General Information

This instruction manual was prepared by the Office of the Federal Defender (FDO) to help Criminal Justice Act (CJA) panel attorneys in the District of Minnesota understand their obligations and rights on appointed cases. The contents of this manual are intended solely as a guide. It refers to sections of the *Guide to Judiciary Policy,* the Criminal Justice Act, and other applicable statutory provisions. The Guidelines for the Administration of Criminal Justice Act, 18 U.S.C. § 3006A, are available to CJA attorneys at www.fd.org. Updates to this source will prompt revisions to this manual. In the event of a contradiction, the statutory authority prevails, and panel attorneys are instructed to contact the FDO before acting pursuant to that provision.

SUBMISSION OF VOUCHER FOR PAYMENT

Vouchers should be completed and submitted using the CJA eVoucher Payment System as soon as possible after the case is completed at the district court level. CJA 21 vouchers for experts **can be submitted when the expert's work on the case is complete.**

The *Guide to Judiciary Policy* (hereinafter referred to as the *Guide*), Volume 7, Ch. 2, § 230.13, states Vouchers should be submitted no later than **45** days after representation concluded, unless good cause is shown. Claims submitted outside the 45-day period should include a separate statement outlining the reasons for the delay.

Note: The Eighth Circuit is strict regarding the submission of vouchers within the 45-day time frame. If you submit a voucher beyond the 45-day mark, the voucher will be rejected back to you to attach a justification statement for the late submission of the voucher.

No appointed attorney shall accept payment from or on behalf of the person represented without Court approval on CJA Form 7. See *Guide,* Vol. 7, Ch. 2 § 230.40.

JUSTIFICATION STATEMENTS

A justification statement must be attached to the voucher if the amount of compensation being claimed (excluding expenses) exceeds the statutory limits set forth in 18 U.S.C. § 3006A.

Statutory Limits **CURRENT** (applies to cases with services on or after 1/1/25)

Felony	**$13,600**
Appeal	**$9,700**
Misdemeanor	**$3,900**
Other Cases	**$2,900**

Historical Data:	1/1/24 - 12/31/24	1/1/23 – 12/31/23	1/1/22 – 12/31/22	1/1/21 – 12/31/21
Felony	$13,400	$12,800	$12,300	$12,100
Appeal	$9,700	$9,100	$8,800	$8,600
Misdemeanor	$3,900	$3,600	$3,500	$3,400
Post-Conviction (2242, 2254, 2255)	$13,400	$12,800	$12,300	$12,100
Other Cases	$2,900	$2,700	$2,600	$2,600

*Expenses do not count toward the statutory limits.

REVIEW PROCESS

Upon submission in eVoucher, the FDO reviews the claim for mathematical accuracy and technical compliance with the CJA Guidelines. If there are no problems to be corrected, the voucher is forwarded through eVoucher to the U.S. District Judge assigned to the case. The award determination is made by the Court and the claim is returned to the FDO. If the amount of the claim was over the statutory limit, the claim is also sent to the Eighth Circuit for consideration and signature by the Chief Judge or his delegate. Once the completed voucher is received back at the FDO, the data related to the appointment and claim is forwarded to a designated employee of the Clerk of Court's Office and the check is printed at the Treasury Office, Administrative Office, Washington, D.C., and mailed to appointed counsel.

CJA 20

Please note that the instructions pertain only to claims filed due to representation at the federal district court level.

PERSONAL APPOINTMENTS

All attorneys appointed under the Criminal Justice Act are appointed personally and individually. Payment on a CJA claim is made to the *individual attorney* rather than to the firm or organization with which the attorney is associated. Unless appointed, co-counsel or associate attorneys may not be compensated under the Act. However,

appointed counsel may claim compensation for services furnished by a partner or associate or, with prior authorization by the court, counsel who is not a partner or associate, within the maximum compensation allowed by the Act, separately identifying the provider of each service (ex. an associate covers a court appearance appointed counsel is unable to attend). See *Guide*, Vol. 7, Ch. 2 § 230.52.10.

The Administrative Office (AO) has made provisions for reporting CJA income as firm income rather than personal income of the attorney. The financial relationship of the attorney with the firm dictates how the income should be reported. Your income will be reported to the IRS using your Social Security Number (SSN) or the firms' tax ID number pursuant to the written form submitted by you at the time of the last panel revision. If your tax reporting status should change, call the CJA Panel Administrator for instructions on updating your status.

Travel by Airplane

Legislation has been passed which allows panel attorneys and experts to request authorization to obtain government fares for airline travel in connection with representation pursuant to the CJA. A Travel Authorization must be obtained for each trip. Travel may be requested as follows:

1. The Panel attorneys completes the Travel Authorization in eVoucher. The information required in the travel authorization includes:

    a. Name of person traveling
    b. Address of person traveling
    c. Travel to/from
    d. Dates of travel
    e. Estimated cost of airline ticket (Cost estimate can be obtained by calling National Travel at 1-800-445-0668).

2. The Panel Administrator will review the Travel Authorization request to make sure the information is entered correctly and submit the request to the District Judge assigned to the case. In the event there is no District Judge assigned, the request will be sent to the Magistrate Judge assigned to the case.

3. If approved, the Travel Authorization will be returned to the FDO for distribution to the traveler and National Travel Service. The traveler may then contact National Travel Service and advise that s/he is a panel attorney providing CJA representation and may obtain the airline ticket. National Travel Service will bill

the government (not the traveler) for the cost of the ticket. **Please note that a copy of the Travel Authorization must be carried during the authorized travel.**

4. Copies of the airline tickets obtained pursuant to these procedures (as well as the Travel Authorization) must be attached by panel attorneys to the CJA voucher for internal control purposes. However, do not include the cost of the ticket in the amount claimed on the voucher.

Non-reimbursable Expenses

The following are **not** reimbursable expenses, and cannot be included on the CJA 20 (attorney voucher):

1. **General Office Overhead**. This includes expenses which would normally be reflected in the fee charged to the client. Expenses such as personnel costs, rent, telephone services and secretarial help are not reimbursable except in extraordinary circumstances.

2. **Items and Services of Personal Nature**. The cost of items of a personal nature purchased for or on behalf of the client, such as new clothing, haircuts, cigarettes, candy, or meals, etc., is **not** reimbursable. The cost of services such as assisting the defendant in the disposition of his or her personal property, arranging for the placement of minor children of the defendant or assisting the defendant in executing the conditions of probation is not reimbursable.

3. **Filing Fees**. Attorneys should not be required to pay a filing fee in a CJA case since such payment and reimbursement thereof is tantamount to the government billing itself to accomplish a transfer of appropriated funds into the General Fund of the Treasury. If a filing fee is paid by an attorney who is subsequently appointed in the case, he or she should petition the district court for a refund of that fee.

4. **Printing of Briefs** is not reimbursable. However, the cost of photocopying briefs is reimbursable.

5. **Service of Process**. Witness fees, travel costs, and expenses for service of subpoenas on fact witnesses, are not payable out of the CJA appropriation but are governed by Rule 17, Fed. R. Crim. P. and 28 U.S.C. § 1825. The US Marshals will serve subpoenas free of charge for appointed counsel if you obtain an order from the Judge or Magistrate Judge. If you hire your own investigator, they can be paid out of CJA fund for serving subpoenas ***only if they also interview the person served at the time of service***.

6. **Cost of Investigative, Expert or Other Experts** under 18 U.S.C. § 3006A(3). The organization or person providing the service should refer to the rules for CJA 21.

7. **Cost of Law Clerks or Paralegals**. The CJA 21 procedures pertaining to experts must be followed. The use of law clerks should result in greater efficiency and lower costs for the CJA program than would occur if counsel performed the services. The Court has the power to determine whether the rate charged is reasonable. The rate may not exceed the lesser of the rate paid to counsel under the CJA or the rate typically charged by counsel to a fee-paying client for such services. Any claim must be submitted on a CJA 21, not as an expense on a CJA 20 attorney voucher.

8. **Transcripts**. Transcript costs may not be claimed on a CJA 20. Generally, court reporters or reporting services which furnish court authorized transcripts in CJA cases claim and receive compensation for their services on the CJA 24.

9. **Depositions**. The cost of transcribing depositions in criminal cases is the responsibility of the Department of Justice pursuant to Rule 15 of Fed. R. Crim. P. (but when witness is an expert, then the A.O. will pay out of CJA funds). See *Guide*, Vol. 7, § 320.40.20.

10. **Taxes on Attorney Compensation**. Not reimbursable.

RECORD RETENTION

Section 230.76 of the *Guide*, Vol. 7, provides: "Appointed counsel must maintain contemporaneous time and attendance records for all work performed, including work performed by associates, partners, and support staff, as well as expense records. Such records, which may be subject to audit, must be retained for three years after approval of the final voucher for an appointment."

PUBLIC DISCLOSURE OF CJA ATTORNEY PAYMENT INFORMATION

CJA documents should **not** be filed in the Court's Electronic Case File (ECF) System.

The Fiscal Year 1998 Judiciary Appropriations Act, Public Law 105-119, amended a provision of the Criminal Justice Act (CJA), 18 U.S.C. § 3006A(d)(4) regarding disclosure of amounts paid to court appointed attorneys on cases filed on or after January 25,

1998. Regulations are also covered in the *Guide*, Vol. 7, Ch. 5, available at www.fd.org. **Any redaction should be requested at the time voucher is submitted**.

PRORATION OF CLAIMS

When a defendant is charged in one indictment with severable counts, one voucher should be submitted, whether the counts are severed for trial.

When a defendant is charged in two or more indictments, a separate voucher should be submitted for each indictment, whether the indictments are consolidated for trial. Whenever appointed counsel submits separate vouchers, time spent in common on more than one indictment or case must be prorated among the indictments or cases on which the time was spent; and each indictment or case must be cross-referenced on the vouchers. Time spent exclusively on any one indictment or case may properly be charged on the voucher for that indictment or case.

SUBSTITUTION OF COUNSEL

If an attorney is substituted for an attorney previously appointed for a defendant in the same case, the total compensation which may be paid both attorneys shall not exceed the statutory maximum for one defendant, unless the case involves extended or complex representation. In such cases, attorney vouchers shall be submitted for approval at the same time so the Court may make such apportionment between the attorneys as may be just.

INTERIM PAYMENTS

Please contact the Office of the Federal Defender regarding interim payments.

PACER

CJA panel members are eligible to receive, free of charge, Public Access to Court Electronic Record (PACER) services for electronic access to court dockets (via CM/ECF) in CJA related matters. Panel attorneys may access the PACER website at http://pacer.pcs.uscourts.gov and complete the online registration form. CJA panel members should, under "Firm Name", type his/her name followed by "CJA Panel Attorney". Once the registration has been submitted, the CJA panel member will receive his/her own ID number and Password. CJA panel members should be aware, however, that these services are monitored and that the use of the free service is for CJA appointed matters only. Any CJA panel member who wishes to use PACER for

matters not related to CJA may do so by registering online for a second account number, without referencing "CJA Panel Attorney". The PACER service center can also be reached at (800) 676-6856, ext. 445.

CASE BUDGETING

For those cases that have been deemed "mega cases", case budgeting is required. Please contact the FDO for more information on how to proceed.

NATIONAL LITIGATION SUPPORT TEAM

For cases involving large volumes of data in a variety of media and/or file formats produced as part of the discovery, contact the National Litigation Support team.

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CIVIL FORFEITURE REFORM ACT OF 2000

The Civil Asset Forfeiture Reform Act of 2000 (CAFRA), Pub. L. No. 106-185, provides for appointed counsel for certain claimants in judicial civil forfeiture proceedings commenced on or after August 23, 2000. The Court may determine if counsel should be appointed for a person claiming an interest in seized property who is financially unable to obtain representation and who is already represented by CJA appointed counsel in a related criminal case, provided that the person has standing to contest the forfeiture and the claim appears to be made in good faith. See *Guide*, Vol. 7, § 210.20.40.

If you feel there are grounds for appointment, please contact the FDO for additional instructions on how to petition the Court for appointment of counsel. A separate CJA appointment voucher is required for the forfeiture matter.

MALPRACTICE

The CJA was amended by the Federal Courts Improvement Act of 2000, Pub. L. No. 106-518, to authorize courts to reimburse panel attorneys for expenses reasonably incurred in furnishing representation services under CJA. No reimbursement shall be made if a judgment of malpractice is rendered against the attorney furnishing the representation services. See the language in the *Guide*, Vol. 7, § 230.63.60.