interim payments, no declaration outlining why the case is over the statutory maximum is required as the court has already approved interim payments based on the complexity of the case

## **7. Voucher Review, Approval and Payment**

CJA vouchers for the Western District of Washington are processed, reviewed and audited by the CJA Administration in the Office of the Federal Public Defender. The audit process includes reviews of the time and expense records associated with a CJA representation to verify that services rendered and expenses incurred are in accordance with the local guidelines, as well as the policies and procedures of the Judiciary. Voucher review by the presiding judge includes an assessment of whether or not the fees and expenses are reasonable for the activity or task involved.

Once a voucher has been approved by the presiding judge and the Chief Judge of the U.S. Court of Appeals for the Ninth Circuit if over the statutory maximum, it is processed for payment. Payment will be mailed from the Administrative Office of the U.S. Courts in Washington, D.C., within one to two weeks.

Every effort is made by the CJA Administration to have vouchers submitted for payment paid within a month if under the statutory maximum or six weeks if over the statutory maximum.

## **8. Voucher Reduction**<sup>20</sup>

If a judge has a question or concern regarding the amount of compensation claimed and is contemplating a reduction to the voucher, counsel must be notified. Counsel will be given an opportunity to provide information or documentation relevant to the voucher and the judge's question or concern on the claim, except in cases involving mathematical or technical corrections. In the event that the matter cannot be resolved, the voucher shall be referred to the CJA Standing Committee for review and comment. (Please refer to the CJA Plan for the Western District of Washington for additional information on the formation and function of the CJA Standing Committee.) The Standing Committee will make a recommendation to the court before the judge takes final action.<sup>21</sup>

Counsel will not receive notice if a voucher reduction is based upon simple computational errors or failure to comply with requirements outlined in this CJA manual.

## **9. Supplemental Claims**

If counsel needs to submit a supplemental claim for services rendered after the case is completed, counsel may do so by completing an additional voucher which should be designated as a "Supplemental to Final" voucher.

## **10. Case Budgeting**

### **a. Non-Capital Cases**

The court encourages case budgeting in representations that appear likely to exceed \$30,000 in total expenditures (compensation for counsel and other services on behalf of an individual CJA defendant).<sup>22</sup>

Counsel should contact the CJA Administration for assistance in developing and submitting a proposed initial litigation budget for the court's approval. Such a budget would be subject to modification in light of facts and developments that emerge as the case proceeds. Approval of any budget item will serve as approval of attorney's fees and expenditures for experts, investigators, paralegals, etc., unless the court specifically notes otherwise. In certain circumstances to be specified by the court, the court may require a subsequent written request to outline specifics not previously provided in the budget. While a budget request is pending, counsel may proceed with

necessary tasks until notification by the court as to a resolution of the budget. Absent good cause or excluded conditions, fees and expenditures in the case shall not exceed the budget.<sup>23</sup>

**b. Federal Capital Prosecutions and Capital Post Conviction Habeas Cases**

Case budgeting is required in all capital prosecutions.<sup>24</sup> As soon as counsel is informed that the death penalty will be sought in connection with the prosecution of a criminal case, appointed counsel should contact the CJA Administrator to discuss budgeting procedures in such cases.<sup>25</sup>

It is the intent of this court to work with counsel in an effort to manage the costs of capital habeas litigation. In furtherance of this objective, counsel is expected to prepare a budget for tasks to be performed by attorneys and paralegals and expenses to be incurred for investigators, expert witnesses and other costs. The judge assigned to the case will oversee the budgeting procedure in conjunction with the CJA Administration.

**II. Attorney Expenses and Travel**

**A. Criterion**

Reimbursable out-of-pocket expenses incurred in connection with a CJA representation may be claimed on the CJA Form 20 or 30 vouchers. Necessary and reasonable expenses will be compensated over and above case statutory maximums.<sup>26</sup>

**B. Reimbursable Out-of-Pocket Expenses**

**1. In General**

In general, all expenses should be thoroughly itemized and documented. Any required receipts ( see 2 below) should be taped to white 8½" by 11" paper in chronological order. More than one receipt can be attached to each sheet of paper.

**Reimbursement may be delayed because of failure to itemize or supply sufficient documentation of expenses.**

## **2. Receipts Required**

Receipts are required for:

- a. Individual expenses over \$50**
- b. Computer-aided legal research (CALR) when the expense exceeds \$500<sup>27</sup>**
- c. Phone charges over \$50 per month<sup>28</sup>**
- d. Postage over \$50 per incident<sup>29</sup>**

## **3. Messenger, Couriers and Express Delivery**

The use of messengers, couriers, and express delivery services (e.g., Federal Express, Airborne Express, etc.) is discouraged unless there is a genuine necessity for this service.

## **4. Photocopy and Fax Rates**

In-house photocopies should be billed at actual costs, not to exceed 15 cents per page.

Fax expenses should be billed at cost, not to exceed \$1 per page.

## **5. Paralegals, Law Students and Other Service Providers**

Paralegals and law students, whether in-house or independent, must be billed on a separate CJA Form 21/31, not on the attorney's voucher, even if the payee is the attorney or law firm. Other expert service providers also must be billed using a CJA Form 21/31. For additional information see section III. Expert and Other Service Providers.<sup>30</sup>

## **6. Transcripts**

The cost of transcripts for any matter other than fact witness depositions (see 7. Depositions below) should be billed on a CJA Form 24. The preferred method is to pay the court reporter or transcriber directly, however, the payee can be the attorney or law firm if they have incurred the expense “out-of-pocket.”<sup>31</sup>

## **7. Depositions**

In any case where depositions are required, counsel should contact the CJA Administration for specific information regarding funding.<sup>32</sup>

### ***C. Non-Reimbursable Expenses***

#### **1. General Office Overhead**

General office overhead, such as rent, office supplies or equipment, telephone lines or service is not reimbursable except in extraordinary circumstances<sup>33</sup>

#### **2. Personal Items**

Personal items and services for the client, such as clothing, cleaning or pickup or delivery of clothing or personal items, haircuts, cigarettes, transportation, lodging, travel, meals, costs of assisting the defendant in the disposition of his or her personal property, arranging for placement of minor children of the defendant, assisting the defendant in executing the conditions of probation, assisting the defendant in modifying bond terms such as drafting applications for his or her travel, providing legal assistance in matters unrelated to the litigation of the case, although incidental to the defendant’s arrest, etc., will not be reimbursed.<sup>34</sup>

#### **3. Filing Fees**

The fees are waived for persons proceeding under the CJA.<sup>35</sup>

## **4. Printing**

The cost of printing briefs is not reimbursable, although the cost of photocopying is.<sup>36</sup>

## **5. Secretarial Help**

Secretarial help (whether regularly or specially employed) and secretarial duties, including but not limited to the following:<sup>37</sup>

- Filing of court documents (CM-ECF)
- mailing, faxing, copying
- preparation of correspondence by either drafting from general instructions or typing in prescribed format
- transcribing dictation, editing and proofreading of initial drafts, general word processing
- receiving, screening and referring telephone and in-person callers
- answering/obtaining general inquiries/information about attorney office
- setting up meetings and conferences and informing participants of dates, times, locations etc. and maintaining office calendar
- notifying client of dates and times of court appearances and appointments with counsel, interpreters and other experts
- opening and closing case file
- preparation of attorney or expert billing

## **6. Taxes**

Taxes paid on attorney compensation received pursuant to CJA whether based on income, sales or gross receipts are not reimbursable expenses.<sup>38</sup>

## **7. Expenses Related to Fact Witnesses**

Expenses related to fact witnesses including service of subpoenas, witness fees, and travel costs are not payable from the CJA appropriations. Contact the CJA Administration for information on having this paid by the government.<sup>39</sup>

## **8. Computer Hardware, Software and Training**

The United States District Court for the Western District of Washington considers the following computer hardware and software to be basic office overhead, therefore non-reimbursable:

- a. PC or Mac computer, including a DVD/CD writer/player(DVD writer preferred)
- b. Printer
- c. Scanner
- d. Speakers (for audio/wire taps, etc.)
- e. Graphics software to view photos
- f. A word processing program, such as WordPerfect or Word
- g. A PDF program with writing and reading capabilities
- h. An individual e-mail address to the attorney that is private (not shared by others in the office, or family)
- i. Internet connection (high speed preferred)

Additionally, CJA appointed attorneys are expected to be proficient in the use of e-mail programs, word processing, spreadsheets and ECF filing. Training necessary to perform these basic office functions is also not reimbursable under the CJA.

## **9. Fees for Deeds of Trust to Secure Defendant's Release**

These fees are paid by the person(s) securing the collateral.<sup>40</sup>

## **10. Alcoholic Beverages<sup>41</sup>**

## **11. Non-Essential Travel Expenses**

In-room movies and other non-essential travel expenses.<sup>42</sup>

## **12. CLEs**

Costs related to educational seminars, including travel, attendance, registration or materials.<sup>43</sup>

## **13. PACER**

Appointed attorneys can apply for a no-fee account for CJA work and should contact the PACER Service Center in San Antonio at 1-800-676-6856 for more information.<sup>44</sup>

## **14. Appeal- Related Tasks**

Time and expenses involved in the preparation of an appeal (whether from interlocutory orders or final judgments) or work related to the review of proceedings before the court are considered applicable to the case before the United States Court of Appeals and should be included on the voucher for services performed in that court.<sup>45</sup>

### ***D. Travel***

#### **1. Receipts Required**

All travel-related expenses (parking, lodging, taxis, ferry fares, meals) **MUST HAVE RECEIPTS FOR REIMBURSEMENT**. In the event of air travel, boarding passes should be retained and submitted with the travel authorization and travel itinerary when the attorney or expert submits their CJA voucher for payment.<sup>46</sup>

#### **2. Meals**

An overnight stay is required for the reimbursement of any meals. Meal receipts must show actual food/beverage purchased and cannot be just a credit card slip or statement.

#### **3. Private Vehicles**

Travel by privately owned vehicle does not require prior authorization and should be claimed at the rate currently prescribed for federal employees who use a vehicle for the conduct of official business (currently \$.485 per mile, effective 2/01/07).<sup>47</sup> Refer to the mileage chart (under Rates) on the CJA website for mileage rates

during other time periods. Voucher documentation should include the date, destination and the number of miles traveled.

#### **4. Overnight Travel**

All **overnight travel and travel by air** must be approved in advance by the court. A declaration detailing the purpose, itinerary, duration and estimated expenses for the travel should be submitted to the CJA Administration along with travel authorization form.<sup>48</sup>

##### **a. Air Travel**

###### **(1) Government Rates**

Panel attorneys and experts are allowed and encouraged to take advantage of government rates for travel. If air travel expenditures cannot be made at government rates, reimbursement to the attorney or expert for the travel costs may be limited to the amount of the government rate. Travelers must travel in coach class; any other arrangement must be detailed and specifically approved.

###### **(2) Omega World Travel**

###### **a. Air Travel**

Omega World Travel (herein referred to as OWT) is the current contract government travel agency. OWT may be contacted at any time at 1-866-450-0401 to obtain travel cost quotes. If approved for air travel, CJA travelers are expected to go through OWT to book airfare, which will be paid directly by the CJA Administration.

###### **b. Other Travel Arrangements**

Travel arrangements can be made through OWT for items other than airfare (car rental, hotels, etc.); however, the attorney or expert will need to provide

their personal or business credit card to secure the reservation.

### **b. Meals and Lodging**

CJA counsel and experts are only reimbursed for ACTUAL expenses incurred for meals and lodging while on overnight travel outside the city or county of residence in the course of a CJA representation. Actual receipts (not credit card slips) are REQUIRED for reimbursement. Travel expenses must conform to the prevailing limitations governing travel and subsistence expenses of federal judiciary employees. Since the amount allowable is dependent upon the place of travel, please consult the CJA Administration for current per diem rates. Meals and lodging are included in per diem rates; other expenses, such as taxi fares, rental car charges, etc. are not included in the per diem rate and may be claimed separately if receipts are provided. Meals are reimbursable only when overnight travel is authorized.<sup>49</sup>

## **III. Experts and Other Service Providers**

### ***A. Statutory Maximums for Service Providers***

The CJA compensation statutory maximum to any person providing expert services is \$1,600.00 in non-death penalty cases or \$7,500.00 (aggregate) in death penalty matters.<sup>50</sup>

### ***B. Pre-Authorization***

Prior authorization should be obtained from the court for the use of investigators, experts or other service providers where the cost of the expert is expected to exceed \$500. The only exception to this is attorney-client meetings that require an interpreter.<sup>51</sup>

A request for the approval of funds over \$500 for such services shall be submitted to the CJA Administration using the Pre-authorization form along with a letter in support of the request detailing the need for the service, the cost involved (hourly rate as well as number of hours, etc.) and information on the expert appointed counsel wishes to engage.

*Note: Appointed counsel is responsible for communicating the pre-authorized amount to the expert and ensuring the expert understands any limitations placed by the court on the expert's appointment. Every effort should be made by counsel and the expert to stay at or under the pre-approved amount.*

Payment requests for experts where prior authorization was not received by appointed counsel should be submitted to the CJA Administration with a letter detailing why, in the interests of justice, the services were necessary and could not await prior authorization.

### ***C. Expert Rates***

Appointed counsel is expected to negotiate the lowest reasonable compensation rate and total time required with the expert.

### ***D. Paralegals***

Use of paralegals is encouraged, but must be pre-approved if the expenditure will exceed \$500. With the prior approval of the court, paralegals, whether independent or employed in the same firm as appointed counsel, may perform case preparation services which are distinct from normal clerical support services.<sup>52</sup>

The CJA guideline rate is actual cost, including overhead if applicable, not to exceed \$45 per hour. The "actual costs" for in-house paraprofessionals, law clerks and law students include the regular hourly rate, plus any relevant costs, e.g., office expenses, payroll taxes, workers compensation insurance, and actual cost of benefits provided.<sup>53</sup> If the paralegal has special skills applicable to the case, appointed counsel may apply to have the paralegal compensated at a higher rate prior to their work on the case.

### ***E. Interpreters***

#### **1. Billing Rates**

##### **a. Interpretation**

The CJA pays interpreters on a half-day/whole-day basis. Federally certified interpreters can bill at a rate of \$197 for half-day (up to 4 hours), \$364 for full-day (from 4-8 hours). For work over 8 hours, the overtime rate for federally certified interpreters is \$51 per hour. The alternate interpreter rate for interpreters who have not been federally certified is \$165 for a half-day, \$305 for full-day and overtime rate of

\$28 per hour. The interpreter, certified or not, also is entitled to travel expenses.

**Counsel should indicate on the face of the CJA Form 21 the actual time spent using the interpreter before signing off on the interpreter's bill.**

## **b. Translation**

Counsel should seek pre-authorization from the court for translation projects that are expected to exceed \$500. Rates should be negotiated in advance of a larger translation project where the preferred method of payment to the interpreter is using the above half-day/whole-day fee schedule. For small translation projects interpreters should bill by the word at not more than 15 cents per word.

## **2. Cancellation Policy**

If an interpreter appointment is cancelled on short notice and the interpreter is unable to fill the cancelled time slot, the interpreter may bill the CJA the half-day rate providing a reasonable explanation is submitted by the appointed attorney or canceling party.

### ***F. Confidentiality***

As with all other CJA documents, expert services requests are maintained in confidential files and will not be disclosed absent statutory requirements or court order.<sup>54</sup>

### ***G. Expert Voucher/Billing***

All claims for services other than counsel should be submitted on a CJA Form 21 for non-death penalty cases and CJA Form 31 in Capital matters.<sup>55</sup>

As with attorney vouchers, a detailed statement as to the type of service, dates of, and time expended for the services provided should be attached to the CJA Form 21/31 as well as an itemized statement and receipts for any expenses incurred. A copy of the preauthorization form also should be attached.<sup>56</sup>

Appointed counsel are responsible for requiring experts to submit invoices which are sufficiently detailed to permit review in a similar manner to that described for appointed counsel.

The information provided in the Attorney Expenses and Travel section (section II) of this manual also apply to expert service providers.

Appointed counsel should review the expert's invoice and voucher prior to signing the voucher to ensure the service provider's claim is consistent with the appointed attorney's instructions and accurately reflects the services actually rendered.

# **APPENDIX**

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- <sup>1</sup> Guide 2.31
  - <sup>2</sup> Guide 5.01
  - <sup>3</sup> Guide 2.22 B2
  - <sup>4</sup> Guide 2.11 A
  - <sup>5</sup> Guide 2.23
  - <sup>6</sup> Guide 2.11 A
  - <sup>7</sup> Guide 2.11 B
  - <sup>8</sup> Guide 2.22 A
  - <sup>9</sup> Guide 6.02 A
  - <sup>10</sup> Guide Appendix A
  - <sup>11</sup> Guide 2.31
  - <sup>12</sup> Guide 2.26
  - <sup>13</sup> Guide 2.26
  - <sup>14</sup> Guide 2.28 A
  - <sup>15</sup> Guide 2.01 F5
  - <sup>16</sup> Guide 2.21
  - <sup>17</sup> Guide 2.30 A
  - <sup>18</sup> Guide 2.30 B
  - <sup>19</sup> Guide 2.22 2
  - <sup>20</sup> Plan VIII B-E, Plan Appendix A, Guide 2.22 E, Guide 2.22 B3
  - <sup>21</sup> CJA Plan IX D
  - <sup>22</sup> Guide 2.22 B4
  - <sup>23</sup> Ibid.
  - <sup>24</sup> Guide 6.02 F
  - <sup>25</sup> Ibid.
  - <sup>26</sup> Guide 2.27
  - <sup>27</sup> Guide 2.27 B
  - <sup>28</sup> Guide Appendix A-8, CJA 20 Form Instructions
  - <sup>29</sup> Ibid.
  - <sup>30</sup> Guide 3.16, Guide 3.02
  - <sup>31</sup> Guide 2.27 A
  - <sup>32</sup> Guide 3.13
  - <sup>33</sup> Guide 2.28
  - <sup>34</sup> Ibid.
  - <sup>35</sup> Ibid.
  - <sup>36</sup> Ibid.
  - <sup>37</sup> Ibid.
  - <sup>38</sup> Ibid.
  - <sup>39</sup> Ibid.
  - <sup>40</sup> Guide 2.28
  - <sup>41</sup> Ibid.
  - <sup>42</sup> Ibid.
  - <sup>43</sup> Ibid.

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- <sup>44</sup> Ibid.  
<sup>45</sup> Ibid.  
<sup>46</sup> Ibid.  
<sup>47</sup> Guide 2.27 C  
<sup>48</sup> Guide 2.23  
<sup>49</sup> Guide Appendix A #17  
<sup>50</sup> Guide 3.02  
<sup>51</sup> Guide 3.02 A  
<sup>52</sup> Guide 2.33, Guide 3.02 A  
<sup>53</sup> Guide 3.16  
<sup>54</sup> Chapter V  
<sup>55</sup> Guide 3.05  
<sup>56</sup> Guide 3.04