



# CENTRAL DISTRICT OF CALIFORNIA CRIMINAL JUSTICE ACT BILLING GUIDE

Version 1.0  
October 2023

# TABLE OF CONTENTS

I.	Introduction .....	4
II.	Attorney Services	
A.	Setting Up an eVoucher Account and Appointments .....	5
B.	Hourly Rates .....	5
C.	Billing Deadlines.....	5
D.	Standard for Voucher Review .....	6
E.	Excess Vouchers: CJA-26 Form and Ninth Circuit Review .....	7
F.	Scope of Compensability and Billing Practices.....	10
G.	Takedowns.....	11
H.	Requests for Co-Counsel.....	11
I.	Case Budgets .....	12
III.	Service Providers and Experts	
A.	Funding Requests .....	15
B.	Rates .....	16
C.	Engagement Letter .....	20
D.	Paying Service Providers/Experts and Supplemental Funding Requests .....	20
E.	Nunc Pro Tunc Funding.....	21
F.	Timeliness Rules .....	22
G.	In-Court Assistance from Service Providers.....	23
H.	Engaging Relatives .....	23
I.	Court-Ordered Mental Health Examinations .....	24
IV.	Travel	
A.	In-District and In-Division Travel.....	24
B.	Out-of-District Travel .....	24
	Appendix 1: Ninth Circuit CJA Compensability Handbook.....	26
	Appendix 2: Billing Requirements and Tips .....	63
	Appendix 3: Contemporaneous Time Records .....	76
	Appendix 4: Nunc Pro Tunc Requests.....	81
	Appendix 5: Contesting Voucher Reductions/Peer Review Policy.....	84
	Appendix 6: Associate Counsel Policy .....	89

Appendix 7: Takedown Policy..... 96  
Appendix 8: Policies and Rates for Service Providers, Experts, and  
Interpreters ..... 102  
Appendix 9: CJA Trial Attorney Panel New Member Training ..... 111  
Appendix 10: Creating an Authorization for a Service Provider or Expert..... 143

## I. INTRODUCTION

An attorney appointed under the Criminal Justice Act (“CJA”), 18 U.S.C. § 3006A, to represent a financially eligible individual in a matter before the United States District Court for the Central District of California (“District”) is entitled to reasonable compensation for work performed; reimbursement of properly documented expenses; and expert, investigative, or other services reasonably necessary for adequate representation. Appointed attorneys have an obligation to work in an efficient manner while still providing full and effective representation to the client.

The Court has adopted this billing guide and provided the following resources to ensure responsible management over CJA funding: the [Central District of California’s CJA plan](#), the [Guide to Judiciary Policy, Volume VII, Appointment of Counsel in Criminal Cases](#) (“CJA Guidelines”), and the [Ninth Circuit's CJA Policies and Procedures](#) and [CJA Compensability Handbook](#). Other resources are available on the [Court's CJA webpage](#).

All CJA funding and payments are facilitated through the CJA eVoucher system which is a national web-based system. For help with using eVoucher, please consult the [eVoucher Attorney User Manual](#).

If you still need assistance after reviewing this billing guide, please feel free to contact CJA staff.

NAME	PHONE/EMAIL
Lauren Eskenazi-Ihrig CJA Supervising Attorney	(213) 894-0978 (work) (213) 335-0052 (cell/text) Lauren_Eskenazi-Ihrig@cacd.uscourts.gov
Mary Lou Morales, CJA Analyst CJA-20, CJA-24, CJA-30, Travel AUTH	(213) 894-5684 MaryLou_Morales@cacd.uscourts.gov
Tracy Nelson, CJA Analyst CJA-21, CJA-30, CJA-31, AUTH, Budget AUTH	(213) 894-2382 Tracy_Nelson@cacd.uscourts.gov
Edith Nakada, CJA Analyst CJA-20, eVoucher appointments, troubleshooting	(213) 894-3025 Edith_Nakada@cacd.uscourts.gov
Chris Powers, CJA Analyst CJA-21, CJA-30, CJA-31, Travel AUTH, Budget AUTH, Takedown	(213) 894-5402 Christopher_Powers@cacd.uscourts.gov
Suzanne Morris Ninth Circuit Case Budgeting Attorney	(415) 355-8982 smorris@ce9.uscourts.gov

## II. ATTORNEY SERVICES

### A. Setting Up an eVoucher Account and Appointments

All individuals working on CJA cases must have an eVoucher account to submit their claims for payments. Attorneys appointed to CJA cases also use eVoucher to facilitate funding requests for service providers, including paralegals, investigators, mitigation specialists, associate counsel, experts, interpreters, and court reporters. To set up an eVoucher account or request a new eVoucher appointment, contact Edith Nakada at [Edith\\_Nakada@cacd.uscourts.gov](mailto:Edith_Nakada@cacd.uscourts.gov). Duty-day appointments will be automatically created in eVoucher. However, please email Edith Nakada directly to create an eVoucher appointment in the following situations:

- Special appearance appointments
- Appointments by a district judge
- Appointments where your client is a target of an investigation
- Appointments on CVB cases
- Missing eVoucher appointments one week after having been appointed

### B. Hourly Rates

Hourly rates for CJA panel attorneys are set by the Judicial Conference of the United States and are usually adjusted each year. The new rates apply for services performed on or after the effective date. Current and historical non-capital case rates are available in [§ 230.16](#) of the CJA Guidelines. For death penalty cases and federal capital habeas corpus proceedings, the presiding judge sets the hourly rate, not to exceed the amount in [§ 630.10.10](#).

### C. Billing Deadlines

Non-Capital Cases: Attorneys appointed on non-capital cases must submit their vouchers for payment quarterly on a CJA-20 voucher form in eVoucher. CJA-20 vouchers must be submitted by the 15th of their designated billing month, as provided in the chart below. Any voucher returned to counsel for correction must be resubmitted within 30 days of the rejection date. Vouchers submitted after a deadline can only be paid with the approval of the CJA Committee Chair. A letter addressed to the CJA Committee Chair showing good cause must be submitted with the voucher by uploading the “late letter” to the Documents tab in eVoucher. Preoccupation with pressing professional demands does not establish good cause.

SURNAME	BILLING MONTH (Period of Service)			
A - H	January (Oct - Dec)	April (Jan - Mar)	July (Apr - Jun)	October (Jul - Sep)
I - P	February (Nov - Jan)	May (Feb - Apr)	August (May - Jul)	November (Aug - Oct)
Q - Z	March (Dec - Feb)	June (Mar - May)	September (Jun - Aug)	December (Sep - Nov)

Exceptions:

- Billable Hours Under \$500: Do not submit an interim voucher if the total amount claimed (excluding expenses) is less than \$500. Instead, combine claims with the next quarter’s claims, then submit the voucher during the upcoming billing month if the billable hours exceed \$500.
- Final Vouchers: For completed cases or cases in which the attorney has been terminated for any reason, the **final** voucher may be submitted immediately regardless of its amount and must be submitted no later than 45 days after the attorney ceases representation. Therefore, counsel may be required to submit a **final** voucher before the interim quarterly due date.

Capital Prosecution Cases: The Federal Public Defender is responsible for making a recommendation to the presiding judge to appoint learned counsel in capital prosecution cases. Attorneys appointed on capital cases should submit their vouchers for payment monthly on a CJA-30 voucher form in eVoucher. All capital cases must be budgeted. The requirements for budgeting are addressed below in [section II.I](#).

**D. Standard for Voucher Review**

Vouchers are reviewed for policy compliance and reasonableness. See generally, [§ 230.33.10](#). Deductions will be made based on mathematical errors, instances in which work billed is not compensable, instances in which work billed was not undertaken or completed, and instances in which the hours billed are clearly in excess of what was reasonably required to complete the task. Please review the [Ninth Circuit CJA Compensability Handbook](#) for a detailed account of non-compensable work.

The CJA Supervising Attorney conducts a reasonableness review over all vouchers submitted for payment. Congress enacted the Criminal Justice Act to both “assure adequate representation in the Federal courts of accused persons with insufficient

means,” and “afford[] reasonable compensation to counsel who are assigned.” See **In re Smith**, 586 F.3d 1169, 1175 (9th Cir. 2009). Therefore, the appropriate standard of review for payment in CJA cases becomes not “what hours were *actually* expended,” but “what hours were *reasonably* expended completing work necessary for adequate representation.” *Id.*, see also, 18 U.S.C. §3006A(a). As such, deductions will be made when hours billed are clearly in excess of what is reasonably required to complete the task. [§ 230.33.10\(d\)](#).

Attorneys can contest deductions made by the CJA Supervising Attorney and seek peer review of those deductions pursuant to the “United States District Court for the Central District of California Procedures for Review of Proposed Reductions to CJA Payment Vouchers.” See [Appendix 5](#).

### E. Excess Vouchers: CJA-26 Form and Ninth Circuit Review

Each representation has a case compensation maximum ("stat-max") which can be found in the Guide to Judiciary Policy at [§ 230.23.20](#) and on the Representation page of the attorney’s appointment in eVoucher.

#### Representation Info

1. CIR./DIST./DIV.CODE 0973	2. PERSON REPRESENTED John Smith		VOUCHER NUMBER
3. MAG. DKT/DEF.NUMBER	4. DIST. DKT/DEF.NUMBER 2:22-CR-99999-1-DSF	5. APPEALS. DKT/DEF.NUMBER	6. OTHER. DKT/DEF.NUMBER
7. IN CASE/MATTER OF(Case Name) USA v. John Smith	8. PAYMENT CATEGORY Felony (including pre-trial diversion of alleged felony)	9. TYPE PERSON REPRESENTED Adult Defendant	10. REPRESENTATION TYPE Criminal Case
11. OFFENSE(S) CHARGED 21-846-CD-E CONSPIRACY TO DISTRIBUTE CONTROLLED SUBSTANCE			
EXCESS FEE LIMIT \$12,800.00	PRESIDING JUDGE Dale S. Fischer	MAGISTRATE JUDGE	DESIGNEE 1 By CJA Supervising Attorney  DESIGNEE 2

CJA-20 vouchers that exceed the stat-max are often referred to as “excess vouchers.” Attorneys are required to submit a [CJA-26 form \(“Supplemental Information Statement for a Compensation Claim in Excess of the Statutory Case Compensation Maximum”\)](#) with each excess voucher. To process an excess voucher for payment, the district court must certify that the representation is “extended or complex” and that the excess payment is necessary to compensate counsel fairly. [18 U.S.C. § 3006A\(d\)\(2\)](#). Excess vouchers also require approval by the Chief Judge of the Ninth Circuit or the Chief’s designee.

///

///

- Determining Whether the Submission of a CJA-20 Exceeds the Stat-Max and Requires a CJA-26 Form

The easiest way for an attorney to determine whether a [CJA-26 form](#) needs to be submitted with a CJA-20 voucher is to open a CJA-20 in eVoucher and review the left-hand column of the voucher. The box titled “Representation Fee Limit” will provide the stat-max set by Congress. There is a different stat-max amount for different types of representations, e.g., criminal felony cases, new trials, misdemeanor cases (CVB), supervised release violations, or “other” representation types such as pre-indictment target cases, grand jury witnesses, or material witnesses. The box under the “Representation Fee Limit” is titled “Fee Amount Remaining After Approved and Pending.” When the amount in this box is in **black**, the attorney is under the stat-max. When the amount in the “Fee Amount Remaining After Approved and Pending” box is **red**, the attorney has exceeded the stat-max, requiring the submission of a [CJA-26 form](#). See the excerpts below showing attorney compensation in a criminal representation below the stat-max in **black** and attorney compensation above the stat-max in **red** requiring a [CJA-26 form](#).

CJA-26 form not required

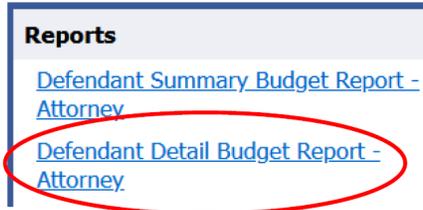
<b>Representation Fee Limit:</b> \$12,800.00
<b>Fee Amount Remaining After Approved and Pending:</b> \$597.20

CJA-26 form required

<b>Representation Fee Limit:</b> \$12,800.00
<b>Fee Amount Remaining After Approved and Pending:</b> (\$626.40)

Note: “Fee Amount Remaining After Approved and Pending” will recalculate after changes made to the voucher are saved; it takes into account claims made by prior CJA counsel on the same representation.

The other way for an attorney to determine whether a [CJA-26 form](#) needs to be submitted with a CJA-20 voucher is to review the “Defendant Detail Budget Report.” The “Defendant Detail Budget Report” link is located on the left-hand column of the following types of vouchers in eVoucher: CJA-20s, CJA-30s, CJA-21s, CJA-31s, AUTHs. See the excerpt below showing the “Defendant Detail Budget Report” link.



After opening the “Defendant Detail Budget Report,” find the grand total calculation under attorney compensation. Again, if the amount is in **black**, attorney compensation is under the stat-max. However, if the amount remaining is in **red**, attorney compensation has exceeded the stat-max and requires the submission of a [CJA-26 form](#). See the excerpt below.

**CJA-26 form not required:**

Attorney Voucher Grand Totals										
	Claimed				Approved			Fee Amount Remaining		
	Fees	Expenses		Total	Fees	Expenses		After Approved	After Approved and Pending	
		Travel	Other			Travel	Other			
Total Claimed/Approved:	\$12,202.80	\$157.20	\$0.00	\$12,360.00	\$9,595.20	\$157.20	\$0.00	\$9,752.40	\$3,204.80	\$597.20
Pending Approval:	\$2,607.60	\$0.00	\$0.00	\$2,607.60						

**CJA-26 form required:**

Attorney Voucher Grand Totals										
	Claimed				Approved			Fee Amount Remaining		
	Fees	Expenses		Total	Fees	Expenses		After Approved	After Approved and Pending	
		Travel	Other			Travel	Other			
Total Claimed/Approved:	\$13,426.40	\$0.00	\$0.00	\$13,426.40	\$12,721.20	\$0.00	\$0.00	\$12,721.20	\$78.80	(\$626.40)
Pending Approval:	\$705.20	\$0.00	\$0.00	\$705.20						

- How to Prepare and Submit a CJA-26 Form

Once attorney compensation exceeds the stat-max, the [CJA-26 form](#) should be submitted with each CJA-20 voucher until the conclusion of the case. Consequently, the CJA-26 form should be saved as a Word document, as the attorney will need to update it for all future attorney billing on the case.

To submit the CJA-26 form with a CJA-20 voucher, create a PDF version of the CJA-26 form and upload it to the Documents tab of the CJA-20 voucher. When filling out the CJA-26 form, please make sure that the summary of work performed during the current billing quarter (Section II.E) reflects how the case has progressed since the prior billing quarter. Do not provide confidential information. However, the summary should be case-specific rather than formulaic.

///

## **F. Scope of Compensability and Billing Practices**

- Guide to Judiciary Policy:

Please consult the [Guide to Judiciary Policy](#) as a first step to determining most compensability issues.

- Ninth Circuit CJA Compensability Handbook:

Please reference the Ninth Circuit CJA Compensability Handbook, [Appendix 1](#), for guidance in determining which tasks are compensable in CJA cases and which tasks are deemed administrative and, thus, not compensable under the Guide to Judiciary Policy.

- In-Court Time:

The only in-court time for attorneys that will be paid without independent approval from the presiding judge is for required client court appearances or if your client is testifying as a cooperator in a separate hearing/trial. All other in-court time requires approval by the presiding judge which can be facilitated by emailing the CJA Supervising Attorney, e.g., observing a co-defendant's hearing/trial, observing a state court hearing for your client, or observing the testimony of a cooperator or expert witness, from a different case, who is anticipated to testify against your client at his/her trial.

- Ancillary Matters:

Counsel should not bill for ancillary services without seeking prior approval from the presiding judge, facilitated by the CJA Supervising Attorney, e.g., state-court work, retrieving a client's real or personal property, or most post-sentencing work other than supervision violations. In determining whether a matter is ancillary to the proceedings, the Court will consider whether the matter, or the issues of law or fact in the matter, arose from, or are the same as or closely related to, the facts and circumstances surrounding the principal criminal charge. Factors for consideration can be found in the Guide to Judiciary Policy, [§ 210.20.30\(c\)](#).

- Contemporaneous Time Records:

Counsel and service providers must maintain contemporaneous time records and expenses for all work performed. Such records are subject to audit and must be retained for three years after approval of the final voucher in a case. Counsel and service providers must keep contemporaneous time records in accordance with CACD policy outlined in [Appendix 3](#).

///

- Detailed Billing Descriptions:

Billing descriptions must be sufficiently detailed to provide for a meaningful reasonableness review. See [Appendix 2](#).

- Billing Practices:

Excessive billing will not be compensated. Counsel, service providers, and experts cannot bill for more time in a day than actually worked. See [Appendix 2](#).

- Nunc Pro Tunc Billing:

There is no guarantee that *nunc pro tunc* billing will be paid. All *nunc pro tunc* billing must be approved by the presiding judge as facilitated by the CJA Supervising Attorney. See [Appendix 4](#).

- 1,000 Hour Report:

Not later than three months after the end of each fiscal year, the AO's Defender Services Office will prepare reports listing all attorneys who have claimed compensation of more than 1,000 hours of services in the preceding fiscal year. The chief judge of each court of appeals and each district court will receive a copy of the report regarding attorneys within that district or circuit.

- 1,800 Hour Limitation:

To ensure equitable distribution of CJA cases and allow all panel attorneys the opportunity to accept a sufficient number of appointments to maintain and improve their skills in federal practice, counsel are required to advise the CJA Supervising Attorney when they have billed more than 1,800 hours (averaging 50 billable hours/week) on a rolling nine-month basis.

## **G. Takedowns**

A "takedown" as any case (or group of related cases) in which it is anticipated that eight or more defendants will be brought in for initial appearances on the same day. The goals of this procedure are to: (1) provide the best representation for the client; (2) achieve fairness in the distribution of cases to panel members; and (3) reduce requests for continuances because a panel member has too heavy a caseload. See [Appendix 7](#).

## **H. Requests for Co-Counsel**

Counsel must obtain prior judicial authorization via motion in CM/ECF for the appointment of a second attorney to serve as co-counsel of record. Co-counsel's fees count toward the representation's stat-max. To justify the appointment of counsel in a

non-capital case, the following factors enumerated in [§ 230.53.20](#) of the Guide to Judiciary Policy must be met.

(a) In an extremely difficult case where the court finds it in the interest of justice to appoint an additional attorney, each attorney is eligible to receive the maximum compensation allowable under the CJA.

(b) The finding of the court that the appointment of an additional attorney in a difficult case was necessary and in the interest of justice must appear on the Order of Appointment. For appointment of more than one attorney in capital cases, **see:** [Guide, Vol. 7A, § 620.10](#).

Given that the bar to obtain appointment of second counsel is high in non-capital cases, counsel should also consider using associate counsel for discrete tasks or a paralegal lawyer for broader in-depth case assistance.

- Associate Counsel: Please see [Appendix 6](#) to review the full CACD Associate Counsel Policy. Before submitting a request for Associate Counsel in eVoucher, make sure all requirements have been met, including filling out CACD CJA-01 Form, providing a writing sample, including a resume, and requesting the appropriate hourly rate.
- Paralegal/Lawyer: Paralegal/Lawyers are paid at a service provider hourly rate and do not require approval from the presiding judge. Funding can be requested by filling out a CACD CJA-04 form and submitting an AUTH in eVoucher.

## **I. Case Budgets**

Capital Cases: Budgets are required in death-eligible prosecutions or capital habeas proceedings under 28 U.S.C. § 2254 or § 2255. Within 30 days of appointment to such a case, CJA counsel should contact the CACD CJA Supervising Attorney at [Lauren Eskanazi-Ihrig@cacd.uscourts.gov](mailto:Lauren_Eskanazi-Ihrig@cacd.uscourts.gov). A meeting with counsel will be scheduled to provide the necessary budgeting forms and explain the budgeting process in capital criminal prosecutions. All capital habeas cases will be budgeted by the Ninth Circuit Case Budgeting Attorney (“CBA”). Counsel can email the CBA at [smorris@ce9.uscourts.gov](mailto:smorris@ce9.uscourts.gov).

**Reminder:** Make sure you do not submit a *nunc pro tunc* voucher, i.e., a voucher that exceeds the attorney funding budget. If the voucher is deemed *nunc pro tunc*, express approval from the presiding judge will be required to process the voucher. Please be advised that *nunc pro tunc* funding requests are disfavored and may not be approved.

- The CJA Supervising Attorney will start counsel off with a Seed Money Budget. Thereafter, the attorney funding forms require a summary of the work performed with the prior funding approved (excluding confidential information) and a per task estimate for all prospective funding needed over the next six to eight months. A BudgetAUTH must be submitted within eVoucher to request and receive approval for attorney funding.
- As a “best practice,” review the "Defendant Detail Budget Report" each time a CJA-30 is submitted to ensure there is sufficient funding in the attorney budget for payment. If it appears that the remaining funds available for attorney payment are low, submit a supplemental request for attorney funding in eVoucher via a BudgetAUTH before funds are exhausted.
- Note that when there are two lawyers appointed on a case, the amount of approved attorney funding in the budget is shared. Therefore, it may be necessary to coordinate with co-counsel to ensure that all submitted vouchers for attorney funding are within budget.
- Deauthorization: If the Government deauthorizes the capital charges in your case or files a “No Seek,” please advise the CJA Supervising Attorney immediately. Attorney funding is budgeted even if the case has been deauthorized. Note that, when a case is deauthorized, the Court assesses whether multiple lawyers are needed on the case and whether the hourly rate should be reduced. In making this determination, the Court relies on the following factors enumerated in the Guide to Judiciary Policy.

///

///

///

## **§ 630.30 Death Eligible Cases Where Death Penalty Is Not Sought**

### **§ 630.30.10 General Considerations**

If, following the appointment of counsel in a case in which a defendant was charged with an offense that may be punishable by death, it is determined that the death penalty will not be sought, the court should consider the questions of the number of counsel and the rate of compensation needed for the duration of the proceeding.

### **§ 630.30.20 Number of Counsel**

(a) The court should, absent extenuating circumstances, make an appropriate reduction in the number of counsel.

(b) In deciding whether there are extenuating circumstances, the court should consider the following factors:

- (1) the need to avoid disruption of the proceedings;
- (2) whether the decision not to seek the death penalty occurred late in the litigation;
- (3) whether the case is unusually complex; and
- (4) any other factors that would interfere with the need to ensure effective representation of the defendant.

### **§ 630.30.30 Compensation Rate**

(a) The court should, absent extenuating circumstances, reduce the compensation rate.

(b) In determining whether there are extenuating circumstances, the court should consider the following factors:

- (1) the extent to which this representation precludes counsel from taking other work;

(2) the commitment of time and resources counsel has made and will continue to make in the case; and

(3) the need to compensate appointed counsel fairly.

(c) Any reduction in the compensation rate will apply prospectively only.

See generally, [§630.30](#).

Non-Capital Cases: Budgets may be required in non-capital cases at the discretion of the Court. Case budgets in unusually expensive representations help ensure that defense counsel receive the resources needed to effectively represent clients and help the Court assess reasonableness, monitor fairness, and responsibly oversee the expenditure of public funds.

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

#### **A. Funding Requests**

Funding for service providers and experts must be requested by appointed counsel before the service provider or expert begins working on the case. Requests for funding must be made by submitting an “AUTH” document in eVoucher and uploading the required supporting documentation, including the appropriate CACD AUTH Form ([CJA-01, CJA-02, CJA-03, or CJA-04](#)) which requires confirmation of the service provider or expert’s qualifications and an explanation of why the requested services are necessary for adequate representation as required by [18 U.S.C. § 3006A\(a\) and \(e\)\(1\)](#); [Guide to Judiciary Policy, Vol.7, § 310.20.20](#).

For directions on how to create an AUTH in eVoucher, see [Appendix 10](#).

Funding requests made per each category of service provider or expert that exceed the [statutory maximum](#), currently \$2,800 in non-capital cases, must include an explanation of why compensation in the amount requested is necessary to provide fair compensation for services of an unusual character or duration. [18 U.S.C. § 3006A\(e\)\(3\)](#); [Guide to Judiciary Policy, Vol.7, §§ 310.10.10 & 310.20.20](#). For capital cases, the statutory maximum of \$7,500 applies to fees and expenses and applies to the total payments for investigative, expert, and other services in a case, not to each service type individually. [18 U.S.C. § 3599\(g\)\(2\)](#); [Guide to Judiciary Policy, Vol.7, § 660.20.20](#).

**Reminder:** Make sure your service provider or expert does not submit a *nunc pro tunc* voucher, i.e., a voucher that exceeds the approved funding AUTH. If the voucher is deemed *nunc pro tunc*, express approval from the presiding judge will be required to process the voucher. Please be advised that *nunc pro tunc* funding requests are disfavored and may not be approved.

Upon certification by the District Court that excess authorization for service provider and expert funding is warranted, the excess funding request must be approved by the Ninth Circuit in both capital and non-capital cases. [18 U.S.C. § 3006A\(e\)\(3\)](#); [Guide to Judiciary Policy, Vol.7, §§ 310.10.10 & 310.20.20](#). Please keep in mind that this additional review can take two weeks or more, depending on the nature of the request. Therefore, it is especially important that funding requests requiring Ninth Circuit review are made well before the services are needed.

**B. Rates**

The Court’s schedule of presumptive hourly rates for service providers is below.

Service Provider /Expert	Hourly Rate	Type of Tasks
Paralegal	\$65	All Tasks Performed & Travel Time
	\$75	Tasks Requiring Use of the Paralegal’s Foreign Language Skill
Paralegal Lawyer	\$75	All Tasks Performed & Travel Time
	\$85	Tasks Requiring Use of the Paralegal Lawyer’s Foreign Language Skill (effective 10/21/2022)
Investigator	\$55	Tasks Involving Record Collection & Related Travel Time
	\$75	Routine Tasks & Travel Time
	\$95	Tasks Requiring Specialized Skills (a high level of investigative expertise relevant to the type of crime alleged or other special skills the case requires)
	\$115	Tasks Requiring Use of the Investigator’s Foreign Language Skill
Capital Mitigation Specialist	\$125	All Tasks Performed & Travel Time
Capital Mitigation Specialist Proficient in a Foreign Language (when the case requires)	\$150	All Tasks Performed & Travel Time

extensive use of those language skills)		
Associate Counsel	\$90 – \$125	See <a href="#">Central District’s Associate Counsel Policy</a>
Experts	Rates Set Individually in Each Case within Ranges Approved by the Ninth Circuit (see below)	All Tasks Performed Except for Travel Time (which must be negotiated within the terms set forth by the Travel Time Policy summarized on the CACD CJA-02 Expert AUTH Form)
Interpreters/Translators	When engaging an interpreter, the Court expects CJA counsel to maximize the interpreter’s services (e.g., scheduling multiple client visits on the same day).	
	\$80	Interpreting: <i>Federally Certified Interpreters and Professionally Qualified Interpreters of Languages for Which No AO Certification Is Offered</i>
	\$80	Interpreting: <i>Professionally Qualified Interpreters of Languages for Which AO Certification Is Offered Who Are Not Federally Certified, But Who Were Previously Paid at the Federally Certified Hourly Rate by the Central District Before May 1, 2023</i>
	\$70	Interpreting: <i>Professionally Qualified Interpreters of Languages for Which AO Certification Is Offered Who Are Not Federally Certified</i>
	\$60	Interpreting: <i>Language Skilled Interpreters</i>
	\$0.20 per word	Document Translation
	\$55	Audio Translation/Transcription: <i>Federally Certified Interpreters and Professionally Qualified Interpreters of Languages for Which No AO Certification Is Offered</i>
	\$45	Audio Translation/Transcription: <i>Professionally Qualified Interpreters of Languages for Which AO Certification Is Offered Who Are Not Federally Certified</i>
	\$35	Audio Translation/Transcription: <i>Language Skilled Interpreters</i>

The Court’s schedule of presumptive hourly rates for experts is below and reflects the Ninth Circuit approved rate ranges for expert witnesses in CJA cases.

Other Service Provider Categories		
Accident Reconstruction	\$150 – \$200	
Accountant	\$125 – \$275	
Accounting Staff (non-CPA)	\$65	e.g., reviewing/summarizing/preparing financial records.
Attorney Expert – Capital	CJA Hourly Rate	
Attorney Expert – Non-Capital	CJA Hourly Rate	e.g., immigration law expert.
Audio, Video, Photo Forensic Analyst	\$125 – \$200	
Audio, Video, Photo Technician	\$25 – \$100	e.g., creating video exhibits, taking or enlarging photos, enhancing audio or video recordings, etc.
Ballistics/Firearms Expert	\$150 – \$300	
Canine Expert	\$125 – \$200	
Chemist/Toxicologist (B.S. or Ph.D.)	\$150 – \$275	
Chemist/Toxicologist (M.D.)	\$275 – \$400	
Computer/Cellphone/Cellular Tower Forensic Analyst	\$150 – \$250	
Crime Scene/Police Practices/Use-of-Force Expert	\$150 – \$250	
DNA Expert (B.S. or Ph.D.)	\$150 – \$250	
Fingerprint Analyst	\$150 – \$250	
Gang Expert	\$150 – \$200	
Handwriting Analyst	\$100 – \$250	
Jury Consultant	\$150 – \$225	
Law Student	\$20 – \$35	
Legal Analyst/Consultant (Non-Attorney)	\$75 – \$100	e.g., Sentencing Guidelines consultant.
Medical – Other (M.D. or D.O.)	\$275 – \$400	
Mitigation Specialist – Non-capital Cases	\$75 – \$100	Special skills rate (\$95-\$120) is for case-needed foreign language fluency or specialized mental health expertise.

Neurologist or Neuropsychiatrist (M.D.)	\$275 – \$400	
Neuropsychologist (Ph.D.)	\$225 – \$375	
Nurse (L.P.N. or R.N.)	\$100 – \$125	
Nurse (M.S.N. or D.N.P.)	\$150 – \$300	Including S.A.N.E. certified.
Pathologist/Medical Examiner	\$275 – \$400	
Ph.D – Other	\$150 – \$300	
Polygraph	\$100 – \$250	Polygraph testing typically billed at a flat rate between \$350 and \$1,000.
Psychiatrist (M.D.)	\$275 – \$400	
Psychologist (Ph.D.)	\$150 – \$300	

\*See [Appendix 8](#).

Attorneys should negotiate with experts for the lowest reasonable hourly rates and pursue other cost-saving measures that do not affect the quality of representation (e.g., request a reduced travel rate for high-cost experts, coordinate travel for defense team meetings with other tasks such as court appearances, and utilize video or phone conferences for defense team meetings where feasible). In multi-defendant cases, counsel should take reasonable steps to coordinate efforts to reduce costs, including joint applications for funding of investigators or other services.

According to CACD and Ninth Circuit policy, it is incumbent upon counsel to work with experts who are geographically proximate to reduce unnecessary travel costs. The Ninth Circuit’s Criminal Justice Act Policies and Procedures require that, “[t]o minimize travel costs, counsel must make a reasonable effort to retain qualified experts, investigators, or other service providers from the locale where the proposed services are to be performed, if such providers are available.” When negotiating reduced travel rates for experts, counsel should consider negotiating a reasonable flat fee for travel time, a 50% reduction of the expert’s hourly rate, or greater reductions, if not waivers, in cases where travel is extensive, repeated, or where the expert is paid above the presumptive hourly rate.

In general, local experts will be paid 50% of their hourly rate for travel time capped at three hours roundtrip and 150 miles in mileage reimbursement. Out-of-District experts will generally be paid a nominal fixed fee for travel time, however, the CJA Office will pay the Government rate for flight, hotel, or rental car. The specific travel time cap for experts should be determined and finalized in the initial funding

AUTH for the expert and reconfirmed at the time of travel, upon submission of a Travel AUTH in eVoucher.

The Court may approve a rate exceeding the District’s presumptive maximum for good cause. Factors that may be considered include the uniqueness of the service or the service provider; the education, training, or specialization of the service provider; the lack of availability of this or similar service providers; complexity of the case; and any time limitations that may affect how quickly the service needs to be completed. Any request to exceed should be submitted with an AUTH in eVoucher.

### **C. Engagement Letter**

CJA lawyers are encouraged to send each approved service provider and expert an engagement letter after funding has been approved. This letter should: (1) confirm the amount and rate approved by the Court; (2) advise that contemporary time records must be maintained and are subject to audit upon the Court’s request; and (3) advise that funding approval does not guarantee payment, as the Court may reduce payment for mathematical errors, non-compliance with the Guide to Judiciary Policy, unreasonable work performed, or excessive billing. A [sample engagement letter](#) for CJA cases is available on the Court’s CJA webpage.

### **D. Paying Service Providers/Experts and Supplemental Funding Requests**

Once funding is authorized, the attorney must create a CJA-21 or CJA-31 in eVoucher to allow the service provider, expert, or interpreter to bill. Each time the service provider, expert, or interpreter submits a voucher for payment in eVoucher, the attorney should review the "Defendant Detail Budget Report" to determine the amount of remaining funds available to avoid *nunc pro tunc* funding issues. If additional work is required, the attorney must create another CJA-21/31 voucher to allow the service provider, expert, or interpreter to continue billing. If funds are low, counsel should submit a supplemental AUTH to request additional funding. When submitting supplemental funding requests, make sure to link the supplemental AUTH to the initial AUTH by selecting “Request Additional Funds” under “Authorization Type Selection.” Do not select “Create New Authorization” when seeking supplemental funding. Doing so will create separate pools of funds instead of aggregating the funding requests.

## Authorization Type Selection

You can click the **Create New Authorization** button to create a new authorization request, or click the **Request Additional Funds** button to select from a list of approved authorizations that you would like to request additional funds for.

### Create New Authorization

Use this button to create a new authorization.

### Request Additional Funds

Use this button to select an approved authorization that you would like to request additional funds for.

← Select when requesting supplemental funding

Because attorneys must certify that service providers and experts rendered the services for which they billed on a CJA-21/31 voucher, time spent by counsel reviewing a provider's bill is compensable. However, time spent creating or filling out the CJA-21/31 is a non-compensable administrative task, whether done by the provider or the attorney. Except for approved flat-fee arrangements, service provider time must be billed in tenths of an hour.

### E. Nunc Pro Tunc Funding

If authorization is not requested in advance, express approval from the presiding judge must be obtained before any *nunc pro tunc* payments will be processed. *Nunc pro tunc* funding requests should be emailed to the CJA Supervising Attorney at [Lauren Eskanazi-Ihrig@cacd.uscourts.gov](mailto:Lauren_Eskanazi-Ihrig@cacd.uscourts.gov), who will forward the request to the presiding judge for consideration.

Standard of Review: *Nunc pro tunc* funding may be approved if the presiding judge, in the interests of justice, finds that timely procurement of necessary services could not await prior authorization. [18 USC § 3006A\(e\)2\(B\)](#); [Guide to Judiciary Policy, Vol.7, §310.20.30\(b\)](#).

To avoid *nunc pro tunc* funding, the attorney should regularly review the "Defendant Detail Budget Report" to verify that sufficient funding is available for the service providers and experts working their respective cases. Note that service providers and experts cannot fully view the "Defendant Detail Budget Report" which is why attorney review and management is required.

Authorization Number: 0973.1492072 Specialty: Interpreter/Translator										Amount Requested: \$10,000.00		Amount Authorized: \$4,000.00		Attorney: Tess T Attorney		
Vendor: Mary M. (Interpreter/Translator)																
01/01/1901 to 01/01/1901		\$0.00	\$0.00	\$0.00	\$0.00											01/01/1901
01/10/2023 to 01/31/2023	0973.1492365	\$720.00	\$0.00	\$0.00	\$720.00											Interim 1
Total Claimed/Approved:		\$720.00	\$0.00	\$0.00	\$720.00	\$0.00	\$0.00	\$0.00	\$0.00							
Pending Approval:		\$720.00	\$0.00	\$0.00	\$720.00											
AUTHORIZATION TOTALS																
Authorization Number: 0973.1492072 Specialty: Interpreter/Translator										Amount Requested: \$10,000.00		Amount Authorized: \$4,000.00		Attorney: Tess T Attorney		
	Claimed				Approved			Fee Amount Remaining								
	Fees	Expenses		Total	Fees	Expenses		Total	After Approved	After Pending and Approved						
		Travel	Other			Travel	Other									
Total Claimed/Approved:	\$720.00	\$0.00	\$0.00	\$720.00	\$0.00	\$0.00	\$0.00	\$0.00	\$4,000.00	\$3,280.00						
Pending Approval:	\$720.00	\$0.00	\$0.00	\$720.00												

While service providers and experts do not have access to the “Defendant Detail Budget Report,” they can determine the amount of remaining funds available on their AUTH by viewing the “Approved Amount” and the “Fee Amount Remaining After Approved and Pending” on an open CJA-21/31 voucher in their queue.

<b>Authorization Number:</b> 0973.1492072 <b>Specialty:</b> Interpreter/Translator <b>Total Approved Amount:</b> \$4,000.00
<b>Fee Amount Remaining After Approved and Pending:</b> \$3,280.00

Notwithstanding the service provider or expert’s ability to independently determine the amount of remaining funds on an AUTH, attorneys are responsible for advising their service providers and experts when funds are running low to avoid *nunc pro tunc* funding. Please note that if the service provider or expert’s billing is not current, an accurate accounting of the remaining AUTH funds cannot not be calculated by eVoucher. Therefore, it is incumbent on counsel to ensure that the billing for all service providers and experts is current and that the pace of work performed by service providers or experts will not result in *nunc pro tunc* funding.

**F. Timeliness Rules**

Service providers and experts who work on CJA cases in the Central District of California must submit their billing in accordance with the timeliness rules provided below. Note, the press of business is not a valid reason for the delayed submission of interim or final vouchers.

- **INTERIM BILLING.** Monthly billing is preferred, but service providers and experts must submit their interim billing in eVoucher no more than six months from the date of the first service date on their voucher. If a voucher is submitted after this six-month period, the service provider or expert must concurrently submit a letter to the CJA Supervising Attorney explaining good cause for the delay. The letter should be uploaded in the Documents Tab of the untimely CJA 21/31 submitted in eVoucher. The letter may be forwarded to the Chair of the CJA Committee for consideration.
- **FINAL BILLING.** Service providers and experts must submit their final voucher in a case within 90 days from the earlier of the following dates: (1) final disposition of the case, frequently the date of the Judgment and Commitment; or (2) the date a service provider or expert's work has concluded. If a final voucher is submitted after this 90-day period, the service provider or expert must concurrently submit a letter to the Chair of the CJA Committee explaining good cause for the delay. The letter should be uploaded in the Documents Tab of the untimely *final* CJA 21/31 submitted in eVoucher.
- **COURT REPORTERS ONLY:** All CJA-24 vouchers must be submitted in eVoucher no later than 90 days after the transcript has been delivered to the ordering party or uploaded to the docket. **CJA-24 vouchers submitted after the 90-day deadline will not be processed.**

#### **G. In-Court Assistance from Service Providers**

All in-court assistance from service providers requires approval from the presiding judge. This can be sought during a hearing before the presiding judge or by emailing the CJA Supervising Attorney at [Lauren\\_Eskenazi-Ihrig@cacd.uscourts.gov](mailto:Lauren_Eskenazi-Ihrig@cacd.uscourts.gov).

#### **H. Engaging Relatives**

CJA funds may not be used to pay service providers, experts, associate counsel or co-counsel who are related to appointed CJA counsel without the express written approval from the Court, as facilitated by the CJA Supervising Attorney. A relative is a person connected by blood or marriage. Nothing in this policy precludes appointment of a relative of a CJA panel attorney on a case assigned to a non-relative CJA panel attorney. Counsel can provide notification of any relationship by completing Section II of the [CACD AUTH form](#) (version 06/2022).

## **I. Court-Ordered Mental Health Examinations**

Mental health examinations conducted pursuant to [18 U.S.C. § 4241](#) (mental competency to stand trial) or [18 U.S.C. § 4242](#) (insanity at time of offense) are considered “non-defense” purpose examinations. The costs are paid by the Department of Justice and claims for these examinations should be submitted to the U.S. Attorney’s Office. A motion and proposed order must be filed in CM/ECF.

## **IV. TRAVEL**

### **A. In-District and In-Division Travel**

Travel within the Central District does not require the submission of a Travel-AUTH in eVoucher and, as a general matter, will be compensated at the applicable CJA hourly rate for relevant and reasonable travel time executed by attorneys and service providers. As a general matter, counsel and service providers are required to bill for travel commencing from either their home or office, whichever is closer, for routine travel such as court appearances or client visits.

If a service provider does not reside in the division in which the case is assigned, travel time will likely be capped at three-hours roundtrip and 150 miles in mileage reimbursement. Experts will not be compensated at their full hourly rate for travel time. If the expert is local, travel time will often be compensated at 50% of the expert’s hourly rate and capped at three-hours roundtrip.

Every effort must be made to combine work on different cases to justify travel or, in the alternative, work a full day on one defendant’s case. Additional travel restrictions may be applied in cases where a pattern and practice of unreasonable travel is identified. When travel is needed to support multiple cases, the billing description for the travel must reference the case name and number for the other case(s).

### **B. Out-of-District Travel**

Travel outside the Central District requires prior approval which must be sought by submitting a Travel-AUTH in eVoucher.

Travel Time for Attorneys/Service Providers: CJA will not pay for more than eight hours of travel time within a 24-hour period commencing when the traveler leaves his/her home or office. Further, CJA will not pay for travel time spent in-flight as it is expected that work can be performed on the plane (or train, if applicable). Any time spent working en route should be billed separately as substantive work with a notation in the billing entry that said work was performed en route. There can be no double

billing, i.e., billing for travel time and substantive work performed contemporaneously. When applicable, always bill for substantive work over travel time. While the eight-hour travel cap does not apply to substantive work, a reasonableness standard will apply to the total number of hours worked/billed in a day and a 15-hour eVoucher report will automatically generate if 15 or more hours are billed in a day. Any time a 15-hour report is generated, supplemental justification will be required to allow the CJA Chair to conduct the necessary reasonableness review which will include the degree to which a person can efficiently perform substantive work en route given the en route conditions and the total number of hours billed. In addition, please be reminded that attorneys and service providers cannot bill for more time in a day than actually worked.

In some cases, reasonableness may dictate the application of a cap less than eight-hours of compensable travel time in a day.

Travel Time for Experts: According to CACD and Ninth Circuit policy, it is incumbent upon counsel to work with experts who are geographically proximate to reduce unnecessary travel costs. The Ninth Circuit's Criminal Justice Act Policies and Procedures require that, "[t]o minimize travel costs, counsel must make a reasonable effort to retain qualified experts, investigators, or other service providers from the locale where the proposed services are to be performed, if such providers are available." When negotiating reduced travel rates for experts, counsel should consider negotiating a reasonable flat fee for travel time, a 50% reduction of the expert's hourly rate (capped at three hours, commensurate with local travel), or greater reductions, if not waivers, in cases where travel is extensive, repeated, or where the expert is paid above the presumptive hourly rate.

As noted above, in general, local experts will be paid 50% of their hourly rate for travel time capped at three hours roundtrip and 150 miles in mileage reimbursement. Out-of-District experts will generally be paid a nominal fixed fee for travel time, however, the CJA Office will pay the Government rate for flight, hotel, or rental car. The specific travel time cap for experts should be determined and finalized in the initial funding AUTH for the expert and reconfirmed at the time of travel, upon submission of a Travel AUTH in eVoucher.

# APPENDIX 1

## Ninth Circuit CJA Compensability Handbook

# **NINTH CIRCUIT CJA COMPENSABILITY HANDBOOK**



**JUDICIAL COUNCIL OF THE NINTH CIRCUIT**

---

**APPROVED: APRIL 20, 2022**

## TABLE OF CONTENTS

I.	INTRODUCTION.....	1
II.	ADMINISTRATIVE WORK AND HOURS BILLED PER DAY .....	2
III.	INITIAL CASE MANAGEMENT .....	5
IV.	REQUESTING RESOURCES AND MANAGING COSTS .....	7
V.	CASE-RELATED COMMUNICATIONS .....	9
VI.	DISCOVERY MANAGEMENT AND INVESTIGATION.....	11
VII.	LEGAL RESEARCH AND WRITING .....	15
VIII.	TRIAL .....	17
IX.	POST-JUDGMENT AND APPELLATE MATTERS .....	19
X.	CLIENT SERVICES .....	23
XI.	TRAVEL AND WAITING TIME.....	26
XII.	GENERAL OFFICE OVERHEAD AND OTHER EXPENSES .....	29
XIII.	CONCLUSION.....	34

## I. INTRODUCTION

The [Criminal Justice Act \(CJA\)](#) provides eligible individuals with the assistance of defense counsel and other reasonably necessary services at every stage of a federal criminal proceeding. Private attorneys appointed under the CJA are expected to provide high-quality representation and to be skilled in the numerous aspects of a federal criminal defense practice. In exchange for this critical service, CJA-appointed attorneys are entitled to payment for all reasonable and necessary time expended in connection with the representation.

In its [2017 report](#), the Ad Hoc Committee to Review the Criminal Justice Act (Cardone Committee) recognized that, in some districts and circuits, classes of otherwise compensable work are excluded from payment, resulting in substantial voucher reductions. To address this issue, the Cardone Committee recommended that comprehensive guidance be provided as to what constitutes a compensable CJA service. Although Volume 7 of the Guide to Judiciary Policy ([CJA Guidelines](#)), the [Ninth Circuit's CJA Policies and Procedures](#), and district-specific policies are useful resources, numerous gray areas have given rise to inconsistent conclusions regarding the compensability of certain tasks.

This Ninth Circuit CJA Compensability Handbook was created to provide additional guidance and detailed examples on what is presumptively compensable within the Ninth Circuit throughout the many stages of CJA representation. It is offered to assist both panel attorneys and approving authorities in understanding and applying the CJA and the CJA Guidelines and to provide a framework for analyzing challenging compensability questions within the broad outlines set forth by the CJA statute and the Judicial Conference of the United States in the CJA Guidelines.

While this handbook covers many common situations, unusual circumstances arise, and counsel are advised to articulate the representational purpose when including such expenses or activities on their vouchers. Above all, counsel are encouraged to remain in regular contact with CJA staff and to notify them when difficult situations arise and **before** significant expenditures of time or out-of-pocket expenses are incurred.

Because not every task undertaken in furtherance of a client's representation or other interests is compensable under the CJA, counsel should strive to provide sufficient information in their billing to demonstrate both reasonableness and compensability. To that end, CJA counsel are encouraged to review the Ninth Circuit CJA Unit's billing tip sheets at [www.ca9.uscourts.gov/cja](http://www.ca9.uscourts.gov/cja). The [National CJA Voucher Reference Tool](#) is another useful resource.

In addition, before working on any matter that is ancillary to a criminal representation (e.g., a corollary state court prosecution or civil proceeding), counsel should seek advance authorization from the presiding judge or delegee to ensure such work may be compensated under CJA Guideline [§ 210.20.30 \(Ancillary Matters\)](#).

## **II. ADMINISTRATIVE WORK AND HOURS BILLED PER DAY**

Under CJA Guidelines [§ 230.66.10](#) and [§ 320.80.10](#), the authorized hourly rate for panel attorneys and service providers is intended to include compensation for general office expenses, including clerical assistance. Consequently, not all administrative tasks that must be carried out are separately compensable. However, unusual or extraordinary expenses of these types may rise to the level of “other services necessary for an adequate defense” under [18 U.S.C. § 3006A\(e\)](#), especially if the circumstances from which the need arises would normally result in an additional charge to a fee-paying client. CJA Guideline [§ 320.70.30](#).

In assessing if administrative work is separately compensable, counsel should consider whether the task is purely clerical or rote. If so, then the administrative task likely is not separately compensable unless it was extraordinary in terms of volume, difficulty, time, or other factors which substantially exceeded that of ordinary administrative overhead.

Work requiring legal knowledge, professional judgment, or decisions on representational strategy (including tasks undertaken by non-attorney service providers) is presumptively compensable. Examples of compensable administrative tasks include organizing case materials (which ordinarily requires thinking through the elements of the offense or other relevant factors) and preparing documents for a hearing or trial.

Examples of administrative tasks that are generally non-compensable, whether undertaken by an attorney or service provider, include: (1) viewing, accessing, downloading, opening, renaming, saving, printing, or forwarding electronic files (including notices of electronic filing in CM/ECF) versus reviewing a document’s substantive content (which is compensable); (2) entering calls, meetings, due dates, or court appearances in a calendar; (3) rote or routine scheduling-related communications, including with the court; (4) leaving non-substantive voicemail messages; (5) filing or lodging electronic documents in CM/ECF, unless the filing is particularly voluminous or atypical such that filing takes an unusual or extraordinary amount of time; (6) creating payment vouchers in eVoucher and entering or justifying billed time and expenses; (7) emailing courtesy copies or

proposed orders; (8) copying, scanning, or printing; (9) office filing; and (10) preparing documents for mailing.

Whenever appropriate and without compromising work quality, services should be performed by the least expensive, competent service provider capable of performing the compensable task. However, counsel must be careful not to delegate non-compensable administrative tasks to service providers such as contract paralegals, who may not be reimbursed from the CJA for time spent on such tasks.

Both counsel and providers must bill in tenth-hour increments. This means rounding off the amount of time spent working to the nearest tenth of an hour (6 minutes).

MINUTES	TENTHS
1 – 6	0.1
7 – 12	0.2
13 – 18	0.3
19 – 24	0.4
25 – 30	0.5
31 – 36	0.6
37 – 42	0.7
43 – 48	0.8
49 – 54	0.9
55 – 60	1.0

Discrete tasks should be billed separately except that those tasks taking less than 0.1 hours each should be aggregated into one block of time to ensure that billable time **does not exceed actual hours worked**. For example, if you spend 3 minutes on a client call in the morning and then have another 3-minute client call in the afternoon, you may not bill more than 0.1 hours total. Other common tasks that should be aggregated in a single day include reading ECF documents and sending or reviewing emails. Billing to the correct voucher category also is necessary and will reduce delays in voucher processing. The Ninth Circuit CJA Unit’s [CJA-20 Billing Tips](#) provides guidance on the types of tasks billable to each category.

Unless in trial or finalizing an appellate brief or habeas petition, 10 or more hours billed in a single day by an attorney or service provider across all cases is unusual, and the necessity for such time should be explained in the voucher (e.g., trial preparation, impending deadline, etc.). Otherwise, the voucher may be returned for additional information. Attorneys should have access in eVoucher to an Attorney Time report (under the Reports tab) that can assist in comparing billed time across cases.

II. ADMINISTRATIVE WORK AND HOURS BILLED PER DAY	COMPENSABLE?
<p><b>Filing or lodging electronic documents in CM/ECF</b></p> <p>Electronic filing by itself, which typically takes only a minute or two, is a non-compensable administrative task. In contrast, finalizing a document in preparation for filing (e.g., conducting final proofread or creating exhibits) is compensable.</p> <p>*If documents are particularly voluminous or atypical such that counsel or a service provider must expend an unusual or extraordinary amount of time to file in CM/ECF, such efforts may rise to the level of “other services necessary for an adequate defense” under <a href="#">18 U.S.C. § 3006A(e)</a>, as provided in CJA Guideline <a href="#">§ 320.70.30</a>. Counsel’s billing entry should provide sufficient detail to alert reviewers that the filing was not routine or rote.</p>	NO*
<p><b>Managing notices of electronic filing (NEF)</b></p> <p>Accessing, downloading, opening, renaming, saving, printing, or forwarding an NEF is not compensable, whereas reviewing substantive content or undertaking substantive work in response to a filing is compensable. Because reviewing a single NEF typically takes less than 0.1 hours, reviewing multiple NEFs in a day should be aggregated into one block of time to reflect actual time spent.</p> <p><b>NOTE:</b> Counsel are expected to exercise professional judgment in billing time for reviewing NEFs that require no substantive response, especially in multi-defendant cases where notices or filed documents may be irrelevant to counsel’s specific client.</p>	NO
<p><b>Calendaring due dates, hearings, etc.</b></p> <p>Adding hearing dates or due dates to a calendar.</p>	NO
<p><b>Calculating due dates or filing deadlines</b></p> <p>Determining due date, limitations period, or other deadline based on court rule or statute.</p>	YES
<p><b>Photocopying, printing, and scanning</b></p> <p>While time spent reviewing, selecting, culling, or preparing documents to be copied, printed, or scanned is compensable representational work, time spent at a copy machine, waiting for printouts, or traveling to and waiting at a copy shop are non-compensable administrative tasks. See <a href="#">Section XI</a> for more guidance.</p> <p>Counsel should make informed judgments about what needs to be printed and be mindful that proficiency with digital files is beneficial to both counsel’s practice and client representation. See <a href="#">Section VI</a> for guidance on managing discovery.</p>	NO

II. ADMINISTRATIVE WORK AND HOURS BILLED PER DAY	COMPENSABLE?
<p><b>Preparing mailings</b>            Preparing envelopes, affixing postage, looking up addresses, arranging for mail pick up or drop off, or traveling to and waiting at a post office.</p>	NO
<p><b>Transferring a case to successor counsel</b>            Including travel time if counsel’s file cannot be sent electronically or delivered at a time both attorneys will be in the courthouse. Reasonable time spent briefing successor counsel on case history and issues is substantive and therefore compensable.</p>	YES
<p><b>More than 10 hours of billable time in one day</b>            *Because billing more than 10 hours in a day across all CJA representations may appear excessive if not in trial, counsel should provide an explanation in the voucher entry to facilitate reasonableness review.</p>	YES*

### III. INITIAL CASE MANAGEMENT

Counsel’s initial case management responsibilities typically include, among other things, assessing charges against a client, checking for conflicts, calculating sentencing exposure, meeting with the client, obtaining discovery, and preparing for a detention hearing. Numerous administrative tasks are also often necessary at the outset of a case; however, as noted above, not all such tasks are separately compensable (regardless of who undertakes the task).

Examples of compensable administrative tasks include organizing case materials (which ordinarily requires thinking through the elements of the offense or other relevant factors) and preparing documents for a detention hearing. Examples of non-compensable administrative tasks at the start of a representation include conducting routine conflict checks, creating a standard physical or electronic case file, calendaring due dates, and making physical space in an office to manage case materials.

III. INITIAL CASE MANAGEMENT	COMPENSABLE?
<p><b>Preliminary case assessment</b>  Reviewing charges, taking case notes, and reviewing electronic discovery to set up infrastructure for discovery organization.</p>	YES
<p><b>Preparing and labeling paper case folders or binders and general office filing</b>  Printing documents or creating labels to set up a paper case folder or binder and filing paper documents are non-compensable administrative tasks.  *For unusual or extraordinary projects requiring paper folders or binders (e.g., voluminous witness files or trial exhibits), counsel should consider seeking prior authorization, especially if printing and/or binder costs are likely to exceed \$500, or provide a detailed billing explanation. See <a href="#">Section XII</a> for guidance on reimbursable expenses.</p>	NO*
<p><b>Making physical space at office for case files</b>  Arranging files or office furniture to make space for voluminous discovery binders or boxes of records.</p>	NO
<p><b>Conducting initial routine conflict check</b>  An initial routine conflict check prior to accepting a CJA appointment is a non-compensable administrative task.  *After appointment, if additional investigation or research is required to confirm that no conflict exists or to address potential conflicts, that time may be compensable. The services of an ethics attorney consultant will likely not be authorized absent a showing of reasonable necessity to the defendant’s representation as opposed to counsel’s interest in staying on the case.</p>	NO*
<p><b>Communicating with prior counsel</b>  For example, checking with prior counsel to avoid duplicate motion work or discovery organization or to obtain copies of trial exhibits or sealed filings for use on appeal.</p>	YES
<p><b>Performing work prior to formal appointment</b>  Counsel should obtain a <i>nunc pro tunc</i> appointment at the initial appearance or through their CJA administrator to enable entry in eVoucher of billable time incurred prior to entry of the appointment order.</p>	YES

## IV. REQUESTING RESOURCES AND MANAGING COSTS

Obtaining adequate resources for a case is a critical component of effective representation. Because the procurement and management of service providers are compensable tasks, counsel may bill time for researching, interviewing, and negotiating with experts. This includes time reasonably spent consulting with panel attorney colleagues, a defender office, or CJA staff to identify potential providers, drafting the justification for resources, and completing any district-required forms via the AUTH procedure in eVoucher. However, time spent learning how to request funding (e.g., reviewing a billing guide or communicating with CJA staff regarding logistics) is not separately compensable.

As set forth in CJA Guideline [§ 310.20.30](#), counsel may obtain expert, investigative, and other services without prior authorization for up to \$900 for the entire representation (not per provider) unless a standing authorization for common service provider types (up to the per-provider statutory maximum without circuit approval) is afforded by local policy. Such services will still be reviewed for reasonableness.

For service provider fees in excess of the applicable statutory maximums set forth in CJA Guidelines [§ 310.20.10](#) and [§ 660.20.20](#), prior authorization of the chief circuit judge or delegee is required. In the rare instance where preauthorization is not feasible, counsel must include with the authorization request or payment voucher an explanation of why procurement of necessary services could not have awaited prior authorization.

Time spent reviewing a provider's invoice or CJA-21/31 payment voucher to certify that the services were rendered is compensable, but the administrative tasks of creating, submitting, or checking the status of a voucher are not.

Preparing and submitting an attorney's own CJA-20/30 payment voucher is non-compensable administrative work. Where attorney fees in a non-capital case exceed the statutory maximum under CJA Guideline [§ 230.23.20](#), time spent justifying excess fees already expended (e.g., completing a required justification form) also is not compensable because it is an administrative task and not representational work. However, in those courts where counsel must seek *prior* authorization before exceeding the statutory maximum, reasonable time spent estimating counsel's anticipated fees (in essence budgeting) and preparing any required forms in support of the excess request are compensable tasks because counsel must think through the case and plan the representation. Similarly, because preparation of a case budget requires planning, projecting, and strategizing, reasonable time spent preparing a budget and conferring with a Circuit CJA Budgeting Attorney or

local CJA supervisory attorney on substantive budget issues also is compensable.

To manage costs, counsel should routinely run a [Defendant Detail Budget Report \(DDBR\)](#) in eVoucher to ensure the defense team stays within authorized funding levels and assess whether additional funding is needed **prior** to exceeding authorized limits. Note: the DDBR report can only show what has been entered into eVoucher. Counsel and service providers should enter services in a timely manner to make this report as useful as possible.

IV. REQUESTING RESOURCES AND MANAGING COSTS	COMPENSABLE?
<p><b>Researching, negotiating, and interviewing service providers</b>            Counsel should reach out to CJA panel attorney colleagues, the federal defender, CJA Resource Counsel, Circuit Case Budgeting Attorney, or CJA Supervising Attorney if having difficulty locating a service provider. Time spent consulting with such individuals to identify potential providers is compensable, although consulting about hourly rates or the procedural mechanics of how to obtain funding is not.</p>	YES
<p><b>Creating AUTH for service provider, including <i>nunc pro tunc</i> or supplemental requests, and completing necessary supporting documentation (e.g., letter, memo, or court-provided form)</b>            Supporting justification should contain sufficient information for the court to assess reasonable necessity for the requested services. Reasonable time expended by a provider to estimate scope of work or needed hours may be compensated on the provider’s voucher if the AUTH is approved.</p>	YES
<p><b>Preparing a case budget or litigation plan in collaboration with a Circuit Case Budgeting Attorney, CJA Resource Counsel, or CJA Supervising Attorney</b>            Including preliminary review of discovery/legal issues and case discussion to forecast needed resources and costs. Does not include emails or calls inquiring about budget status or for procedural help.</p>	YES
<p><b>Requesting PRIOR authorization to exceed statutory maximum attorney fees</b>            Although traditionally this was considered a non-compensable administrative task, the Ninth Circuit Judicial Council has concluded that reasonable time spent preparing a request for future attorney fees is a compensable task because it requires litigation planning.</p>	YES
<p><b>Justifying attorney fees in excess of statutory maximum AFTER incurred</b>            Completing the necessary form(s) to justify attorney fees after representational work has been substantially completed is a non-compensable administrative task because it involves little to no litigation planning and thus is not representational work.</p>	NO

IV. REQUESTING RESOURCES AND MANAGING COSTS	COMPENSABLE?
<p><b>Requesting authorization to perform work ancillary to the representation</b> Assessing whether contemplated work is ancillary to the representation and seeking authorization to perform such work under CJA Guideline <a href="#">§ 210.20.30</a> is compensable.</p>	YES
<p><b>Discussing pending payment vouchers or CJA policies and procedures with a Circuit Case Budgeting Attorney, CJA Resource Counsel, CJA Supervising Attorney, or other CJA administrative staff</b> CJA administrators are a useful resource for answering compensability and funding-related procedural questions, but such consultation time is not compensable.</p>	NO
<p><b>Reviewing CJA billing, policy, or compensability resources</b></p>	NO
<p><b>Entering attorney services and expenses into a CJA-20/30</b> Not compensable whether undertaken by counsel or support staff.</p>	NO
<p><b>Creating a CJA-21/31 for payment to service provider</b> Although a non-compensable task, prompt creation of a payment voucher will assist with timely payment to service providers, particularly in those courts where providers may enter their own billable time.</p>	NO
<p><b>Entering service provider services and expenses into a CJA-21/31</b> Not compensable whether undertaken by counsel or the provider (where permitted).</p>	NO
<p><b>Reviewing provider services as billed on CJA-21/31</b> Counsel must certify that services and expenses billed on a CJA-21/31 were rendered and that sufficient funds are available before submitting the voucher to the court. This task is compensable, but counsel should not bill for the administrative task of creating or submitting the CJA-21/31.</p>	YES

## V. CASE-RELATED COMMUNICATIONS

Communicating with a client and others in furtherance of the client’s representation is compensable. This includes time spent building trust with a client’s family or others close to the client to investigate, gather mitigation information, communicate a plea offer, and explain the proceedings, as such relationships are often necessary for effective representation and resolution of the case. In situations where extensive communication is necessary, such efforts should be explained sufficiently in the voucher to help approving authorities determine reasonableness.

Routine or rote communications that are purely administrative in nature and require minimal effort (e.g., less than six minutes) are considered administrative overhead and are not separately compensable. Examples include checking the availability of the court or an individual for the purpose of scheduling a meeting, interview, or hearing. However, scheduling efforts requiring an unusual or extraordinary amount of coordination, especially between multiple parties or a detention facility, are compensable. For the latter, such tasks should be delegated to a lower-cost service provider if available and explained in the voucher with sufficient detail to alert reviewers that the scheduling work was not routine or rote. In addition, communications where a scheduling-related discussion is incidental to some other case-specific topic or issue are compensable. For these types of “mixed” calls or emails, counsel’s billing entry should describe the non-administrative aspect of the communication.

Associates and service providers should exercise professional judgment in billing for reviewing communications and materials that do not pertain to their specific role or responsibility on the case. While defense team members need to stay informed of developments in a case, reviewing daily emails between other team members could be construed as not reasonably necessary.

As explained in [Section II](#), a call or email that takes less than six minutes (0.1 hours) may be claimed at 0.1 hours if no other service for a particular representation is claimed for that day. Multiple communications (or other tasks) performed in a single day of less than 0.1 hours each must be aggregated to ensure that billable time does not exceed actual hours worked. For example, multiple short emails and/or phone calls made or received on the same day must be combined in a manner that accurately reflects the actual, compensable time expended and billed accordingly.

V. CASE-RELATED COMMUNICATIONS	COMPENSABLE?
<p><b>Reviewing documents filed in CM/ECF</b></p> <p>To assist voucher review, identify the ECF number in the “Doc. #” field in eVoucher when entering services. Counsel should not claim time for reviewing NEFs or ECFs generated by their own filings and are expected to exercise professional judgment in billing time for reviewing court filings that require no substantive response, especially in multi-defendant cases where a document may not pertain to counsel’s client.</p>	YES
<p><b>Communicating with client’s family</b></p> <p>Reasonable communications with a client’s family or others close to the client are critical to building trust and a good working relationship with a client and are thus compensable.</p>	YES

V. CASE-RELATED COMMUNICATIONS	COMPENSABLE?
<p><b>Scheduling meetings, client visits, interpreters, hearings, or interviews</b>  Routine or rote communications requiring minimal effort (e.g., solely checking availability of an individual or the court, relaying a schedule change, etc.) are part of administrative overhead and should not be charged unless incidental to some other case-related topic or requiring unusual or extraordinary effort.</p>	NO
<p><b>Defense team review of all email communications or case filings by associates, paralegals, investigators, and other experts</b>  Associates and service providers should exercise professional judgment in billing for review of communications or materials that do not pertain to their roles and assigned responsibilities. Such efforts could be construed as not reasonably necessary to the representation by reviewing authorities.</p>	DEPENDS
<p><b>Defense team meetings</b>  Regular team meetings can be a valuable way to share information, and in-person meetings are at times necessary. However, counsel should assess in advance of each meeting whether its purpose can be met using video or audio conferencing to reduce travel and in-person meeting time.</p>	YES
<p><b>Obtaining clearance for service provider to access client in detention facility</b>  This is compensable whether undertaken by counsel or the service provider.</p>	YES
<p><b>Speaking with the press</b>  Reasonable time communicating with the press may be compensable if such contact furthers the client’s representation. Billing entries should explain the purpose. Contact your CJA administrator for additional guidance.</p>	YES

## VI. DISCOVERY MANAGEMENT AND INVESTIGATION

Discovery in federal cases has increased in complexity, and counsel must recognize when it’s appropriate to solicit assistance from a litigation support expert such as a paralegal, discovery vendor, or the [National Litigation Support Team \(NLST\)](#). The NLST is funded by the Defender Services Office to support CJA panel attorneys. It provides technology, resources, education, and training to help CJA attorneys efficiently search, review, and analyze e-discovery and digital evidence. Keep up on the latest e-discovery tips by following NLST’s blog at [nlsblog.org](#).

Under Rule 16.1 of the Federal Rules of Criminal Procedure, no later than 14 days after arraignment, counsel must meet and confer with the government regarding a timetable and procedure for pretrial disclosures. Counsel may rely on the [ESI Protocol](#) to develop procedures for disclosure. After the discovery conference, one or both parties may ask the court to determine or modify the time, place, manner, or other aspects of disclosure to facilitate preparation for trial. Having this information early in the case will help counsel determine what litigation support is needed. In addition, having organized discovery will make it easier to create a comprehensive investigative plan.

While counsel must review all relevant disclosures and documents, discretion must be exercised in determining the depth of review required to provide effective representation to the client. If discovery is voluminous, counsel should obtain assistance in organizing and isolating relevant documents to facilitate efficient review by attorneys, investigators, or experts. Time spent by counsel or a service provider assessing, reviewing, coding, or analyzing discovery is compensable whereas the mechanical act of downloading or copying is not.

Counsel must also exercise discretion when printing discovery materials for the purpose of initial review and should make an informed selection of materials instead of printing everything. Given the significant increase in e-discovery, counsel are expected to utilize digital review tools, which studies have shown are more effective than linear document review (see, e.g., [Anne Kershaw, Iterative Legal Analysis & Sampling vs. Linear Document Review—A Comparative Case Study](#)). See [Section II](#) and [Section XII](#) for further guidance on reimbursement of printing time and costs.

Adequately articulating and explaining discovery-related billable time can be challenging, especially where page counts are difficult to ascertain (e.g., conducting a keyword search in a database). For this reason, billers should provide sufficient detail in their entries, including the type and explaining the difficulty or complexity of the materials, to enable voucher reviewers to understand the context of the work and its relevance to the case, without revealing privileged information. Below are examples of good billing descriptions for discovery-related tasks. Consult the Ninth Circuit CJA Unit's [Discovery Billing Tip Sheet](#) for more guidance and examples.

- Coded and indexed approx. [insert page count] of [insert file type] in Excel spreadsheet.
- Searched discovery with dtSearch, received approximately [insert #] hits and reviewed [actual # of documents] from these search results.

- Reviewed and summarized 30 min of recorded witness interviews and 6 hrs of pole cam video (some on fast forward).
- Reviewed approx. 200 pages of reports, warrants, and telephone records in Casepoint.
- Skimmed approx. [insert page count and/or Bates number range] of financial records to identify signatures of payee.

VI. DISCOVERY MANAGEMENT AND INVESTIGATION	COMPENSABLE?
<p><b>Transferring, downloading, or manipulating discovery productions</b>            This includes performing quality control; renaming, unitizing, combining, or converting files; checking or running OCR; and consolidating/copying discs onto a single hard drive. Counsel are expected to enlist lower-cost service providers such as paralegals or litigation support specialists to organize voluminous discovery.</p>	YES
<p><b>Waiting for files to download, copy, transfer, OCR, or convert</b>            Counsel and providers are expected to perform other work during pure wait time. See <a href="#">Section II</a> regarding administrative tasks.</p>	NO
<p><b>Negotiating fees to host discovery on cloud storage site</b>            Counsel must consult with the National Litigation Support Team, CJA Resource Counsel, CJA Supervising Attorney, or Circuit Case Budgeting Attorney to ensure cloud storage fees are reasonable based on discovery volume. Because this is akin to budgeting and part of negotiating with a service provider, such time is compensable.</p>	YES
<p><b>Coding or indexing discovery or evidence and organizing into folders or binders</b>            Including organizing materials in a database or cloud storage site and selecting materials for issue- or witness-specific paper files or binders. If counsel opts to perform these tasks instead of enlisting a paralegal or litigation support specialist, the work should be undertaken contemporaneously with substantive discovery review.</p>	YES
<p><b>Reviewing discovery</b>            To assistant voucher review, enter the number of pages in the “Pages” field in eVoucher when entering services or indicate in the billing entry the Bates range and type of materials. Audio and video review should indicate the length and complexity of the recordings. See <a href="#">Discovery Billing Tip Sheet</a> for additional guidance.</p>	YES

VI. DISCOVERY MANAGEMENT AND INVESTIGATION	COMPENSABLE?
<p><b>Sorting and gathering materials for use by counsel, client, or service providers</b></p> <p>For voluminous discovery, counsel should consider working with the local CJA administrator, a discovery vendor, or the detention facility to provide in-custody clients with discovery in an electronically reviewable format. See <a href="#">Guidance for the Provision of ESI to Detainees</a>. In addition, discovery can be made available to service providers via a secure cloud-hosted site such as Box.com.</p>	YES
<p><b>Printing or copying discovery for use by counsel, client, or service providers</b></p> <p>After sorting and gathering materials to be duplicated (which is compensable work), time spent physically printing or copying is non-compensable administrative work as explained in <a href="#">Section II</a>. However, reasonable copy costs may be reimbursed as an expense as discussed in <a href="#">Section XII</a>.</p>	NO
<p><b>Selecting and marking exhibits in advance of a hearing or trial</b></p>	YES
<p><b>Reviewing co-defendant’s or cellmate’s plea agreement</b></p> <p>If not obvious, explain the relevance of the work (e.g., reviewed co-D’s plea agreement to assess possibility of renegotiating terms or obtaining better offer; reviewed cellmate plea agreement to assuage client concerns regarding own agreement).</p>	YES
<p><b>Preparing subpoenas for witnesses and records</b></p> <p>Including filling out subpoena forms or preparing attachments. Expenses related to production of documents (e.g., copy charges) may be reimbursable. Counsel should seek prior authorization if such expenses are likely to exceed \$500.</p>	YES
<p><b>Serving subpoenas for fact witnesses and records</b></p> <p>Service of subpoenas is facilitated and paid by the Department of Justice through the U.S. Marshals Service as provided in <a href="#">FRCP 17</a> and the <a href="#">U.S. Marshals Service Public Defender Handbook</a>.</p> <p>*While not separately compensable, service of process may be undertaken by a member of the defense team if incidental to some other task (such as a witness interview or other representational purpose). See CJA Guideline <a href="#">§ 230.66.50</a>. Additionally, if the USMS is unavailable due to time or other representational constraints (e.g., the witness will likely avoid law enforcement), the circumstances should be documented and, whenever feasible, prior approval obtained before incurring expenses for service of process.</p>	NO*

VI. DISCOVERY MANAGEMENT AND INVESTIGATION	COMPENSABLE?
<p><b>Paying for fact witness to travel and testify in court or at deposition</b></p> <p>The defense team should not front expenses such as travel costs or deposition transcripts related to the testimony of a fact witness. These costs are paid by the U.S. Marshals Service (DOJ) under <a href="#">18 U.S.C. § 1825(b)</a> and <a href="#">FCRP 15</a>. See CJA Guideline <a href="#">§ 320.40</a>. The Eastern District of Washington also has a <a href="#">helpful guide</a> on its website. If DOJ refuses to pay, inform your CJA administrator and the court directly.</p>	NO

## VII. LEGAL RESEARCH AND WRITING

CJA panel attorneys must thoroughly investigate and research all potentially viable legal defenses and are expected to do so efficiently by maintaining proficiency in federal practice and by using contemporary legal research techniques. Counsel are encouraged to build brief banks or utilize resources on FD.org or their local defender office for sample motions. Counsel are also expected to have a working knowledge of federal criminal law as well as local and federal rules of procedure and to keep current with the law.

For novel or complex areas of law specific to a client’s representation, counsel will likely spend more time than usual on research and writing and should explain the necessity for this work in their vouchers to assist reasonableness review. Such research may go beyond reading caselaw to gain expertise in a new or unique area, such as securitization of assets, bankruptcy, intellectual property, human trafficking, international banking, or gang culture.

While a reasonable amount of time spent reading materials to become conversant with a case-related topic may be reimbursable in connection with effective representation in a specific CJA matter, time spent on general caselaw reading, skill building, professional development, and CLE or other training events is generally not compensable. One exception is a “bring-your-case” type of training event sponsored by the Defender Services Office’s Training Division or other recognized provider. Counsel should consult with CJA staff prior to billing for time or apportioned travel expenses in connection with such training.

VII. CASE RESEARCH AND WRITING	COMPENSABLE?
<p><b>Conducting legal research and preparing a document for court filing</b></p> <p>To assist voucher review, describe the issue or purpose of the research and identify the ECF document number in the “Doc. #” field in eVoucher when entering services (or indicate that no document was filed).</p>	YES

VII. CASE RESEARCH AND WRITING	COMPENSABLE?
<p><b>Editing a template or preexisting pleading for a similar case at hand</b> CJA panel attorneys should use preexisting resources (e.g., briefs and pleadings prepared in similar cases) to the extent feasible. The time spent editing and adapting a template or preexisting pleading is compensable.</p>	YES
<p><b>Refreshing knowledge of federal criminal law or rules of procedure</b> Counsel are expected to possess a working knowledge of federal criminal law and rules of procedure. Time spent reviewing newly issued caselaw not relevant to a specific representation or becoming familiar with or reviewing resources such as the Federal Rules of Criminal Procedure, Local Criminal Rules, and Federal Sentencing Guidelines is not compensable absent a specific representational purpose, which should be identified in the voucher.</p>	NO
<p><b>Reviewing publications or other media uniquely related to specific case or client</b> If reasonably necessary to a specific client’s representation (e.g., background about a particular gang, terrorist group, etc.) and outside the range of an experienced criminal defense attorney, reasonable time spent reading a book or viewing a documentary uniquely relevant to the case or client may be compensable. To assist voucher review, billing entries must provide a detailed explanation. Counsel should exercise professional judgment in assessing whether such time is better characterized as non-compensable training or continuing legal education.</p>	DEPENDS
<p><b>Reimbursement for a publication necessary to client’s representation and not accessible through a library or other means</b> *Before purchase, check with your local defender office, panel administrator, or CJA staff to see if the resource is available at no cost. To assist voucher review, the expense entry must explain the publication’s necessity for the particular representation and why the publication should not be viewed as a general resource for counsel’s law practice and thus not chargeable to CJA.</p>	YES*
<p><b>Attending CLE related to the subject matter of your case</b> Other than as explained under “Attending ‘bring your case’ style of workshop or conference” (see below), time and expenses related to educational seminars, including travel, attendance, registration fees, or materials, are not compensable or reimbursable under the CJA.</p>	NO

VII. CASE RESEARCH AND WRITING	COMPENSABLE?
<p><b>Attending “bring your case” style workshop or conference</b></p> <p>Although time spent attending plenary sessions is not compensable at “bring your case” workshops, time spent discussing and strategizing about an individual case is compensable. The court may permit reimbursement of travel costs on a pro rata basis based on the conference agenda (plenary vs. specific case sessions); advance authorization to bill time and travel expenses is required.</p>	<p>YES</p>

## VIII. TRIAL

Incredible effort goes into adequately preparing for and participating in a federal criminal trial. Counsel must be prepared for both the known and the unknown. The better prepared, the faster counsel can pivot as testimony and theories of the case unfold. Depending on case complexity, preparation may require longer than normal days in the days, weeks, or even months before trial.

During trial, counsel should plan to be in the courtroom 15-20 minutes before the scheduled start time to set up any equipment or evidence displays to avoid delay; this is compensable time. If the trial is complex and courtroom presentation assistance is needed, counsel should ask for such services in advance. Having a paralegal, investigator, or associate attorney to coordinate witnesses or display documents at trial is an effective way to stay organized and allow counsel to focus on direct and cross examination of witnesses.

On trial days, billable hours may easily exceed 10 hours or more a day between out-of-court preparation and in-court proceedings, and no additional justification is needed when billing.

After closing arguments, it is expected that counsel will spend time meeting with the client or co-defendant counsel, talking with witnesses and family members, outlining possible issues for post-trial motions or appeal, dealing with trial exhibits, reassembling the case file, etc. This is compensable time and should be billed as such to demonstrate that counsel was engaged in representational work as opposed to “waiting for jury verdict.” If jury deliberations move into subsequent days, counsel are expected to shift focus to other matters.

VIII. TRIAL	COMPENSABLE?
<p><b>Creating witness, issue, or exhibit binders in preparation for trial</b> If feasible, counsel should delegate this task to a lower-cost service provider.</p>	YES
<p><b>Preparing exhibit and witness lists</b></p>	YES
<p><b>Preparing demonstrative exhibits</b></p>	YES
<p><b>Practicing opening statement or closing argument</b></p>	YES
<p><b>Testing defense theories</b> Reasonable time spent preparing and participating in mock cross examination, voir dire, or argument is compensable. In particularly complex or high-profile cases and where otherwise justified, counsel may seek funding to test defense theories before a mock jury or recruit an informal volunteer panel. Consult your local CJA Supervising Attorney/Resource Counsel or Circuit Case Budgeting Attorney if you think the case might qualify for such services.</p>	YES
<p><b>Arriving to court 15-20 minutes early to set up courtroom presentation materials and equipment or otherwise prepare</b></p>	YES
<p><b>Awaiting a jury verdict</b> Compensable: Packing up and managing trial exhibits and files, debriefing or consulting with client or defense team, consulting with co-defendant counsel, making notes for possible post-trial motions or filings, considering possible appellate issues, preparing necessary motions or other filings, responding to jury questions, traveling to and from the courthouse if ordered to be in the building during deliberations or appear in court, and reading of the verdict.  Pure wait time typically is not compensable, especially where the jury deliberates for more than one day. When ordered by a court to remain at a courthouse pending a verdict, counsel should exercise professional judgment in billing wait time and should be prepared to work on other matters while waiting.</p>	DEPENDS
<p><b>Speaking with jurors after verdict is reached</b> If the purpose of speaking with jurors is to discern grounds for post-trial relief, such time is compensable and should be explained in the voucher.</p>	DEPENDS
<p><b>Preparing post-trial motions</b></p>	YES

## **IX. POST-JUDGMENT AND APPELLATE MATTERS**

Even after entry of judgment, counsel have obligations and responsibilities at the district court level to ensure an orderly wrap up or to make sure the case is properly noticed for appeal or transferred to another attorney for appellate representation. If trial counsel stays on as appellate counsel, time spent working on the appeal is generally billed to the court of appeals. (In unusual circumstances there may be issues with or delays in obtaining appointment from the court of appeals; in such instances, counsel should remain in contact with their CJA office regarding the compensability of such activities at the district court level.)

Although in some cases, there may be benefits to maintaining continuity of counsel, the skills necessary to represent a client on appeal differ greatly from those needed to excel at trial practice. Before continuing as counsel on appeal, trial counsel should consult with the client about potential issues for appeal and the appellate qualifications of trial counsel. Many districts have a specialized panel of appellate attorneys available for appointment in cases where trial counsel withdraws. The motion to withdraw need not list any type of deficiency in representation or conflict, merely that trial counsel has primarily a trial practice and the client prefers appointment of qualified appellate counsel. This allows the case to return to trial counsel on remand if the appeal is successful. Counsel interested in gaining additional proficiency in Ninth Circuit appellate practice are encouraged to consult with their federal defender office (particularly if they have an appellate unit) or a member of the CJA appellate panel for training, mentorship, and other developmental opportunities.

As with representation in the district court, counsel representing a client on appeal may at times need to undertake work that is ancillary to the appeal and that may take place back in the district court, including litigation about the completeness of the record and access to sealed filings. Whenever feasible, prior authorization should be sought by contacting the CJA Administrative Attorney for the Ninth Circuit Court of Appeals, who can also provide guidance on when tasks by appellate counsel should be billed to the district court. If an ancillary matter, such as a limited remand or an initial motion for bail pending appeal, is likely to involve significant work in district court and appellate counsel did not represent the defendant at trial, appellate counsel may be advised to seek appointment and an eVoucher representation in district court.

IX. POST-JUDGMENT AND APPELLATE MATTERS	COMPENSABLE?
<p><b>Preparing interlocutory appeal or mandamus petition</b> Billed to district court unless Court of Appeals accepts jurisdiction and appoints counsel.</p>	YES
<p><b>Drafting notice of appeal</b> Billed to the district court, not the Court of Appeals.</p>	YES
<p><b>Moving to withdraw as counsel on appeal</b> If trial counsel prefers to withdraw in favor of new counsel on appeal, trial counsel should first timely file the notice of appeal in the district court to preserve the client’s right to appeal and then move to withdraw as soon as possible in the Court of Appeals asking for appointment of substitute counsel. See <a href="#">Ninth Circuit Rule 4-1</a>.</p> <p><b>NOTE:</b> Time spent moving to withdraw may be billed to the district court representation if counsel has no other billable time for the appellate representation and the motion to withdraw is filed prior to submission of counsel’s final voucher in district court.</p>	YES
<p><b>Coordinating case file transfer to new counsel after entry of judgment</b> Including communicating with appellate counsel to discuss potential issues to raise on appeal, access to sealed filings, or other matters relevant to the appeal.</p>	YES
<p><b>Reasonable and necessary communications with client after entry of judgment or dismissal of district court proceedings</b> Including reasonable time responding to client requests for case file or discovery materials or inquiries about post-conviction relief. Counsel should seek guidance from a CJA administrator concerning compensability of client communications that occur after submission of a final voucher in district court. Some courts have local orders governing representation or advice for matters such as 2255 motions resulting from changes in the law and compassionate release requests.</p>	YES
<p><b>Designating/ordering transcripts for appeal</b> If the transcript-requesting attorney continues the representation on appeal, this time may be billed to the attorney’s district court appointment; otherwise, it should be billed to the Court of Appeals representation.</p> <p><b>NOTE:</b> CJA-24 transcript requests are always submitted in the district court’s eVoucher system under either the original district court representation (if counsel represented the client in district court) or a new “expert-only” representation created by the district court for the limited purpose of facilitating submission of transcript requests by substitute appellate counsel.</p>	YES

IX. POST-JUDGMENT AND APPELLATE MATTERS	COMPENSABLE?
<p><b>Designating/ordering transcripts other than for appeal</b> Counsel must identify a representational purpose when ordering transcripts at a client's request for reasons other than an appeal.</p>	DEPENDS
<p><b>Designating/ordering transcripts for BOP placement purposes</b> Or for other purposes unrelated to the defense of the criminal case.</p>	NO
<p><b>Unsealing district court documents for appeal</b> Counsel should consult with the Court of Appeals CJA Administrative Attorney about whether time spent in district court seeking to unseal documents for appeal should be billed to the Court of Appeals.</p>	YES
<p><b>Requesting or facilitating bail pending appeal</b> If counsel represented the client in district court, this may be billed to the district court on a final or supplemental voucher; otherwise, the work can be billed to the Court of Appeals as an ancillary matter.</p>	YES
<p><b>Printing, scanning, or downloading transcripts or excerpts of record</b></p>	NO
<p><b>Preparing Certificate of Appealability (COA) for Habeas</b> Consistent with Rule 11 of the Rules Governing § 2254 and § 2255 Cases, courts must issue or deny a COA when entering a final order adverse to the petitioner. Thus, COA briefing in the district court typically is permitted only if the court concludes that it cannot rule without additional argument from the parties.  If a COA is denied by the district court and an NOA is filed, counsel may bill the appellate representation for preparing a COA request in the Court of Appeals, regardless if the COA is granted. If a COA is granted by the district court, appellate counsel should not prepare a COA request in the Court of Appeals but may brief uncertified claims in the opening brief, as provided by <a href="#">Ninth Circuit Local Rule 22-1(e)</a>.</p>	DEPENDS
<p><b>Preparing appellate briefs and motions</b> Including time and expense for researching and drafting appellate briefs as well as motions, continuance requests, and petitions for rehearing filed in the Court of Appeals.</p>	YES
<p><b>Ordering duplication of briefs through copy service</b> Time spent placing a copy order is non-compensable administrative work as explained in <a href="#">Section II</a>. However, reasonable duplication costs may be reimbursed as an expense as discussed in <a href="#">Section XII</a>.</p>	NO
<p><b>Copying briefs and mailing to client</b> Time spent physically printing or copying is non-compensable administrative work as explained in <a href="#">Section II</a>. However, reasonable copy and mailing costs may be reimbursed as an expense as discussed in <a href="#">Section XII</a>.</p>	NO

IX. POST-JUDGMENT AND APPELLATE MATTERS	COMPENSABLE?
<p><b>Acknowledging oral argument date as required by the Court of Appeals</b> Time spent to complete this ministerial task must not exceed 0.1 hrs.</p>	YES
<p><b>Preparing or responding to certiorari petition</b> Work related to a certiorari petition is billed to the Court of Appeals. If the petition is granted, counsel’s time on merits briefs and oral argument is billed to the United States Supreme Court.</p>	YES
<p><b>Preparing an Information Summary Form for the Court of Appeals</b> An <a href="#">Information Summary Form</a> must accompany every voucher submitted to the Court of Appeals.</p>	NO
<p><b>Undertaking ancillary state court work</b> Counsel must obtain prior court authorization to bill the federal district or appellate court for ancillary state court work, such as filing a successive state post-conviction petition or seeking other relief in state court.</p>	DEPENDS
<p><b>Responding to allegation of ineffectiveness in a 28 U.S.C. § 2255 petition</b> Because defending against an IAC claim is not representational work on behalf of the former client, counsel may not be reimbursed through the CJA for time spent responding to a former client’s allegation of ineffectiveness raised in a post-conviction proceeding.</p>	NO
<p><b>Preparing requests to file second or successive (SOS) habeas petition</b> Whether work on an SOS request is billed to the district court or appellate court will depend on the specific circumstances of the case; counsel should consult with the local CJA administrator, Supervising Attorney/Resource Counsel, or Court of Appeals CJA Administrative Attorney.</p>	YES
<p><b>Seeking relief based on a change in law or statute</b> *Courts have discretion to appoint counsel to prepare a motion or petition seeking relief based on a change in law or statute (e.g., compassionate release, First Step Act litigation, <i>Johnson</i> relief, etc.). Counsel must seek PRIOR approval and move for appointment, even if counsel represented the client at sentencing. If the case is pending appeal and appellate counsel wants to pursue relief, appellate counsel must seek appointment in district court to undertake the representation and bill to the district court.</p>	YES*

## X. CLIENT SERVICES

The CJA Guidelines provide that items of a personal nature purchased for or on behalf of a client are not reimbursable. This includes clothing, haircuts, cigarettes, meals, candy, and other “incidental expenses of a personal nature” that are not considered legal representation. See, e.g., CJA Guideline [§ 230.66.20](#). Incidental expenses of a personal nature include assisting the client in the disposition of the client’s personal property (unless obtaining access to the property could reasonably contribute to a representational purpose), arranging for the placement of the client’s minor children, assisting the client in executing the conditions of probation or supervised release (e.g., finding employment or housing or arranging for drug or alcohol counseling), and providing legal assistance in matters unrelated to resolution of the CJA case, though possibly incidental to the client’s arrest (e.g., helping a detained client execute a Power of Attorney to permit family members to transact on the client’s behalf).

Although defense attorneys often feel morally or even ethically obligated to assist their clients or their clients’ family members with personal matters, activities that are personal in nature are not reimbursable under the CJA absent an articulated and reasonable representational purpose. The determination of whether a service is personal in nature or compensable under the CJA is ultimately within the discretion of the approving authority. As private attorneys, CJA counsel may undertake certain tasks pro bono if they do not conflict with the appointed representation.

---

*Cautionary Note: Counsel are sometimes asked to undertake representational matters unrelated to the CJA appointment, such as state or local charges or a civil matter. While such activities are not categorically prohibited, the [CJA Guidelines](#) make clear that counsel may not accept payments from or on behalf of a CJA client without prior authorization. Where authorized, such situations present difficulties and attorneys are required to maintain careful records separating billing for CJA versus non-CJA activities.*

---

The two most common quasi-personal services that frustrate both counsel and voucher reviewers involve obtaining clothing for a detained client in connection with court appearances and retrieving a client’s personal belongings seized at the time of arrest. While ensuring a client is dressed appropriately for court arguably has a representational purpose,

the CJA Guidelines clearly preclude compensation for time spent by counsel to procure such clothing. However, similar to scheduling-related communications addressed in [Section V](#), communications where a clothing-related discussion is incidental to some other case-specific topic or issue are compensable (e.g., asking a family member about arranging for clothing while also discussing what to expect at an upcoming court hearing). For these types of “mixed” calls or emails, counsel’s billing should identify the non-personal aspect of the communication.

With respect to a client’s personal property, counsel or a service provider may be compensated for retrieving or arranging for others to retrieve items that have potential evidentiary or investigative value relevant to the charges or to potential mitigation (e.g., immigration or other identification, cash, documents, address book, laptop, mobile phone, or other electronic device) or if the retrieval is incidental to some other task (e.g., interviewing a case agent). Billing entries for such work should explain how obtaining access to the personal property furthered a representational purpose to avoid being reduced as non-compensable services of a personal nature.

Work on legal matters ancillary to the criminal representation are not “services of a personal nature” and may be compensated as provided in CJA Guideline [§ 210.20.30](#). The court is responsible for determining whether a matter is ancillary to the principal criminal charge and, whenever feasible, advance authorization should be sought. If authorized, the scope of representation extends only to the part of the ancillary matter that relates to the principal criminal charge and correlative objective in providing the representation.

X. CLIENT SERVICES	COMPENSABLE?
<p><b>Procuring or arranging for others to procure clothing for client</b>            Time spent solely arranging clothing for court or release (e.g., communicating with a client or client’s family, visiting a defender office closet, shopping at a thrift store). However, the act of arranging for clothing may be accomplished contemporaneously with hearing preparation, interviews, family consultations, or other substantive matters as incidental to that work. In that event, counsel’s voucher should describe the non-clothing-related aspect of the billed time.</p>	NO
<p><b>Arranging for client haircut</b></p>	NO
<p><b>Furnishing cigarettes, candy, meals, etc.</b>            Including putting money on a client’s account at a detention center.</p>	NO
<p><b>Communicating with client, client’s family, or agents about client’s personal property if subject to civil forfeiture or return under Federal Rules of Criminal Procedure 41(g)</b></p>	YES

X. CLIENT SERVICES	COMPENSABLE?
<p><b>Retrieving or arranging for others to retrieve critical client property that has potential evidentiary, investigatory, or other representational purpose</b>  Critical client property includes items such as immigration or other identification documents, cash, address or phone books, laptops, and mobile phones or other electronic devices that may support the resolution of criminal matters or assist foreign national clients in a safe return should they be removed. Counsel should utilize a lower-cost service provider to retrieve the property. Billing entries for property retrieval must explain the representational purpose to avoid being reduced as non-compensable services of a personal nature. If the work is found to be compensable, related expenses such as mileage or postage also are compensable.</p>	YES
<p><b>Assisting detained client in obtaining medical care or addressing a condition of confinement if there is a representational purpose</b>  *Assisting a detained client to obtain medical care or address some other condition related to confinement <b>must</b> have a CJA representational purpose (e.g., to facilitate attorney-client communication, access to the client, or client participation in their defense or court proceedings) for counsel to be reimbursed for this work. Billing entries should explain the representational purpose to avoid being reduced as non-compensable services of a personal nature.</p>	YES*
<p><b>Assisting client with requirements of pretrial diversion program</b>  This is distinguished from assisting a client after judgment in executing conditions of probation or supervised release, which is a non-compensable service of a personal nature under CJA Guideline <a href="#">§ 230.66.20</a>.</p>	YES
<p><b>Petitioning for modification of detention conditions</b>  Including for an detained client to attend a funeral or an out-of-custody client to travel outside the district. Such efforts may require communicating with Pretrial Services or the U.S. Attorney’s Office, which are compensable tasks and not services of a personal nature.  <b>NOTE:</b> Attorneys and service providers may not be reimbursed for the time and expense of transporting a client to attend a funeral or other personal matter.</p>	YES
<p><b>Arranging for the placement of minor children of the client</b></p>	NO
<p><b>Providing representation in related state court or other ancillary matters</b>  Work related to state court proceedings or other ancillary matters may be compensable. Counsel should obtain prior authorization from the court. CJA Guideline <a href="#">§ 210.20.30</a>.</p>	DEPENDS

## XI. TRAVEL AND WAITING TIME

Counsel and service providers are entitled to compensation for time spent conducting necessary and reasonable travel in furtherance of the representation. This includes travel to visit a detained client or interview a witness. While these are easy examples, other situations are more difficult, including local driving to accomplish non-compensable administrative tasks (such as photocopying or mailing documents to a client). As explained in [Section II](#), the hourly rate paid to counsel and service providers is intended to compensate for general office overhead, including clerical assistance. Many CJA attorneys and providers work from home and lack conveniences such as a high-volume copier or daily express mail pickup. Thus, it may be necessary to take frequent trips to a post office, shipping company, copy center, or office supply store. However, such travel is generally considered part of office overhead (which is overall less costly when working solely from a home office) and thus not reimbursable except in extraordinary or unusual circumstances.

For air and overnight travel, authorization must be sought **in advance** unless court or district policy establishes otherwise. Prior authorization assists in obtaining reduced and refundable government travel rates. See [CJA Guideline § 230.63.40\(d\)](#). In the absence of exigent circumstances, travel authorization requests should be submitted at least 10 business days ahead of the proposed travel (using the procedures established by the court) and should detail the purpose, proposed itinerary, duration, and estimated travel expenses. All air travel and car rentals must be pre-authorized by the court and should generally be booked through the judiciary's contract travel agent. Where other travel arrangements are made, absent reasonable justification, reimbursement will generally be limited to the government rate.

Ordinarily, compensable time for travel includes only those hours actually spent in or awaiting transit. While traveling, time spent on substantive work should be billed separately from pure travel time (in which no work is performed, whether on CJA or privately retained cases) and clearly denoted on the voucher as work accomplished while in travel status. Compensation for pure travel time may not be claimed in one case if billable work in another case is undertaken at the same time while in travel status (double billing); if such work is for another CJA representation, the fact the work occurred while in travel status on a different case should be noted in the voucher. Counsel and service providers are expected to undertake substantive work whenever possible while in travel status (e.g., while waiting at an airport or on a plane) and excessive "travel only" time when work could have been undertaken while in transit is likely to be scrutinized.

CJA reimburses for reasonable expenses actually incurred during travel rather than on a flat per-diem basis. As such, itemized receipts are generally required for all reimbursable expenses. If a receipt is not available, counsel should submit an explanation of the expense and substantiation of the charge to the best of the traveler's ability.

In determining whether incurred expenses are "reasonable," voucher reviewers are guided by travel and subsistence expense levels set by the [Judiciary Staff Travel Regulations](#). Expenses may include parking fees, tolls, mileage for personally owned vehicles, meals, and lodging. Receipts should include line-item details, especially for meals (i.e., not summary credit card receipts). Meal expenses for same-day travel in excess of 12 hours are reimbursable. The maximum reimbursement for airfare booked by the traveler directly is the prevailing government contract rate. The U.S. General Services Administration's (GSA) website ([gsa.gov/travel-resources](http://gsa.gov/travel-resources)) publishes government rates for [air travel between most cities](#) and for daily [lodging/subsistence](#).

Alcoholic beverages, entertainment (e.g., movies), travel insurance, parking fines or fees for traffic violations, personal automobile expenses, increased costs incurred by traveling indirect routes for personal reasons, and use of taxis to obtain meals are not reimbursable. If a traveler lengthens a trip or incurs any cost for personal reasons or performs work that is not related to the purpose of the official travel, the increased cost caused by such action also is not reimbursable.

Under [18 U.S.C. § 4285](#), the U.S. Marshals Service is responsible for transporting out-of-custody clients to court. However, as explained in the Cardone Report, the cost of return transportation is not included in this statutory mandate, nor is the cost of lodging and subsistence while an out-of-custody client is attending proceedings in court (e.g., trial). Although not required by statute, the Marshals Service in some districts has acquiesced when ordered by courts to pay for return travel and lodging/subsistence of out-of-custody defendants. Similarly, the Pretrial Services Office in some districts has assisted with locating temporary housing. While the CJA generally may not be used to pay for client lodging or subsistence, at least one court has broadly construed the term "other services" in 18 U.S.C. § 3006A(e)(1) to include lodging for an out-of-state defendant during trial. See *United States v. Mendoza*, 734 F.Supp.2d 281 (E.D.N.Y. 2010). Questions concerning travel for out-of-custody clients should be directed to the presiding judge or other approving authority.

XI. TRAVEL AND WAITING TIME	COMPENSABLE?
<p><b>Preparing a travel request</b> Including time for estimating expenses. Counsel should consult GSA’s website for government <a href="#">airfare</a> rates and <a href="#">per diem rates for lodging/meals &amp; incidentals</a>. It should not take more than 0.2 hours to conduct this research absent unique and extraordinary circumstances.</p>	YES
<p><b>Booking travel</b></p>	NO
<p><b>Traveling to courthouse for court appearances</b> Subject to district-specific rules or limits.</p>	YES
<p><b>Traveling to courthouse for other representational purpose when required</b> Including travel to courthouse to deliver required courtesy copies, file materials that cannot be submitted electronically, or obtain items not available in CM/ECF. If possible, attorneys should use the most cost-effective method for delivery, e.g., U.S. postal mail, or combine the task with other work requiring travel to the courthouse.</p>	YES
<p><b>Arriving before scheduled start time of hearing, meeting, or client visit</b> Limited time before a hearing, meeting, or client visit is scheduled to begin (up to 0.3 hours unless ordered to arrive earlier by the court).</p>	YES
<p><b>Wait time between scheduled and actual start time of hearing, meeting, or client visit</b> Unless counsel is able to conduct other work while waiting. Includes time waiting for matter to be called after court calendar begins.</p>	YES
<p><b>Traveling to meet with out-of-custody client</b> For meetings at an attorney’s office that do not coincide with transportation to a court proceeding provided by the U.S. Marshals Service, out-of-custody clients should travel at their own expense when feasible. For clients that lack the means to travel, counsel may request that CJA cover the cost of transporting the client to meet with counsel when doing so would be economically advantageous to the CJA compared to counsel traveling to the client’s locale.  Counsel should seek advance authorization and provide a comparison of costs for the client to be transported to and from the attorney’s office and for counsel to travel to and from the client’s locale (including attorney time and travel expenses). If approved, counsel should consult with a CJA administrator for guidance on booking client travel. Client travel expenses are ordinarily limited to the cost of transport and do not include lodging or subsistence.</p>	YES
<p><b>Traveling and wait time to meet with client at detention facility</b> Subject to district-specific rules or limits.</p>	YES

<p><b>Traveling to meet with a defense team member</b>  In furtherance of their fiduciary duty under the CJA to work efficiently, counsel and service providers should exercise professional judgment in determining whether a meeting’s objective can be accomplished using video or audio conferencing.</p>	YES
<p><b>Traveling to pick up discovery</b>  Whenever feasible, counsel should coordinate discovery pickup at the U.S. Attorney’s Office with other tasks such as meeting with the assigned AUSA and are encouraged to delegate pick up to a lower-cost service provider. While travel time to a commercial printing or copy center is not ordinarily compensable, it may be allowed if the vendor is used by the Government for discovery productions.</p>	YES
<p><b>Traveling to and wait time at print/copy center</b>  Except in unusual or extraordinary circumstances of the type that would normally result in an additional charge to a fee-paying client. See CJA Guideline <a href="#">§ 320.70.30</a>.</p>	NO
<p><b>Traveling to and wait time at post office</b></p>	NO
<p><b>Traveling to purchase a hard drive or other office supplies</b></p>	NO
<p><b>Traveling by car when mileage plus attorney travel time is less than airfare</b>  Travel should be by the most expeditious means of transportation practicable and commensurate with the nature and purpose of the duties of the individual requiring travel.</p>	YES
<p><b>Transporting client to/from court, airport, rehabilitation facility, or another locale</b>  Unless such travel is incidental to a client meeting, in which case the time would be billed as communicating with client, not traveling.</p>	NO
<p><b>Walking/escorting client within courthouse to probation, pretrial, or U.S. Marshals Service</b></p>	YES

## **XII. GENERAL OFFICE OVERHEAD AND OTHER EXPENSES**

As provided in CJA Guideline [§ 230.66.10](#) and discussed in [Section II](#) above, counsel’s hourly rate is intended to include compensation for general office expenses, including personnel, rent, telephone, cell phone, internet, general video and teleconferencing services, and clerical assistance. However, unusual or extraordinary expenses of these types may rise to the level of “other services necessary for an adequate defense” under [18 U.S.C. § 3006A\(d\)\(1\)](#), especially if the circumstances from which the need arises would normally result in an additional charge to a fee-paying client. CJA Guideline [§ 320.70.30](#).

Prior authorization should be sought before incurring any unusual or extraordinary expenses.

Reasonable out-of-pocket expenses may be reimbursed if itemized and documented. Expenses for services such as interpretation or translation are not considered out-of-pocket expenses and should not be paid out-of-pocket by counsel except under unusual circumstances where use of a service provider voucher would be impracticable. Such circumstances must be documented in the attorney's voucher. In most circumstances, service provider expenses should be submitted on form CJA-21/31 after obtaining prior authorization, if required.

Similarly, the acquisition of computer hardware or software not typically available in a law office and reasonably necessary to the representation, including the procurement of litigation support services such as cloud hosting for discovery review, should be submitted on form CJA-21/31. Prior authorization for computer hardware, software, or litigation support services is required. If combined costs are expected to exceed \$10,000, appointed counsel must consult with the local CJA office or the [National Litigation Support Team](#) for guidance.

Commercial duplication services may be paid out of pocket by counsel and reimbursed as an expense on CJA-20/30 or paid directly to the vendor via a CJA-21/31. Prior authorization should be sought if copy expenses are likely to exceed \$500.

Transcripts of federal court proceedings are ordered using a CJA-24. The cost of transcripts of nonfederal proceedings (e.g., state court hearing) may be paid directly to the court reporter through a CJA-21/31 after obtaining any required prior authorization or may be purchased out-of-pocket by counsel and reimbursed. Consult the local CJA office for guidance on purchasing transcripts of nonfederal proceedings.

As the amount of electronic discovery continues to expand, counsel are expected to be mindful of adjusting to new technologies that assist with organization and review of discovery and avoid unnecessary printing and copying of voluminous materials. Whenever feasible, discovery should be provided to a client or service providers in an electronic format.

This same guidance regarding reimbursement of counsel's expenses applies in determining the reasonableness of expenses incurred by service providers. CJA Guideline [§ 320.80.10](#).

XII. GENERAL OFFICE OVERHEAD AND OTHER EXPENSES	REIMBURSABLE?
<b>Administrative assistant to answer phones and reply to general office email</b>	NO
<b>Hard drives for discovery storage</b> If the hard drive or other storage media is purchased with the intent that it stays with the case file or will be used in another CJA representation, reimbursement may be sought. Justification should be included on the voucher.	YES
<b>Mobile printer for use during trial</b>	NO
<b>File folders, binders, and other supplies for office use</b> However, in particularly complex cases requiring an unusual or extraordinary number of binders to provide exhibits to the court or opposing counsel, such expense may be construed as necessary for an adequate defense and thus reimbursed. Justification should be included on the voucher.	NO
<b>Case organization tools unique to the needs of a case</b> Proprietary software (including cloud-based discovery review platforms) or hardware not typically available in a law office needed to review evidence or organize discovery during pendency of a specific case. Counsel should discuss options with a CJA administrator, budgeting attorney, or the National Litigation Support Team (NLST) and obtain prior authorization. See CJA Guideline <a href="#">§ 320.70.40</a> .	YES
<b>Cloud storage subscription services</b> Including Dropbox, Box, Sync, or other general storage services. NLST has a contract with Box and can provide <a href="#">free storage</a> for CJA cases that qualify.	NO
<b>General case organization or team communication tools</b> E.g., Casemap, Everlaw, Basecamp, etc. Check with NLST for <a href="#">available discounts</a> .	NO
<b>Trial presentation tools (e.g., TrialDirector 360)</b> Check with NLST for <a href="#">available discounts</a> or your local CJA Supervising Attorney/Resource Counsel for more information. It is within the approving authority's discretion to reimburse counsel for all or part of the cost of trial presentation software that is not used in the normal course of business if it is procured solely for a specific CJA representation and is warranted by the trial's complexity.	DEPENDS
<b>Calendaring or billing software</b>	NO
<b>Photocopying or laser printing</b> The Ninth Circuit's maximum reimbursement rate for in-house copying	YES

XII. GENERAL OFFICE OVERHEAD AND OTHER EXPENSES	REIMBURSABLE?
<p>or printing is 15 cents per page for black and white and 25 cents per page for color. District reimbursement rates may be lower.</p>	
<p><b>Scanning and OCR services by third-party vendors</b>            Third-party vendors may charge an hourly rate or per page fee. Check with your CJA administrator as reimbursement rates vary depending on the quality and form of the documents. (See <a href="#">Section VI</a> for compensability of attorney and service provider time for these tasks.)</p>	YES
<p><b>U.S. Postal fees</b></p>	YES
<p><b>Premium delivery services</b>            Use of couriers, messengers, and other premium delivery services (other than standard delivery) is discouraged absent a genuine necessity for the service. Explanations and receipts are required.</p>	DEPENDS
<p><b>Physical storage of paper materials</b>            Storage of hard-copy case files is typically office overhead. However, for an extraordinarily large volume of materials for which counsel lacks adequate space and for which physical storage is necessary for the representation, such expense may rise to the level of “other services necessary for an adequate defense” under <a href="#">18 U.S.C. § 3006A(d)(1)</a> and may be reimbursed during the representation. Prior authorization is required.</p>	DEPENDS
<p><b>Collect calls from client</b>            While it may be more cost efficient to deposit money into a detained client’s account to facilitate attorney-client communications, such funds are akin to services of a personal nature and are not reimbursable under the CJA. Only reasonably documented actual expenses may be reimbursed.</p>	YES
<p><b>Communication with detained client on fee-based platforms</b>            Fees paid to detention center vendors for calls, emails, or video visits with a detained client are reimbursable if they can be reliably linked to a particular client/representation.</p>	YES
<p><b>Video or audio-conferencing tools</b>            Subscriptions to common audio or video services (e.g., Zoom, Skype, GoToMeeting, etc.) are considered overhead unless being employed solely for a specific representation and not general use. Any videoconference expense claimed on a voucher should explain why the service is not general office overhead.</p>	DEPENDS
<p><b>Equipment for in-custody client to review discovery</b>            Consult with a CJA administrator as prior authorization is required for the purchase of laptops, tablets, or audio devices.</p>	DEPENDS

XII. GENERAL OFFICE OVERHEAD AND OTHER EXPENSES	REIMBURSABLE?
<p><b>Expenses reasonably incurred in defending actions alleging malpractice in representational services under the CJA</b></p> <p>Reimbursable expenses include the cost of transcripts, witness fees and costs, and retained attorney fees. CJA Guideline <a href="#">§ 230.63.60</a>. The total reimbursement must not exceed the deductible amount of counsel’s professional liability insurance policy or \$5,000, whichever is less, and should be claimed as an expense on Form CJA-20/30. These expenses are not reimbursable if a judgment of malpractice is rendered against the attorney. As with § 2255 proceedings, compensation for representing oneself in defending malpractice allegations is not reimbursable.</p>	YES
<p><b>Computer-assisted legal research (CALR) services</b></p> <p>Panel attorneys are expected to have access to online legal research tools (e.g., Lexis, Westlaw) and should utilize the most cost-efficient pricing plan available. The CJA Guidelines provide that CALR services may be reimbursed if the amount is reasonable, although reimbursement policies may vary between districts. If submitting a claim for reimbursement, counsel must attach a copy of the bill, along with (1) an explanation of the precise basis for the charge, and (2) a statement of justification if the expense exceeds \$200 during a one-month period.</p>	YES
<p><b>Transcripts of federal proceedings</b></p> <p>Counsel should not pay out of pocket for transcripts. Rather, transcripts should be requested on CJA Form 24. Except during trial, expedited or daily copy is discouraged. Any requests for expedited or daily copy must be justified and pre-approved by the court.</p>	NO
<p><b>PACER fees</b></p> <p>Attorneys and service providers should apply for a no-fee account and may contact the PACER Service Center in San Antonio at 1-800-676-6856 for more information. Service providers may require documentation from a CJA administrator explaining their role and eligibility for the CJA exemption and should register at this link for a “case search only” account:  <a href="https://pacer.psc.uscourts.gov/pscof/registration.jsf">https://pacer.psc.uscourts.gov/pscof/registration.jsf</a></p> <p>Additional information:  <a href="https://www.pacer.gov/ecfcbt/cso/PACER_Job_Aids/Activating_CJA_Privileges.pdf">https://www.pacer.gov/ecfcbt/cso/PACER_Job_Aids/Activating_CJA_Privileges.pdf</a>  <a href="https://www.pacer.gov/ecfcbt/cso/PACER_Job_Aids/CJA_instructions.pdf">https://www.pacer.gov/ecfcbt/cso/PACER_Job_Aids/CJA_instructions.pdf</a></p>	NO

### **XIII. CONCLUSION**

The goal of this handbook is to help counsel receive full and fair compensation for their invaluable service on behalf of CJA clients and the protections afforded to all of us by the Sixth Amendment's right to counsel. Attorneys can make voucher approval faster and easier by familiarizing themselves with the CJA Guidelines and following the simple rule of briefly explaining why anything out of the ordinary was necessary to the specific representation. This can almost always be done without lengthy justifications or compromising the confidentiality of the representation. If you run into problems, please consult your local CJA experts at the courthouse, federal defender, or [CJA Panel Attorney District Representative](#).

# APPENDIX 2

## Billing Requirements and Tips



Chambers of  
**DALE S. FISCHER**  
United States District Judge

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
WESTERN DIVISION  
255 E. Temple Street, Suite 830  
Los Angeles, CA 90012  
Tel: (213) 894-7115  
Fax: (213) 894-5676

SOUTHERN DIVISION  
411 West Fourth Street, Suite 1053  
Santa Ana, CA 92701-4516  
(714) 338-4570

EASTERN DIVISION  
3470 Twelfth Street, Room 134  
Riverside, CA 92501  
(909) 328-4450

## MEMORANDUM

TO: CJA TRIAL PANEL ATTORNEYS

FROM: HON. DALE S. FISCHER, CHAIR  
CRIMINAL JUSTICE ACT COMMITTEE

RE: BILLING REQUIREMENTS

DATE: AUGUST 29, 2012

---

As you may know, the Ninth Circuit has continued concerns with the extraordinary number of hours billed by some attorneys, the majority of whom are in our district. The CJA Committee has taken a number of proactive steps to address the issue of high billing, including random audits, training programs, and focused efforts on equitable distribution of cases. As part of the Court's continued effort and obligation to insure accurate and appropriate billing practices, and in light of identified inaccuracies, the CJA Committee has prepared the attached "Central District of California CJA Billing Requirements." This document describes the most important requirements of the applicable statute, guidelines, and CACD policy. It highlights the billing issues you will likely be applying on a regular basis, but is no substitute for thorough and complete review of these sources. All vouchers must comply with these billing requirements, and the other requirements described in the statute, guidelines, and CACD policy. Please be sure to review the document, and contact me with any questions.

*\* Please note that the billing requirements below shall be enforced notwithstanding citation changes within the Guide to Judiciary Policy. (August 2023)*

## CENTRAL DISTRICT OF CALIFORNIA CJA BILLING REQUIREMENTS

(Criminal Justice Act, 18 U.S.C. § 3006A; CJA Guidelines, Volume 7, Part A, Chapters 2 and 3)

1. Per § 230.53.10, co-counsel or associate attorneys may not be compensated in the absence of a specific court order (not CJA Supervising Attorney authorization), which requires a specific showing (and finding by the Court) that the appointment of an attorney in a “difficult” case was “necessary and in the interests of justice.” In CACD, you may not bill for services performed by another attorney - or any other person - on the voucher submitted in your name, even if the attorney is your partner or associate, or the person is employed or paid by you.
2. Per 18 U.S.C. § 3006A(d), you may bill only for the amount of time reasonably spent on a particular matter, even if you actually spent more time. See also, § 230.23.40. Similarly, you must use paralegals, law clerks, investigators, etc. for tasks for which an attorney’s expertise is not required. Alternatively, you may charge for your time spent on such tasks only what a paralegal, law clerk, investigator, etc. would charge. Per CACD policy, these services must be separately billed via a CJA Form 21 or 31, even if the paralegal, law clerk, investigator, etc. is your employee or an employee of your firm. See also, § 310.40.
3. Per § 230.50(d), you must prorate any time spent in common on two or more cases, and must cross-reference all cases on the supporting materials to the vouchers. Time spent exclusively on one case must properly be charged for that case. Similarly, time spent researching and drafting “boilerplate” (such as portions of sentencing papers discussing Booker, § 3553(a) factors, etc.) can only be billed to one client. Future use of the same language is not a billable event. Time spent updating the language and tailoring it to a later matter may, of course, be billed to the later client’s matter.
4. Per § 230.50(e) and (f), (and unlike the proration requirement for time set forth in § 230.50(d)), you must bill expenses spent in common (expenses incurred for more than one representation - such as travel on behalf of more than one client) to only one representation. In other words, you may neither “double-bill” for expenses nor prorate the expenses among the representations. The supporting materials for the voucher must cross-reference the other CJA representations.
5. Per § 230.50(g), if you bill for time or expenses, including travel, that was spent

in common for a purpose other than a CJA representation, you must report that to the Court (through the CJA Supervising Attorney) at the time of submission of the relevant voucher, along with information sufficient for the Court to determine, in fairness to counsel, how the time or expenses should be apportioned and compensation should be authorized for the time or expenses reasonably attributed to the CJA representation. The specific rationale for billing under the CJA must be provided. (Time and expenses that actually were compensated by private clients or in connection with furthering other purposes, or which benefitted the attorney personally (other than in some minimal way) should not be billed to the CJA representation.)

6. Per § 230.50(f), you must not prorate time in such a way that you have billed a larger amount than you would have billed if all the time was assigned to one representation. You must not bill for more time in any day than you actually spent performing CJA services for that day - even if the addition of the time billed to each individual category exceeds the time actually billed on that day. See also, GO 97-07. Time spent must be billed to the nearest tenth of an hour.

7. Per §230.60, you may bill for “necessary and reasonable travel,” which means only time actually spent in travel or awaiting transit. (For example, if your travel requires overnight lodging, you may charge only for actual travel time from your office to the hotel, and from the hotel (or other departure location such as witness interview, meeting, etc.) to your office.) You may not bill for travel to the courthouse or elsewhere simply to file or deliver documents, etc. If filing or delivery is performed during a trip for a client-related purpose, the actual time spent filing or delivering the documents should be charged to the relevant client (so long as it is equal to or less than the cost of a messenger service), while the travel and other related service is charged to the client for whom the travel was “necessary and reasonable.”

8. Per § 230.66.10, you may not bill for secretarial services - whether performed by you or other personnel.

9. You may not bill for preparation of your CJA 20 or CJA 30 voucher, i.e., no billing for billing. See CACD Voucher Review Guidelines for Non-Death Penalty Cases.

10. Per § 230.76, you must maintain contemporaneous time and attendance records

and expense records for all work performed. These records are subject to audit and must be maintained for three years after approval of the final voucher for an appointment.

11. Per § 210.10.30, you must advise the Court whenever you obtain information that a client is financially able to make a payment in whole or in part, for legal or other services in connection with the client's representation, if the information is not protected as a privileged communication. Per 18 U.S.C. §3006A and § 230.40, you may not accept payment from a represented person without court authorization, and any amounts received must be deducted from the fee to be approved by the Court.

For further information and guidance, see the National CJA Voucher Reference Tool, accessible at <http://www.uscourts.gov/uscourts/cjaort/index.html> or [http://fd.org/odstb\\_CJAPanelInfo.htm](http://fd.org/odstb_CJAPanelInfo.htm) .



Chambers of  
**DALE S. FISCHER**  
United States District Judge

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

**WESTERN DIVISION**  
255 E. Temple Street, Suite 830  
Los Angeles, CA 90012  
Tel: (213) 894-7115  
Fax: (213) 894-5676

**SOUTHERN DIVISION**  
411 West Fourth Street, Suite 1053  
Santa Ana, CA 92701-4516  
(714) 338-4570

**EASTERN DIVISION**  
3470 Twelfth Street, Room 134  
Riverside, CA 92501  
(909) 328-4450

**MEMORANDUM**

**TO: CJA TRIAL PANEL ATTORNEYS**

**FROM: HON. DALE S. FISCHER, CHAIR  
CRIMINAL JUSTICE ACT COMMITTEE**

**RE: DETAILED WORKSHEET DESCRIPTIONS**

**DATE: JUNE 19, 2013**

---

In order to permit meaningful reasonableness review of worksheets and vouchers, descriptions of work must contain sufficient detail. Vouchers and worksheets lacking sufficient detail will be placed at the back of the line, at best, and may be “unprocessed,” deleted, and ultimately, denied without payment. Because of the volume of vouchers reviewed by Cynthia Dixon each day (between 80 and 90 generally), it is impossible to identify all of the inadequately described entries. Therefore, that your descriptions have not been challenged in the past and may not be in the future does not mean that they are sufficient. In addition to following the requirements described in the Central District of California CJA Billing Requirements (posted on the Court’s website), please note the following concerning the level of detail required.

1. Descriptions relating to research should specify the type of research and what it relates to (i.e., research re PSR advisory Guideline calculation, research prior conviction as qualifying prior for career offender status, research re governmental misconduct before Grand Jury).

2. Descriptions relating to review of discovery or other information should specify the type of discovery being reviewed and a reasonably detailed description

of the volume of discovery reviewed (i.e., the number of pages reviewed, Bates stamp range, the number of photographs, videos, or wiretaps reviewed). The presumptive maximum rate for general document review is 60 pages per hour; some types of documents may take substantially less time to review. Certain limited types of documents may require additional time. Those types of documents must be specifically identified by type if the billing exceeds the presumptive maximum rate. When reviewing ECF documents, provide a description of the documents reviewed (i.e. co-defendant's plea agreement) and the number of pages reviewed.

3. Conferences, telephone calls, and other meetings should identify the participants as well as the general nature of the conference (i.e., conference with client re PSR, t/c with AUSA re discovery issues). You can only bill for communication with a client's family and friends if the communication has a purpose that advances the case (i.e., identifying potential witnesses, obtaining information for sentencing position) rather than simply providing the family with a status update.

4. Descriptions relating to brief writing – particularly as it pertains to standardized motions and joinder motions – should include an explanation re: significant/substantial time spent on such motions (i.e., content was modified significantly because of the unique facts of the case which include . . . etc.). You may not bill more than once for research or content that is used repeatedly, such as general research and description of the 3553(a) factors that is used in more than one sentencing position paper.

Of course, neither confidential information nor attorney-client or attorney work product should be disclosed in any description. Remember that you can only bill for the lesser of the actual time spent or the time that is reasonably and efficiently spent on a task - and you cannot bill for more time than you spent in a single day. Also remember that you may not bill for keeping your contemporaneous time records or preparing and submitting your vouchers and worksheets.

Please contact me or David Kaloyanides if you have any questions about these requirements.

## BILLING TIPS

- Evaluate the time spent, and determine whether the services were performed at peak efficiency and whether a private client would pay for the number of hours submitted for the task.
- Provide sufficient detail for the reviewer to determine what services were performed, and why those services were necessary for adequate representation.
- Indicate the time spent on individual tasks within the subcategories on the voucher worksheets. E.g., “16a. Interviews and Conferences: Met with defendant at MDC to review and discuss plea agreement 1.3; Met with AUSA to discuss defendant’s concerns regarding plea agreement 0.3.”
- Have paralegals, investigators, or other staff perform appropriate tasks, including discovery review.
- Do not bill for services performed for the comfort or convenience of the client, such as traveling to meet an out-of-custody client, or updating the client’s family or friends about the case.
- Do not bill for items and services of a personal nature. Guide § 230.66.20. This is true regardless of whether performing such services will make the client feel better, increase his or her ability to focus on the case, ease his or her mind, etc.
- Obtain permission through the CJA Supervising Attorney before handling ancillary matters or civil forfeiture proceedings. Guide § 210.20.30.
- Provide more detailed information in your CJA 26, describing the services performed, why those services were necessary for adequate representation, and why the amount of payment requested is necessary for adequate compensation. Of course, you will need to provide more detailed information for the out-of-court fees and expenses than for the in-court fees and related expenses.



# NINTH CIRCUIT CJA UNIT

CJA Resources: <https://www.ca9.uscourts.gov/cja>

## CJA-20 Billing Tips

- Record time daily and enter it into eVoucher at least weekly, if not daily.
- Describe services in sufficient detail to allow reviewers to gauge the reasonableness of the time expended without revealing privileged information.
- Do not block bill a group of different tasks in one billing entry. Rather, each task should be billed separately except those that take less than six minutes (e.g., reviewing ECFs), which should be aggregated into one billing entry. This ensures that total time billed in a day does not exceed the actual time expended.
- For similar tasks on the same date, either aggregate into one billing entry or describe the services in a way that shows the entries are distinct (e.g., continued PSR review; follow-up call to client; additional emails to co-counsel).

### 16a. Interviews and Conferences

Includes witness interviews, meetings, and communications. Specify with whom (e.g., client, AUSA, service provider), type of communication (e.g., email, telephone call, in-person meeting, Zoom conference), and topic (if not privileged).

a. Interviews and Conferences	Meet with client and interpreter	1.6
a. Interviews and Conferences	Emails with AUSA re discovery issues in Vol 3	0.3

### 16b. Obtaining and Reviewing Records\*

Includes discovery review and docket review. Specify type of discovery (transcripts, reports, medical records, photos, audio recordings, etc.) and, if applicable, Bates range, approximate number of pages, text searches run, number of relevant hits reviewed, and length of audio/video recordings. Specify ECF numbers for docket review.

b. Obtaining and Reviewing Records	Review GOV000-GOV800 (bank records), indictment, and investigative memos (5 pp)	4.9
b. Obtaining and Reviewing Records	Run approx. 5 text searches for client's name (including monikers) in 2TB of discovery; review approx. 175 pp of hits	2.8

\*See *Discovery-Related Billing Tips* sheet for further examples.

### 16c. Legal Research and Brief Writing

Specify issue researched or type of motion. Include docket number if filed or note that document ultimately was not filed. Includes researching jury instructions, drafting research memos, and preparing sentencing memoranda and charts.

c. Legal Research and Brief Writing	Research and draft suppression motion	2.9
c. Legal Research and Brief Writing	Review PSR and draft objections	3.2

### 16d. Travel Time

Include origin/destination, whether round trip/one way, and method if not driving. When prorating travel among cases, provide the other case number(s).

d. Travel Time	Walk round trip office to US District Court	0.2
d. Travel Time	Office to/from San Quentin Detention Center (split w/CASE #)	1.7

### 16e. Investigative or Other Work

Includes researching witnesses; inspecting evidence or crime scene; retrieving case-related evidence or property; preparing for hearing or trial, including witness examinations, opening statement, and closing argument; drafting requests for service providers; reviewing service provider bills to certify work was undertaken; budgeting the representation; and reviewing defense-generated materials, including documents, charts, and memos.

e. Investigative or Other Work	Draft funding application and prepare budget	0.7
e. Investigative or Other Work	Inspect crime scene with investigator	2.9



# NINTH CIRCUIT CJA UNIT

CJA Resources: <https://www.ca9.uscourts.gov/cja>

## CJA-21/CJA-31 Billing Tips

- Service providers such as investigators, paralegals, interpreters, and experts bill in eVoucher on CJA-21 (non-capital cases) or CJA-31 (capital cases). **NOTE:** Associate attorneys performing legal services bill on CJA-20 or CJA-30.
- Absent authorization for a different billing arrangement (e.g., hosting fees per GB), providers must bill time in tenths of an hour (six-minute increments) and describe work in sufficient detail to allow reviewers to gauge the reasonableness of the time expended without revealing privileged information.
- Providers should not block bill a group of different tasks in one billing entry. Rather, each task should be itemized separately except those that take less than six minutes (e.g., multiple emails), which should be aggregated into one billing entry. This ensures that total time billed in a day does not exceed the actual time expended.
- For similar tasks on the same date, providers should either aggregate the work into one billing entry or describe the services in a way that shows the entries are distinct (e.g., continued review of medical records; follow-up call with counsel).
- Where permitted, CJA counsel and providers should work with a court’s CJA administrator to arrange for providers to enter their own time directly into eVoucher after CJA counsel has created the CJA-21 or CJA-31. If provider direct entry is permitted, CJA counsel may assign the voucher to either the provider or counsel to complete; entries entered by a provider still must be reviewed and submitted by counsel. If provider direct entry is not permitted, only the “attorney assignment” option will be available and counsel must enter the provider’s billable time and expenses into the CJA-21 or CJA-31. **NOTE:** Time spent creating or making entries into a CJA-21 or CJA-31 is a non-compensable administrative task. However, time spent by counsel reviewing a service provider’s bill to ensure the work was undertaken is compensable.
- While documents such as W-9s containing a service provider’s personal identifying information (e.g., social security number or date of birth) are needed for the creation of an eVoucher account, they should not be attached to authorizations or vouchers. The better practice is to coordinate with the CJA department.

## Reviewing Discovery, Conducting Research, and Drafting Documents\*

Specify type of discovery reviewed (transcripts, reports, medical records, photos, audio recordings, etc.) and, if applicable, Bates range, approximate number of pages, text searches run, number of relevant hits reviewed, and number of audio/video recordings. Specify the type of document created (report, memo, index, etc.) and any research or additional factors involved in its creation.

01/22/2020	Review GOV000-GOV800 (bank records), indictment, and investigative memos (5 pp)	4.9
02/05/2020	Listen to witness interview in Spanish and draft summary in English (15-min recording)	0.9
03/31/2020	Review notes from client evaluation and draft initial report	3.5
04/20/2020	Draft report after interview with witness AB, update case chronology	1.6
05/08/2020	Retrieve and review client criminal history records from superior court (approx. 100 pp)	2.8
05/26/2020	Research social media and other online sources for information on witness JS. Update case cast of characters	2.3
06/01/2020	Redact discovery for client review (per protective order)	0.8
06/14/2020	Research and review chapter in DSM-5 specific to client’s mental health issues. Take detailed notes and update client chronology	1.5
06/27/2020	Review client medical records (230pp); update and revise evaluation report	3.1

\*See *Discovery-Related Billing Tips* sheet for further examples.

## Interviews and Conferences

Includes meetings and communications, e.g., reviewing and responding to emails, meetings and calls with client and counsel, interviews with witnesses, etc. Specify with whom (e.g., client, counsel, witness initials), type of communication (e.g., email, telephone call, Zoom conference) or meeting location, and topic (if not privileged).

02/13/2020	Meet with client; conduct examination	3.0
03/01/2020	Interview with witness AB	1.2
04/10/2020	Meet with counsel and client; translate for counsel	1.0
04/28/2020	Emails with attorney re new discovery	0.1
05/18/2020	Phone call with counsel re case strategy and next steps	0.4
05/30/2020	Locate and interview witnesses 1, 2, 3, and 4	4.5
06/12/2020	Translate for Spanish speaking client at detention hearing	0.9

## Travel Time

Include origin/destination, whether round trip/one way, and method if not driving. When prorating travel among cases, provide the other case number(s).

02/13/2020	Walk from office to attorney's office	0.2
02/16/2020	To/from office to Santa Rita Jail for client examination	1.7
03/01/2020	Round trip to witness AB in Burbank (Split with Roberts/19-cr-526; 1.2 total)	0.6
03/18/2020	RT to crime scene review	0.8
04/04/2020	Round trip to courthouse for hearings (split with [CASE #])	0.5
05/30/2020	Travel from office to four different witness locations within Seattle	2.7
06/01/2020	Pick up new discovery from government	0.8

## Expenses

Out-of-pocket expenses reasonably incurred may be claimed on a CJA-21/CJA-31. They must be listed on the "Expenses" tab and reasonably documented. Itemized receipts are required for any airfare, lodging, or meals when travel is authorized and for any expense over \$50. Common reimbursable expenses include photocopying, postage, fees for public records, mileage, and external hard drives for storing case-specific discovery. **NOTE:** While the cost of items such as hard drives may be reimbursed as an expense, the time and travel associated with procuring the items are generally not compensable (e.g., driving to Office Depot or the Post Office).

02/29/2020	Travel for client meeting (76 miles; 38 miles each way)	\$43.70
02/29/2020	Bridge toll	\$6.45
04/10/2020	Hard drive for discovery (receipt attached)	\$65.00
05/15/2020	Copies of transcripts (400 pp)	\$40.00
05/20/2020	Client medical records from Kaiser	\$52.75
05/20/2020	Postage to mail copies of discovery to client at MCD	\$4.60



# NINTH CIRCUIT CJA UNIT

CJA Resources: <https://www.ca9.uscourts.gov/cja>

## Discovery-Related Billing Tips

Adequately articulating and explaining discovery-related billable time can be challenging, especially where page counts are difficult to ascertain (e.g., conducting a keyword search in a database). For this reason, billers should provide sufficient detail to enable voucher reviewers to understand the context of the work and its relevance to the case, without revealing privileged information. This tip sheet provides numerous examples of good discovery-related billing entries.

### Discovery Review:

- Note type and substance of discovery reviewed
- Note approximate number of pages or Bates ranges
- Note number or length of audio/video files
- Note if review is continuation of same materials on same day (and thus not a mistaken duplicate entry)
- Note any unique issues in reviewing discovery

Review SFPD reports, 302s, defendant's criminal histories (225 pp)	3.5
Continue reviewing SFPD reports, 302s, defendant's criminal histories. (130 pp)	2.0
Listen to client's jail calls, take notes (10 calls, approx. 75 mins)	1.5
Review reports of proffers with cooperating defendant (114 pp)	1.6
Review RICO allegations involving defendant and co-defendants, reviewed LAPD intervention, CDC incidents (291 pp)	2.0
Memo to attorney re client involvement with intercepted kites, defense strategy; draft memo with attached discovery as provided	1.8
Review audio intercepts involving Co-D and CI/CW meeting from 2013 (23 phone calls)	2.7
Code date, description, type, and author in CaseMap for Bates ROI000250-ROI000404 (50 documents/154 pp)	2.4
Review crime scene surveillance video; mark time stamps with activity of white Honda per counsel's request (4-hour video)	2.5
Emails with investigator re new witness reports; add reports to master case index	0.2
Review recordings of meetings involving RR (ES-44, 77, 78, 79, 131) and make notes of potential issues, problems with transcripts, arguments re MJ	5.7
Read/index 7/2019 discovery materials re ES recordings	1.8
Review IRS spreadsheets, reports of work absences by client and co-defendants, patient's student files (337 pp)	2.6
Review reports of defendant and co-d daughter's post-arrest interviews and reports related to fraud scheme involving defendant (52 pp)	0.8
Run searches for client's name and monikers in 90,000 pages of discovery using dtSearch (approx. 100 hits/40 docs)	3.1
Meet with client at jail re 03/20/2020 discovery review	1.0
Review CaseMap reports for 10 witness searches (approx. 200 docs/500 pp)	6.5

## Discovery Processing:

- Time it takes to set up discovery files to download or upload is compensable, but wait time is not.
- Time spent loading, assessing, and organizing documents to OCR is compensable, but OCR run time is not.

Load, process, organize, OCR new discovery (3 discs)	1.2
Convert tiffs to pdf, OCR, and rename files (25 docs)	0.8
Convert surveillance videos from proprietary format to mp4s; open each video in provided player to convert (18 videos)	1.1
Load and organize discovery on SD card for client tablet pursuant to protective order	0.7
Update master discovery index with new government production	0.2
Set up OCR to run on pdfs received in government production (Bates TW000850-TW0004390)	0.5
Emails with government re new discovery; download discovery from Box; OCR, organize, and transfer to hard drive	0.6
Organize, convert to pdf, bates stamp, OCR defense-collected discovery (65 docs/1700 pp)	1.4
Convert client jail calls to mp3; conversion done individually on each call (125 calls)	1.1
Review contents of hard drive and load drive for investigator	0.5
Create dtSearch index of pdfs in discovery (approx. 90,000 pp/10 folders)	0.7

## Discovery Dissemination:

- Counsel and providers should work to ensure that discovery is disseminated in an efficient manner.
- Check with CJA administrators about the availability of tablets or other electronic devices for discovery review by clients or others.

Phone call with AUSA re issues with discovery production	0.2
Emails with co-counsel and investigator re discovery updates	0.1
Multiple emails with counsel re missing discovery; locate missing documents and respond	0.3
Email with government re 03/20/2020 discovery production	0.1
Update client tablet with new discovery	0.5
Meet with paralegal and investigator re discovery review and case strategy	1.5
Update hyperlinked discovery chart with discovery production 4 and upload to box.com for all counsel	0.6
Draft discovery letter to AUSA	0.5
Emails with jail re problems with client tablet	0.1
Update attorney hard drive with new processed discovery	0.4

# APPENDIX 3

## Contemporaneous Time Records



Chambers of  
**DALE S. FISCHER**  
United States District Judge

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
WESTERN DIVISION  
255 E. Temple Street, Suite 830  
Los Angeles, CA 90012  
Tel: (213) 894-7115  
Fax: (213) 894-5676

SOUTHERN DIVISION  
411 West Fourth Street, Suite 1053  
Santa Ana, CA 92701-4516  
(714) 338-4570

EASTERN DIVISION  
3470 Twelfth Street, Room 134  
Riverside, CA 92501  
(909) 328-4450

## MEMORANDUM

TO: CJA TRIAL PANEL ATTORNEYS

FROM: HON. DALE S. FISCHER, CHAIR  
CRIMINAL JUSTICE ACT COMMITTEE

RE: FORMAT OF CONTEMPORANEOUS  
TIME AND ATTENDANCE RECORDS

DATE: OCTOBER 2, 2012

---

As you know, the Criminal Justice Act Guidelines require CJA panel attorneys to maintain “contemporaneous time and attendance records for all work performed” as well as expense records. These records are subject to audit and must be retained for three years after approval of the final voucher for an appointment. CJA Guidelines, Volume 7, Part A, Chapter 2, § 230.76. The Guidelines do not specifically describe the format to be followed, which has made it difficult to document work performed or otherwise to audit records uniformly. Therefore, the Court’s Criminal Justice Act Committee has decided to clarify its requirements and standardize the format for all CJA case time and attendance and expense records.

The CJA Committee has determined that – beginning November 1, 2012 – contemporaneous time and attendance records must be kept in the following format:

1. Time must be recorded for all CJA cases on a daily basis in a single document. In other words, a single document must reflect all work done in a single day for all CJA cases, rather than in a separate document for each client.
2. The record must indicate the specific timeframe when each type of service was performed. For example, you would indicate that from 8:30 to 9:30 you met with client Smith, from 9:30 to 9:35 you communicated with the AUSA on U.S. v. Jones, etc.

3. The time must be recorded as close as possible to the time when the services were performed.
4. You must document the time spent on discrete tasks, rather than “block billing.” As you know, you are already required to identify the time spent on discrete tasks within categories of services on the worksheets you submit for payment (although on the worksheets you indicate time spent in tenths of an hour).
5. The contemporaneous records should reflect all time spent on CJA matters (whether trial, habeas, or appellate panel, and in all federal courts).
6. You must also maintain contemporaneous records for work performed by your partners, associates, and staff (if you bill for their time) as well as expense records. § 230.76.

Per § 230.50(f) and GO 97-07, you must not bill time in such a way that you have billed for more time in any day than you actually spent performing CJA services for that day. For example, if you spent four minutes talking to the AUSA on each of ten cases in a single day (and did no other CJA work that day), and billed .1 for each conversation (the CJA system only allows billing in tenths of an hour), you would have billed for one hour’s worth of services. However, you can only bill .7 hour for that day, because you spent only 40 minutes (rounded up to the nearest tenth). Maintaining your records as described will assist you in insuring accurate billing and allow for an accurate and effective audit, should an audit be performed.

We understand that many panel attorneys already keep their contemporaneous time and attendance records in this format, and that there are a number of computerized time-keeping programs that can record time in this fashion. Attorneys who do not use computers for timekeeping can keep the same type of records manually.

**This will not impact the way vouchers and worksheets are submitted.** The contemporaneous time and attendance records would only be provided on request. Therefore, you may maintain a single record for both CJA and retained cases – and redact information not requested in an audit, if appropriate.

This requirement will be explained in greater detail at the new panel attorney training, and further information and some sample contemporaneous records will be provided at the October 13 training.

Thank you in advance for your cooperation. Please contact me if you have any questions.

*\* Please note that the contemporaneous time and attendance records requirements shall be enforced notwithstanding citation changes within the Guide to Judiciary Policy. (August 2023)*



Chambers of  
**DALE S. FISCHER**  
United States District Judge

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
WESTERN DIVISION  
255 E. Temple Street, Suite 830  
Los Angeles, CA 90012  
Tel: (213) 894-7115  
Fax: (213) 894-5676

SOUTHERN DIVISION  
411 West Fourth Street, Suite 1053  
Santa Ana, CA 92701-4516  
(714) 338-4570

EASTERN DIVISION  
3470 Twelfth Street, Room 134  
Riverside, CA 92501  
(909) 328-4450

## MEMORANDUM

TO: CJA TRIAL PANEL ATTORNEYS

FROM: HON. DALE S. FISCHER, CHAIR  
CRIMINAL JUSTICE ACT COMMITTEE

RE: FORMAT OF CONTEMPORANEOUS  
TIME AND ATTENDANCE RECORDS

DATE: FEBRUARY 1, 2013

---

As you know, the Criminal Justice Act requires investigative, expert, and other service providers, to maintain “contemporaneous time and attendance records for all work billed by them, as well as expense records.” These “records are subject to audit and must be retained for three years after approval of the appointed counsel’s or the service provider’s final voucher, whichever is later,” for an appointment. CJA Guidelines, Volume 7, Part A, Chapter 2, § 320.90. The CJA does not specifically describe the format to be followed, which has made it difficult to document work performed or otherwise to audit records uniformly. Therefore, the Court’s Criminal Justice Act Committee has decided to clarify its requirements and standardize the format for all CJA case time and attendance and expense records.

The CJA Committee has determined that – beginning March 1, 2013 – contemporaneous time and attendance records must be kept in the following format:

1. Time must be recorded for all CJA cases on a daily basis in a single document. In other words, a single document must reflect all work done in a single day for all CJA cases, rather than in a separate document for each client.
2. The record must indicate the specific timeframe when each type of service was performed. For example, you would indicate that from 8:30 to 9:30 you met with defendant Smith, from 9:30 to 9:35 you communicated with the assigned CJA

counsel on U.S. v. Jones, etc.

3. The time must be recorded as close as possible to the time when the services were performed.
4. Service Providers must document the time spent on discrete tasks, rather than “block billing.” As you know, you are already required to identify the time spent on discrete tasks within categories of services on the invoices that you attach to the CJA 21 and CJA 31 forms. § 310.40.
5. The contemporaneous records should reflect all time spent on Criminal Justice Act matters (whether trial, habeas, or appellate panel, and in all federal courts).

Per § 310.65.30 and GO 97-07, you must not bill time in such a way that you have billed for more time in any day than you actually spent performing CJA services for that day. Maintaining your records as described will assist you in insuring accurate billing and allow for an accurate and effective audit, should an audit be performed.

We understand that many service providers already keep their contemporaneous time and attendance records in this format, and that there are a number of computerized time-keeping programs that can record time in this fashion. Service providers who do not use computers for timekeeping can keep the same type of records manually.

**This will not impact the way vouchers are submitted.** The contemporaneous time and attendance records would only be provided on request. Therefore, you may maintain a single record for both CJA and retained cases – and redact information not requested in an audit, if appropriate.

Thank you in advance for your cooperation. Please contact Cynthia Dixon if you have any questions.

# APPENDIX 4

## Nunc Pro Tunc Requests



**Chambers of**  
**DALE S. FISCHER**  
United States District Judge

**UNITED STATES DISTRICT COURT**  
**CENTRAL DISTRICT OF CALIFORNIA**  
**WESTERN DIVISION**  
255 E. Temple Street, Suite 830  
Los Angeles, CA 90012  
Tel: (213) 894-7115  
Fax: (213) 894-5676

**SOUTHERN DIVISION**  
411 West Fourth Street, Suite 1053  
Santa Ana, CA 92701-4516  
(714) 338-4570

**EASTERN DIVISION**  
3470 Twelfth Street, Room 134  
Riverside, CA 92501  
(909) 328-4450

## **MEMORANDUM**

**To:** CJA Trial Panel Attorneys

**From:** Honorable Dale S. Fischer, Chair  
Criminal Justice Act Committee

**Re:** Nunc Pro Tunc Requests on Behalf of Service Providers

**Date:** January 14, 2013

Recently, the CJA Office has received a number of nunc pro tunc requests from counsel on behalf of service providers. As you know, requests for services that will exceed \$800 must be approved in advance. See CJA Guidelines, Volume 7, Part A, §310.20.30; Order of the Chief Judge, 12-049, In The Matter of Obtaining CJA Services Without Prior Authorization. I understand that proper representation of your clients may occasionally require an investigation, interview, etc. that was not previously contemplated and that requires immediate action, such that permission could not be sought in advance. However, such occasions should be rare, and the hours requested should be minimal. Because these services and hours have not been approved in advance, there is a risk that the CJA Supervising Attorney or the presiding judicial officer will conclude that compensation would not be consistent with the Guidelines. You should so advise your service providers.

In addition, nunc pro tunc requests are especially labor and time intensive for CJA staff, and delay the processing of properly submitted vouchers. Consequently, nunc pro tunc requests will be a low priority and will be delayed in payment, and may not be paid at all. If a nunc pro tunc request is unavoidable, it should be made as soon as possible after the services are rendered.

Proper supervision and oversight of ancillary service providers and their voucher submissions is a condition of membership on the panel. In that regard, you should advise your service providers that - like you - they are required to “maintain contemporaneous time and attendance records for all work billed by them, as well as expense records,” and that “[s]uch records are subject to audit and must be retained for three years after approval of the appointed counsel’s or the service provider’s final voucher, whichever is later, for a representation.” CJA Guidelines, Volume 7, Part A, §320.90. Service providers are also generally subject to requirements similar to those described in the Central District of California CJA Billing Requirements. A similar document pertaining to service providers will be distributed soon. As you may know, the Judicial Council of the Ninth Circuit’s Habeas Costs Policy provides that “[e]very effort should be made to retain experts, investigators, and other service providers who maintain offices in the geographic area in which work is to be performed.” In these economic times, it is more important than ever to heed cost-saving policies such as this one. I intend to propose that the CJA Committee adopt a similar policy. In the meantime, the reasonableness of requests for reimbursement for travel, and the location of the service provider, will be considered by the CJA Supervising Attorney when evaluating service provider requests.

# APPENDIX 5

## Contesting Voucher Reductions/ Peer Review Policy



**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
WESTERN DIVISION  
350 West First Street  
Los Angeles, CA 90012**

**SOUTHERN DIVISION  
411 West Fourth Street, Suite 1053  
Santa Ana, CA 92701-4516**

**Kiry Gray**  
Clerk of Court

**EASTERN DIVISION  
3470 Twelfth Street, Room 134  
Riverside, CA 92501**

## **MEMORANDUM**

**TO:** CJA Trial Attorney Panel

**FROM:** Dale S. Fischer  
Chair, CJA Committee

**RE:** Procedures for Review of Proposed Reductions to CJA Payment  
Vouchers

**DATE:** November 19, 2021

---

Effective December 1, 2021, the United States District Court for the Central District of California has established a CJA Peer Review Committee pursuant to the attached policy. The Procedures for Review of Proposed Reductions to CJA Payment Vouchers provides that the CJA Peer Review Committee shall consist of two groups of five members. Each group shall have one FPD designee, one CJA National Panel Representative, and three CJA Trial Attorney Panel members. The first CJA Peer Review Committee shall consist of the following members and shall convene for a two-year term.

<b>Type of Member</b>	<b>Group 1</b>	<b>Group 2</b>
FPD Designee	Amy Karlin	Amy Karlin
CJA National Representative	Anthony Solis	Marilyn Bednarski
CJA Trial Attorney Panel Member	Charles Diamond	John Hanusz
CJA Trial Attorney Panel Member	Debra White	Kristen Richards
CJA Trial Attorney Panel Member	Jerome Haig	Joel Koury

**United States District Court for the Central District of California**  
**Procedures for Review of Proposed Reductions**  
**to CJA Payment Vouchers**

I. Voucher Review & Reductions

- A. The Central District of California delegates voucher review to the CJA Supervising Attorney, who has authority to conduct a reasonableness review and may make reductions in payment on a finding that the hours billed clearly exceed what was reasonably required to complete the task(s) performed.
- B. If the CJA Supervising Attorney determines a reduction based on reasonableness is warranted, counsel will be given notice of the reduction and an opportunity to be heard.

II. Notice of Reductions

- A. The CJA Supervising Attorney will provide notice of the reduction based on reasonableness in one of two ways.
  - 1. The CJA Supervising Attorney may provide notice to counsel by emailing the proposed reduction and explanation to counsel with instructions on how to contest the proposed reduction and the CJA voucher will remain on hold in eVoucher pending resolution of the reduction.
  - 2. The CJA Supervising Attorney may provide notice to counsel, via eVoucher, by processing and approving the voucher for *reduced* payment within eVoucher with explanatory comments made in the “Adjustment Notes” of the voucher and instructions on how to contest the reductions and seek reimbursement in a future voucher.

### III. Process for Contesting Reductions

- A. When a reasonableness reduction is \$500.00 or more, counsel may email the CJA Supervising Attorney to contest that reduction or proposed reduction by requesting any or all of the following types of review: reconsideration of the CJA Supervising Attorney's reduction; review and recommendation by the CJA Peer Review Committee; review by the presiding judge. The review process may result in full payment of the CJA voucher, adoption of the recommended reduction in whole or in part, or greater reductions than initially recommended by the CJA Supervising Attorney.
- B. Counsel will have 10 business days from receipt of the notice of reduction, either by email from the CJA Supervising Attorney or through eVoucher (as indicated in Section II, above), to email the CJA Supervising Attorney to contest the reduction and provide supplemental justification explaining why the reduction is not warranted. If the reduction is not contested within that 10-day period and no good cause exists to justify delay, counsel will be deemed to have waived the opportunity to contest the reduction.
- C. In the event counsel contests payment reduction, the CJA Supervising Attorney will facilitate each level of review timely requested by counsel. In counsel's initial email contesting payment reduction, counsel need only request the next level of review sought, i.e. reconsideration of the CJA Supervising Attorney's reduction; review and recommendation by the CJA Peer Review Committee; or review by the presiding judge. Thereafter, depending on the initial review requested, the CJA Supervising Attorney will forward the documentation supporting the reduction in payment and counsel's supplemental justification explaining why the reduction is not warranted for the requested level of review.
  - i. After each level of requested review is complete, counsel will have 10 business days from the date of emailed notice from the CJA Supervising Attorney to request the next level of review. Upon expiration of this 10-day period without response, further review will be deemed waived.

- ii. While reconsideration by the CJA Supervising Attorney and review by the CJA Peer Review Committee are not necessary conditions to seeking review by the presiding judge, if either is sought, that review must be completed before review by the presiding judge can be requested.

D. If sought, the decision of the presiding judge will be final. If review by the presiding judge is not timely sought or is waived by default, the decision of the CJA Supervising Attorney will become final upon reconsideration of counsel's supplemental justification and, if requested, weighted consideration of the CJA Peer Review Committee's recommendation.

#### IV. Composition and Selection of the CJA Peer Review Committee

A. The CJA Peer Review Committee shall consist of two groups of five members.

- i. The Federal Public Defender will designate one person to serve on both committee groups.
- ii. The two CJA National Panel Representatives will each serve on one committee group.
- iii. Three members of the CJA Trial Attorney Panel will serve on each committee group.

B. The CJA Committee will select the six CJA panel attorneys to serve on the CJA Peer Review Committee upon review of submitted applications to the CJA Supervising Attorney.

C. The members of the CJA Peer Review Committee will initially serve a term of two years.

# APPENDIX 6

## Associate Counsel Policy



**Chambers of**  
**DALE S. FISCHER**  
United States District Judge

**UNITED STATES DISTRICT COURT**  
**CENTRAL DISTRICT OF CALIFORNIA**  
**WESTERN DIVISION**  
350 West 1<sup>st</sup> St., Ste 4311  
Los Angeles, CA 90012  
Tel: (213) 894-7115  
Fax: (213) 894-5676

**SOUTHERN DIVISION**  
411 West Fourth Street, Suite 1053  
Santa Ana, CA 92701-4516  
(714) 338-4570

**EASTERN DIVISION**  
3470 Twelfth Street, Room 134  
Riverside, CA 92501  
(909) 328-4450

## **MEMORANDUM**

To: CJA Trial Attorney Panel

From: Hon. Dale S. Fischer

Re: Associate Counsel Policy

Date: December 15, 2017

---

I am pleased to announce that the Central District now has policies and procedures for the use of associate counsel in non-capital cases. The attached document explains the types of cases in which associate counsel will be approved and the process for seeking approval, as well as other important information. If you are considering a request for associate counsel, please review the attachment carefully - and feel free to contact me or Lauren Eskenazi-Ihrig if you have any questions.

c: Chief Judge Virginia A. Phillips  
Ms. Kiry Gray  
Lauren Eskenazi-Ihrig, Esq.

## CENTRAL DISTRICT OF CALIFORNIA POLICIES AND PROCEDURES FOR USE OF ASSOCIATE COUNSEL IN NON-CAPITAL CASES UNDER THE CRIMINAL JUSTICE ACT

Beginning January 1, 2018, any member of the Central District of California CJA Trial Panel appointed to represent a person under the Criminal Justice Act (“CJA”) may request approval to use Associate Counsel to assist in that representation. Requesting counsel will be referred to as “Lead Counsel” throughout this Policy. If the use of Associate Counsel is approved, Associate Counsel will not be formally appointed as counsel in the case and will not appear on the docket as counsel of record unless ordered by the presiding judge, but may seek compensation under the CJA as provided below. The goal in authorizing the use of Associate Counsel, who will be billing at a lower rate than Lead Counsel, is to reduce the overall cost of the representation. It is therefore expected that the use of Associate Counsel in a case will reduce the number of hours expended by Lead Counsel in that case. Lead Counsel must ensure that the aggregate number of hours expended by Lead and Associate Counsel is reasonable. The amount of compensation paid cumulatively to both Lead Counsel and Associate Counsel (including any compensation paid to prior appointed counsel due to attorney withdrawal or substitution) will be used to calculate when attorney compensation reaches or exceeds the statutory maximum under the CJA. Therefore, even if neither attorney has individually billed more than \$10,300 (or the applicable statutory maximum amount set in the future) all attorney vouchers must be submitted with a CJA-26 form and sent to the designated circuit judge for review and approval once the combined total of attorney billings reaches that threshold.

### **I. Qualifications for Associate Counsel**

When applying for assistance of Associate Counsel, Lead Counsel may request approval for any attorney who meets the qualifications set forth below, whether that attorney is an independent contractor or employed by Lead Counsel’s law firm. Associate Counsel must possess sufficient experience and ability to work independently on discrete assignments delegated by Lead Counsel, but Lead Counsel will remain responsible for all work product in the case and must provide all necessary supervision over Associate Counsel.

Associate Counsel must be a member in good standing of the State Bar of California and the bar of this court. It is anticipated that Associate Counsel will usually have at least three to five years of experience in the practice of law. Attorneys who have practiced law for less than one year will not be approved as

Associate Counsel.<sup>1</sup> Factors to be considered in evaluating a request for Associate Counsel may include the number of years in practice, experience in criminal defense, experience in federal court, expertise in fields related to the subject matter of the case, or other relevant experience.

## **II. Rates for Associate Counsel**

Consistent with the Ninth Circuit's CJA Policies and Procedures and subject to approval by the presiding judge, Associate Counsel will be paid between \$80 and \$115 per hour based on years of practice. Attorneys must have at least one year of practice in order to be approved as Associate Counsel. The calculation of experience starts when the attorney is sworn in to the California Bar, with deductions for any time the attorney was not an active member of the California Bar and practicing law. Associate Counsel with one to two years of experience will be paid at \$80 per hour and the rate will increase \$5 per hour for each additional year in practice, not to exceed \$115 per hour. If Associate Counsel's hourly rate charged to paying clients is less than the proposed CJA rate, payment will only be approved at the lower hourly rate. The Court expects Lead Counsel and Associate Counsel to provide the information necessary to notify the CJA Office when it is time for a rate increase.

## **III. Procedure for Requesting Associate Counsel**

To request funding for Associate Counsel, Lead Counsel must submit an AUTH through eVoucher, which will be reviewed by the CJA Supervising Attorney and forwarded to the presiding judge for approval. Lead Counsel must verify that Associate Counsel is in good standing and licensed to practice law by the State Bar of California and admitted to practice law before this Court. Lead Counsel must also indicate whether Associate Counsel is an independent contractor or employed by Lead Counsel's firm. Lead Counsel must attach a completed AUTH CACD form and the Associate Counsel's resume and a writing sample to the AUTH in eVoucher.

The justification required for use of Associate Counsel must identify discrete assignments that Associate Counsel is qualified to perform independently, under the supervision of Lead Counsel, and must explain how the assignment of these

---

<sup>1</sup> If an attorney is less experienced and not yet qualified to act as Associate Counsel, Lead Counsel should consider applying for paralegal/lawyer funding, at \$50 to \$55 per hour, especially if Lead Counsel envisions the paralegal/lawyer role to be more widespread throughout the case and not restricted to discrete, individual tasks.

discrete tasks to Associate Counsel will reduce hours expended by Lead Counsel without compromising the quality of representation in the case.

#### **IV. Factors Supporting Approval of Associate Counsel**

The factors supporting approval of Associate Counsel include:

- A. Lead Counsel has identified tasks that do not require Lead Counsel's expertise, but for which the services of an attorney, rather than a paralegal, investigator, etc. are appropriate;
- B. The case is extended or complex (even if not yet officially designated as such); and
- C. The case is likely to proceed to trial.

#### **V. Obligations of Lead Counsel**

Lead Counsel shall:

- A. Not abdicate his or her role or responsibilities by delegating to Associate Counsel tasks that should be handled by Lead Counsel including, but not limited to, court appearances, pre-trial and probation interviews, plea negotiations, proffer sessions, and providing legal advice to the client.
- B. Wait to request Associate Counsel until an appropriate phase of the case, when the need for Associate Counsel is evident (e.g., after an initial review of the discovery and identification of legal issues and tasks to be performed).
- C. Thoughtfully consider when use of Associate Counsel is appropriate in a case and not make requests for Associate Counsel routinely or simultaneously in multiple cases.
- D. Disclose any familial relationship between Lead Counsel and Associate Counsel in the AUTH.
- E. Identify why the case merits use of Associate Counsel and provide sufficient detail in the AUTH to allow the CJA Supervising Attorney and presiding judge to evaluate the need for Associate Counsel, his or her qualifications, and the discrete assignment(s) to be delegated to Associate Counsel (e.g., a wiretap suppression motion; a motion based on factually or legally complex issues; or accompanying the investigator to interview select key witness when justified).

F. Evaluate and monitor the time Associate Counsel spends conferring with any member of the defense team, including the client. Associate Counsel may be compensated for reasonable time conferring with Lead Counsel. While meetings are needed to effectively divide responsibilities and to coordinate efforts, counsel should avoid unnecessary conferences and meetings. In-person team meetings are compensable if the frequency and time billed are reasonable given the needs of the case, but Lead Counsel should always assess the need for a meeting in advance and consider whether the purpose of the meeting could be served equally by a conference call.

G. Obtain prior approval from the presiding judge before Associate Counsel appears in court, whether with or without Lead Counsel, in order for Associate Counsel to be compensated for that appearance. Contact the CJA Supervising Attorney to obtain the necessary approval for a court appearance. In general, only one attorney will be paid for attending hearings, joint defense meetings, jail visits, meetings with clients, or other meetings, though it is recognized that exceptions can be made for critical meetings or hearings that justify attendance of both counsel provided sufficient justification is given.

H. Supervise Associate Counsel to ensure that he/she is performing the discrete assignments zealously and effectively; Lead Counsel is responsible for all work product in the case.

I. Supervise Associate Counsel to ensure that he/she is not performing tasks that should be performed by an administrative staff member or less expensive personnel such as a paralegal.

J. Supervise Associate Counsel's timekeeping and billing to insure compliance with Central District CJA rules and guidelines.

## **VI. Billing When Associate Counsel Is Approved:**

A. Associate Counsel must submit time through eVoucher on his or her own CJA-20 voucher;

B. Associate Counsel must submit his or her CJA-20 at the same time as Lead Counsel (in the same billing quarter and on approximately the same day), as it is necessary for the CJA Supervising Attorney to review both attorneys' vouchers together;

C. Associate Counsel must submit a CJA-20 voucher in every billing quarter in which Lead Counsel submits a voucher and in which the Associate Counsel has performed any work, even if Associate Counsel is claiming less than \$500 in compensation during that quarter;

D. Associate Counsel must keep separate contemporaneous time records in compliance with CACD policy;

E. Lead Counsel must not include Associate Counsel's time on his or her own CJA-20 vouchers;

F. Lead Counsel must expressly reference any time spent conferring with Associate Counsel or independently working on the project assigned to Associate Counsel in the service tab entries of his or her CJA-20;

G. Lead Counsel is responsible for reviewing and correcting any errors in billing submitted by Associate Counsel even though the eVoucher system does not have the ability to route the Associate Counsel's CJA-20 voucher to Lead Counsel for review.

*\* Please see [Appendix 8](#) for current hourly rates for Associate Counsel and Paralegal/Lawyer.*

# APPENDIX 7

## Takedown Policy



**Chambers of**  
**DALE S. FISCHER**  
United States District Judge

**UNITED STATES DISTRICT COURT**  
**CENTRAL DISTRICT OF CALIFORNIA**  
**WESTERN DIVISION**  
350 West 1<sup>st</sup> St., Ste 4311  
Los Angeles, CA 90012  
Tel: (213) 894-7115  
Fax: (213) 894-5676

**SOUTHERN DIVISION**  
411 West Fourth Street, Suite 1053  
Santa Ana, CA 92701-4516  
(714) 338-4570

**EASTERN DIVISION**  
3470 Twelfth Street, Room 134  
Riverside, CA 92501  
(909) 328-4450

## **MEMORANDUM**

**To:** CJA Trial Panel Attorneys

**From:** Hon. Dale S. Fischer  
Chair, CJA Committee

**Re:** Assignment of Large Takedowns

**Date:** July 5, 2017

---

The Central District Criminal Justice Act Committee has accepted the panel's proposal – presented by your national representatives – for the assignment of large takedowns. For purposes of this policy, we have defined a “takedown” as any case (or group of related cases) in which it is anticipated that eight or more defendants will be brought in for initial appearances on the same day. The goals of this procedure are to: (1) provide the best representation for the client; (2) achieve fairness in the distribution of cases to panel members; and (3) reduce requests for continuances because a panel member has too heavy a caseload. This procedure will be followed beginning with the next takedown to occur.

In advance of each takedown, Clerk's Office staff will do two things: (1) send out an email to all active panel members asking about their availability; and (2) create a priority ranking of panel members from which assignments will be made on the day of the takedown. Each of these steps is discussed in further detail below.

## I. Availability

Criminal Intake staff will send an email to all active panel members several days in advance of a takedown to solicit information regarding availability.<sup>1</sup> Staff will pose two questions: (a) “are you available to appear in court on the day of the takedown?”; and (b) “whether or not you can be there in person on that day, do you want to be considered for appointment on a large case at this time?” The email will provide a deadline by which responses are needed (usually the day before the takedown), and in general, if we do not receive any response from a panel member by that deadline, we will presume that the attorney is neither available nor interested. The only exception will be with regard to the Magistrate Court Team on duty the day of the takedown; attorneys on duty will be presumed available and willing, unless we hear otherwise in advance. Members of the duty team who are available to be present but are not interested in taking a large case may still be needed for smaller cases, unrelated duty matters, and to stand in for counsel interested in taking a large case who cannot be present on that particular day, so it will be important for duty team members to communicate with staff if the answer to either question is “no.”

Panel members may also respond to the Clerk’s Office inquiry by saying they are “available only if needed,” in essence communicating the desire not to be appointed unless the Clerk’s Office cannot find anyone else. **Panel members should individually assess their own availability to take on a new large takedown assignment, and should not accept a case unless they are able to handle the matter effectively through to completion.**

While waiting for panel members to provide information about their availability to take a case, staff will prepare the priority list, as explained below.

## II. The Priority List

For the first takedown to occur after the adoption of this procedure, the list

---

<sup>1</sup> Exactly how far in advance of the takedown the email is sent will depend on how much notice the Court itself receives. If possible, we will try to notify the panel one week in advance of the expected takedown date. Panel members will usually have at least 4-5 days in which to indicate whether they are available to take a case.

will initially rank all panel attorneys in order from those with the fewest takedowns in the prior rolling two-year period to those with the most takedowns in that period (i.e., for a takedown on August 1, 2017, the list will include all takedown assignments made after August 1, 2015). Specifically, an attorney with no takedowns will be ranked higher than an attorney with one takedown, an attorney with one takedown will be ranked higher than an attorney with two, etc. If one or more attorneys have the same number of takedowns, the attorney with the oldest takedown date will be given preference over the attorney with the newer assignment (e.g., between two attorneys with one takedown each, attorney A, assigned to a takedown on January 1, 2017, would be given preference over attorney B, assigned to a takedown on April 1, 2017). Attorneys with the same number of takedowns whose earliest takedown occurred the same day will be ranked by case number, or by defendant number if within the same case. Attorneys with no takedowns within the prior two years will initially be listed in alphabetical order.<sup>2</sup>

A list of all panel members in each division, ranked in this order, will be saved as the “Master Takedown List.” That list, as of the date of this memo, is attached, incorporating data from takedowns in the two years prior to July 5, 2017. If a takedown were to occur on July 6, 2017, this would be the starting point for making assignments. If the next takedown does not occur for several months after the issuance of this memo, the list may be reordered before use, as older takedowns drop out of the rolling two-year window.

Once a takedown has been scheduled and the Master Takedown List updated for the appropriate two-year period, a takedown-specific list will be created. The members of the Magistrate Court Team already scheduled for duty the day of the takedown will be pulled up to the top of the list regardless of their previous position on the list. Panel members’ responses to the availability email will be added: any attorney who indicated a willingness to be assigned a large takedown case will be highlighted in green (with a note if that attorney needs a stand-in for the day of the takedown), and attorneys who indicated that they were available “only if needed” will be highlighted in yellow. On the morning of the

---

<sup>2</sup> In practice, based on what we have seen in recent takedowns, attorneys with no prior takedowns listed who indicate that they are available to take one have a high likelihood of getting a case.

takedown, Criminal Intake staff will call attorneys highlighted in green in the order listed, skipping over any attorneys who are not highlighted in green.<sup>3</sup> If all attorneys highlighted in green have received cases and additional attorneys are still needed, staff will begin calling attorneys highlighted in yellow, in the order listed.

After all takedown assignments have been made, the Master Takedown List will be updated with the new assignments. All attorneys who received a case on the day of the takedown will be rotated to the bottom of the list (unless the takedown was for an out-of-district case, which will not affect the rankings). Going forward, all attorneys who receive an assignment from the same takedown day will be grouped together at the bottom of the list, ordered within that group according to the same rules detailed above (i.e., attorneys with one takedown, then attorneys with two, etc.). However, the entire group will be below everyone else on the list, including attorneys who already have four or five older takedowns.

The revised Master Takedown List will then be posted on the Court's website so that all attorneys can determine at any time where they stand on the list. Adjustments can be made to the list. If you believe that your ranking is incorrect, please let the CJA Office know, and specify why you believe a correction should be made. In addition, please let the CJA Office know if you are listed as having received a takedown case, but ended up substituting out of the case before billing more than \$500. Cases in which you were substituted out that early should not affect your ranking, but early substitutions can only be taken into account if you inform the CJA Office. Staff will update the list with assignments made on the day of a takedown, but will not subsequently monitor every case to track whether

---

<sup>3</sup> If you indicate that you are available to be present in court the day of the takedown and are interested in taking a case, please try to remain reachable the morning of the takedown. Criminal Intake staff cannot "save" you a case; if they try to call you multiple times that morning and are unsuccessful in reaching you, and don't hear back from you within a reasonable amount of time, they will have to move on to the next available attorney on the list. If you realize that you may not be easily reachable the morning of a takedown, but are still interested in taking a case, please let Criminal Intake staff know that you can take a case but will need a stand-in, or will not be reachable in the morning but will definitely be available to appear in the afternoon.

anyone later substitutes out.

Please note that an attorney's ranking on the list will not be impacted by the number of hours an attorney has billed. Further, attorneys who respond for one takedown that they are not available or prefer not to be assigned will not lose their place on the list, and such a response will not impact their assignment to other matters.<sup>4</sup>

If an attorney has been assigned to a case without having been given the option to decline, and is too busy to handle the case effectively through to completion, he or she should immediately contact the CJA Office to arrange for another attorney to be appointed. If the attorney has not billed more than \$500, the attorney will not be rotated to the bottom of the list.<sup>5</sup>

As the list is updated for future takedowns, and older takedowns drop out of the two-year tracking window, some attorneys may rotate back up to a higher spot on the list. That is, an attorney may have one takedown on the current list, but six months from now may not have any. That attorney would then be rotated back up to be grouped with other attorneys having no takedowns. However, attorneys rotated back up will be listed at the bottom of the new group. Thus, attorneys rejoining the "zero takedowns" group will not be listed in alphabetical order with attorneys who never had any takedowns listed, but rather at the bottom of that group based on the date rotated back up.

Please direct any questions or concerns about the procedure to your national representatives. Thank you for your service on the panel.

---

<sup>4</sup> Attorneys who are temporarily too busy to take any new assignments should make a request through the CJA Office to be placed on the Do Not Call list.

<sup>5</sup> Panel members who know now that they do not wish to be assigned to large takedowns for the foreseeable future should advise the CJA Office. They can return to the large takedown list at any time.

# APPENDIX 8

## Policies and Rates for Service Providers, Experts, and Interpreters



**Kiry Gray**  
Clerk of Court

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
WESTERN DIVISION**  
350 West First Street  
Los Angeles, CA 90012

**SOUTHERN DIVISION**  
411 West Fourth Street, Suite 1053  
Santa Ana, CA 92701-4516

**EASTERN DIVISION**  
3470 Twelfth Street, Room 134  
Riverside, CA 92501

## **MEMORANDUM**

**TO:** CJA Trial Attorney Panel

**FROM:** Judge Michael W. Fitzgerald  
Chair, CJA Committee

**RE:** Policies and Rates for Service Providers and Experts in CJA Cases

**DATE:** June 23, 2020

---

I hope you, your staff, and your families are remaining healthy. The Court is grateful for everything you're doing now, from dealing with the strictures at MDC-LA to making yourselves available for video hearings.

This memorandum (1) sets forth new rates for service providers in Central District cases administered under the Criminal Justice Act ("CJA") and (2) highlights important existing policies regarding the submission of vouchers by service providers and experts, the submission of funding requests by attorneys seeking their services, and best practices regarding initial retention. Please review and forward to any service providers and experts with whom you are currently working. The new rates will take effect on July 1, 2020. Failure to follow the policies set forth here will cause delays, and possibly reductions, in payment.

### **Time Limit for Submission of Vouchers**

Service providers and experts are required to submit a final voucher in the eVoucher system, for all remaining unsubmitted time in a case, no later than **90 days** after the final disposition of the case. Final vouchers submitted after the 90-day deadline must be accompanied by a letter, addressed to the Chair of the CJA Committee, which provides good cause for the delay.

## **Requesting Funding for Service Providers and Experts**

Funding for service providers and experts must be requested in advance, before the service provider or expert begins working on the case. *Guide to Judiciary Policy*, Vol. 7A, Ch. 3, § 310.20.10. Requests for funding must be made online by submitting an “AUTH” in the eVoucher system and uploading the required supporting documentation. To request funding for an investigator, a paralegal, an expert, or associate counsel, the attached supporting documentation must include the appropriate CACD AUTH Form (CJA-01, CJA-02, CJA-03, or CJA-04), available on the Court’s website at <http://www.cacd.uscourts.gov/court-procedures/forms/CJA%20Forms>. If authorization is not requested in advance, express approval from the presiding judge must be obtained before any *nunc pro tunc* payments will be processed. *Nunc pro tunc* funding requests should be emailed to the CJA Supervising Attorney, who will forward the request to the presiding judge for consideration.

Funding requests made per each category of service provider or expert that exceed the statutory maximum, currently \$2,600, must be approved by the Ninth Circuit. Please keep in mind that this additional review can take two weeks or more depending on the nature of the request. Therefore, it is especially important that funding requests requiring Ninth Circuit review are made well before the services are needed.

CJA lawyers are encouraged to send each approved service provider and expert an engagement letter after funding has been approved. This letter should: (1) confirm the amount and rate approved by the Court; (2) advise that contemporary time records must be maintained and are subject to audit upon the Court’s request; and (3) advise that funding approval does not guarantee payment, as the Court may reduce payment for mathematical errors, non-compliance with the *Guide to Judiciary Policy*, unreasonable work performed, or excessive billing. Sample engagement letters for CJA cases can be found on the Court’s website at <http://www.cacd.uscourts.gov/sites/default/files/documents/Sample%20Engagement%20Letter.pdf>.

## **Rates**

The chart below sets forth the general rates that will be paid to service providers for work performed on or after July 1, 2020, though rates may be adjusted in individual cases, consistent with current Central District CJA policies and procedures. Rates paid to experts are set individually in each case, within ranges set by the Ninth Circuit.

Additional information about the policies applicable to CJA service providers and

experts in the Central District is available on the Court's website at <http://www.cacd.uscourts.gov/attorneys/cja/cja-service-provider-policies-rates>.

**CENTRAL DISTRICT OF CALIFORNIA  
CJA SERVICE PROVIDER HOURLY RATES  
(effective July 1, 2020)**

<b>Service Provider/Expert</b>	<b>Hourly Rate</b>	<b>Type of Tasks</b>
Paralegal	\$65	All Tasks Performed & Travel Time
	\$75	Tasks Requiring Use of the Paralegal's Foreign Language Skill
Paralegal Lawyer	\$75	All Tasks Performed & Travel Time
Investigator	\$55	Tasks Involving Record Collection & Related Travel Time
	\$75	Routine Tasks & Travel Time
	\$95	Tasks Requiring Specialized Skills (a high level of investigative expertise relevant to the type of crime alleged or other special skills the case requires)
	\$115	Tasks Requiring Use of the Investigator's Foreign Language Skill
Capital Mitigation Specialist	\$125	All Tasks Performed & Travel Time
Capital Mitigation Specialist Proficient in a Foreign Language (when the case requires extensive use of those language skills)	\$150	All Tasks Performed & Travel Time
Associate Counsel	\$90-\$125	See the <a href="#">Central District's Associate Counsel Policy</a>
Experts	Rates Set Individually in Each Case within Ranges Approved by the	All Tasks Performed Except for Travel Time (which must be negotiated within the terms set forth by the Travel Time Policy summarized on the CACD CJA-02 Expert AUTH Form)

	Ninth Circuit (see below)	
Interpreters/Translators		See rates posted at <a href="http://www.cacd.uscourts.gov/attorneys/cja/scheduling-out-court-interpreters">http://www.cacd.uscourts.gov/attorneys/cja/scheduling-out-court-interpreters</a>

**Ninth Circuit Approved Rate Ranges  
for Expert Witnesses in CJA Cases  
(approved by the Ninth Circuit effective January 8, 2020;  
adopted by the Central District effective July 1, 2020)**

Accident Reconstruction	\$150 – \$200
Accountant	\$150 – \$275
Audio, Video, Photo Analyst	\$100 – \$200
Ballistics/Firearms Expert	\$200 – \$300
Chemist/Toxicologist (non-M.D.)	\$175 – \$275
Crime Scene/Police Practices/Use-of-Force Expert	\$150 – \$250
DNA	\$150 – \$250
Fingerprint Analyst	\$150 – \$250
Forensic Computer/Cellphone	\$150 – \$250
Gang Expert	\$150 – \$200
Handwriting Analyst	\$150 – \$250
Jury Consultant	\$150 – \$225
Legal Analyst/Consultant (Non-Attorney: e.g., Sentencing Guidelines consultant)	\$75 – \$100
Mitigation Specialist – Non-Capital	\$75 – \$125
Neurologist (M.D.)	\$275 – \$400
Neuropsychologist (Ph.D.)	\$225 – \$375
Other Medical (M.D. or D.O.)	\$275 – \$400
Psychiatrist (M.D.)	\$275 – \$400
Psychologist (Ph.D.)	\$150 – \$300

## RATES

The chart below sets forth the general rates that will be paid to service providers for work performed on or after July 1, 2020, though rates may be adjusted in individual cases, consistent with current Central District CJA policies and procedures. Rates paid to experts are set individually in each case, within ranges set by the Ninth Circuit.

**CENTRAL DISTRICT OF CALIFORNIA  
CJA SERVICE PROVIDER HOURLY RATES  
(effective July 1, 2020)**

<b>Service Provider/Expert</b>	<b>Hourly Rate</b>	<b>Type of Tasks</b>
Paralegal	\$65	All Tasks Performed & Travel Time
	\$75	Tasks Requiring Use of the Paralegal's Foreign Language Skill
Paralegal Lawyer	\$75	All Tasks Performed & Travel Time
	\$85	Tasks Requiring Use of the Paralegal Lawyer's Foreign Language Skill (effective 10/21/2022)
Investigator	\$55	Tasks Involving Record Collection & Related Travel Time
	\$75	Routine Tasks & Travel Time
	\$95	Tasks Requiring Specialized Skills (a high level of investigative expertise relevant to the type of crime alleged or other special skills the case requires)
	\$115	Tasks Requiring Use of the Investigator's Foreign Language Skill
Capital Mitigation Specialist	\$125	All Tasks Performed & Travel Time
Capital Mitigation Specialist Proficient in a Foreign Language (when the case requires extensive use of those language skills)	\$150	All Tasks Performed & Travel Time
Associate Counsel	\$90-\$125	See the <a href="#">Central District's Associate Counsel Policy</a>
Experts	Rates Set Individually in Each Case within Ranges Approved by the Ninth Circuit (see below)	All Tasks Performed Except for Travel Time (which must be negotiated within the terms set forth by the Travel Time Policy summarized on the CACD CJA-02 Expert AUTH Form)
Interpreters/Translators		See <a href="#">interpreter and translation rates</a>

**NINTH CIRCUIT APPROVED RATE RANGES  
FOR EXPERT WITNESSES IN CJA CASES  
(effective January 31, 2022)**

<b>Other Service Provider Categories</b>		
Accident Reconstruction	\$150 – \$200	
Accountant	\$125 – \$275	
Accounting Staff (non-CPA)	\$65	e.g., reviewing/summarizing/preparing financial records
Attorney Expert – Capital	CJA Hourly Rate	
Attorney Expert – Non-Capital	CJA Hourly Rate	e.g., immigration law expert
Audio, Video, Photo Forensic Analyst	\$125 – \$200	
Audio, Video, Photo Technician	\$25 – \$100	e.g., creating video exhibits, taking or enlarging photos, enhancing audio or video recordings, etc.
Ballistics/Firearms Expert	\$150 – \$300	
Canine Expert	\$125 – \$200	
Chemist/Toxicologist (B.S. or Ph.D.)	\$150 – \$275	
Chemist/Toxicologist (M.D.)	\$275 – \$400	
Computer/Cellphone/Cellular Tower Forensic Analyst	\$150 – \$250	
Crime Scene/Police Practices/Use-of-Force Expert	\$150 – \$250	
DNA Expert (B.S. or Ph.D.)	\$150 – \$250	
Fingerprint Analyst	\$150 – \$250	
Gang Expert	\$150 – \$200	
Handwriting Analyst	\$100 – \$250	
Interpreter/Translator for in-person meetings	\$30 – \$80	Range accommodates both certified and non-certified providers. Half-day rate is \$226 for certified and \$111 for non-certified.
Jury Consultant	\$150 – \$225	
Law Student	\$20 – \$35	
Legal Analyst/Consultant (Non-Attorney)	\$75 – \$100	e.g., Sentencing Guidelines consultant.
Medical – Other (M.D. or D.O.)	\$275 – \$400	
Mitigation Specialist – Non-capital Cases	\$75 – \$100	Special skills rate (\$95-\$120) is for case-needed foreign language fluency or specialized mental health expertise.

Neurologist or Neuropsychiatrist (M.D.)	\$275 – \$400	
Neuropsychologist (Ph.D.)	\$225 – \$375	
Nurse (L.P.N. or R.N.)	\$100 – \$125	
Nurse (M.S.N. or D.N.P.)	\$150 – \$300	Including S.A.N.E. certified.
Pathologist/Medical Examiner	\$275 – \$400	
Ph.D – Other	\$150 – \$300	
Polygraph	\$100 – \$250	Polygraph testing typically billed at a flat rate between \$350 and \$1,000.
Psychiatrist (M.D.)	\$275 – \$400	
Psychologist (Ph.D.)	\$150 – \$300	



UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

MEMORANDUM

TO: CJA Trial Attorney Panel

FROM: Hon. Kenly Kiya Kato  
Chair, CJA Committee

DATE: May 1, 2023

RE: CJA Rates for Interpreting, Document Translation, and Foreign Language Audio Transcription

Effective May 1, 2023, the rates for interpreting, document translation, and foreign language audio transcription in CJA cases will be as follows:

	<b>CJA Hourly Rate</b>
Interpreting: <i>Federally Certified Interpreters and Professionally Qualified Interpreters of Languages for Which No AO Certification Is Offered</i>	\$80/hour
Interpreting: <i>Professionally Qualified Interpreters of Languages for Which AO Certification Is Offered Who Are Not Federally Certified, But Who Were Previously Paid at the Federally Certified Hourly Rate by the Central District Before May 1, 2023</i>	\$80/hour
Interpreting: <i>Professionally Qualified Interpreters of Languages for Which AO Certification Is Offered Who Are Not Federally Certified</i>	\$70/hour
Interpreting: <i>Language Skilled Interpreters</i>	\$60/hour
Document Translation	\$0.20 per word
Audio Translation/Transcription: <i>Federally Certified Interpreters and Professionally Qualified Interpreters of Languages for Which No AO Certification Is Offered</i>	\$55/hour
Audio Translation/Transcription: <i>Professionally Qualified Interpreters of Languages for Which AO Certification Is Offered Who Are Not Federally Certified</i>	\$45/hour
Audio Translation/Transcription: <i>Language Skilled Interpreters</i>	\$35/hour

# APPENDIX 9

## CJA Trial Attorney Panel New Member Training



# CJA Trial Attorney Panel New Member Training

UNITED STATES DISTRICT JUDGE DALE S. FISCHER

# CRIMINAL JUSTICE ACT Web Page

## www.cacd.uscourts.gov/attorneys/cja



UNITED STATES DISTRICT COURT  
Central District of California

*Philip S. Gutierrez, Chief Judge*

*Kiry K. Gray, District Court Executive/Clerk of Court*

Search this :

[Clerk Services](#)

[E-Filing](#)

[Judges' Requirements](#)

[Calendars](#)

[Accommodations](#)

[Court Procedures](#)

[Newsworthy](#)

### Criminal Justice Act (CJA)

[Criminal Justice Act Plan](#)

[Application for Membership on CJA Trial Attorney Panel](#)

[Application for Renewal of Membership on CJA Trial Attorney Panel](#)

[Mentoring Program](#)

[CJA Appellate Panel Membership Application](#)

[CJA Duty Schedule Instructions](#)

[CJA Rosters and Duty Schedules](#)

[CJA eVoucher System](#)

[CJA Service Provider Policies & Rates](#)

[Scheduling Out-of-Court Interpreters](#)

[Home](#) » [Attorneys](#) » [Criminal Justice Act \(CJA\)](#)

## Criminal Justice Act

The Sixth Amendment to the United States Constitution guarantees an accused the right to representation by counsel in serious criminal prosecutions. Enacted in 1964, the [Criminal Justice Act \("CJA"\)](#), [18 U.S.C. § 3006A](#), establishes a comprehensive system for appointing and compensating attorneys for accused individuals who are financially unable to retain counsel in federal criminal proceedings. The Judicial Conference of the United States has promulgated guidelines for the administration and operation of the CJA in [Volume 7 of the Guide to Judiciary Policy](#).

As required by the CJA, "[e]ach United States district court, with approval of the judicial council of the circuit, shall place in operation throughout the district a plan for furnishing representation for any person financially unable to obtain adequate representation in accordance with this section." The current CJA Plan for the Central District of California, codified in General Order No. 13-09, was approved by the Court on July 30, 2013 and approved by the Judicial Council of the Ninth Circuit on September 10, 2013.

[The CJA Plan](#)

# Obligations of Panel Membership

Panel members:

- must manage their caseloads in accordance with the appropriate standards of practice under the California Rules of Professional Responsibility as well as other standards for ensuring high quality representation of financially eligible defendants.
- must manage the funding for service providers and experts in eVoucher which includes requesting funding before work is performed and ensuring vouchers are submitted timely and accurately.
- must notify the Court if they are unable to accept appointments as a result of caseload, calendar, or personal issues.
- must properly cover their duty days or ensure that their duty days are properly covered by other panel members if they are unavailable for any reason.

# Obligations of Panel Membership

- must notify the CJA Supervising Attorney **within seven days** of any changes in phone number, email address, or office address, in addition to complying with Local Civil Rules 5-4.8.1 and 83-2.4.
- must also notify the CJA Supervising Attorney **within seven days** of learning of any new information that would have been responsive to the questions on the initial application relating to disciplinary matters as detailed in the “Procedures for the CJA Trial Panel” document.
- must notify the CJA Supervising Attorney **within seven days** of being terminated as appointed counsel unless due to conflict with another client or substitution by retained counsel.
- must attend the annual meeting of the CJA Trial Panel. This meeting addresses issues concerning the administration of the panel and provides training (including some CLE) for panel members.

# Obligations of Panel Membership

- must complete eight hours of continuing legal education in the area of criminal law each year.
- must take a minimum of four cases per year, but no more than would allow them to represent their clients effectively.
- must be in good standing with all relevant bar associations including the California State Bar, and be admitted to practice before the Central District of California and the Court of Appeals for the Ninth Circuit, or have applications for admission pending.
- must read [The Guide to Judiciary Policy, Volume 7 – Defender Services, 9<sup>th</sup> Circuit CJA Policies and Procedures](#), and [Ninth Circuit CJA Compensability Handbook](#), and the court's [Voucher Review Guidelines](#), [Application/Procedures Memo](#), [Billing Requirements Memo](#), [Contemporaneous Time Records Memo](#), [Duty Day Procedures](#) and all other communications from the Court.



# How To Get Paid



## *CJA eVoucher & Billing Training*

*February 10, 2023*

*Please contact Edith Nakada if you have any other eVoucher questions.*

- *Phone: (213) 894-3025*
- *Email: [Edith\\_Nakada@cacd.uscourts.gov](mailto:Edith_Nakada@cacd.uscourts.gov)*

*Online video tutorials and user manuals on CJA web page:*

<https://www.cacd.uscourts.gov/attorneys/cja/cja-evoucher-system>



**CJA eVoucher - California Central District Court**

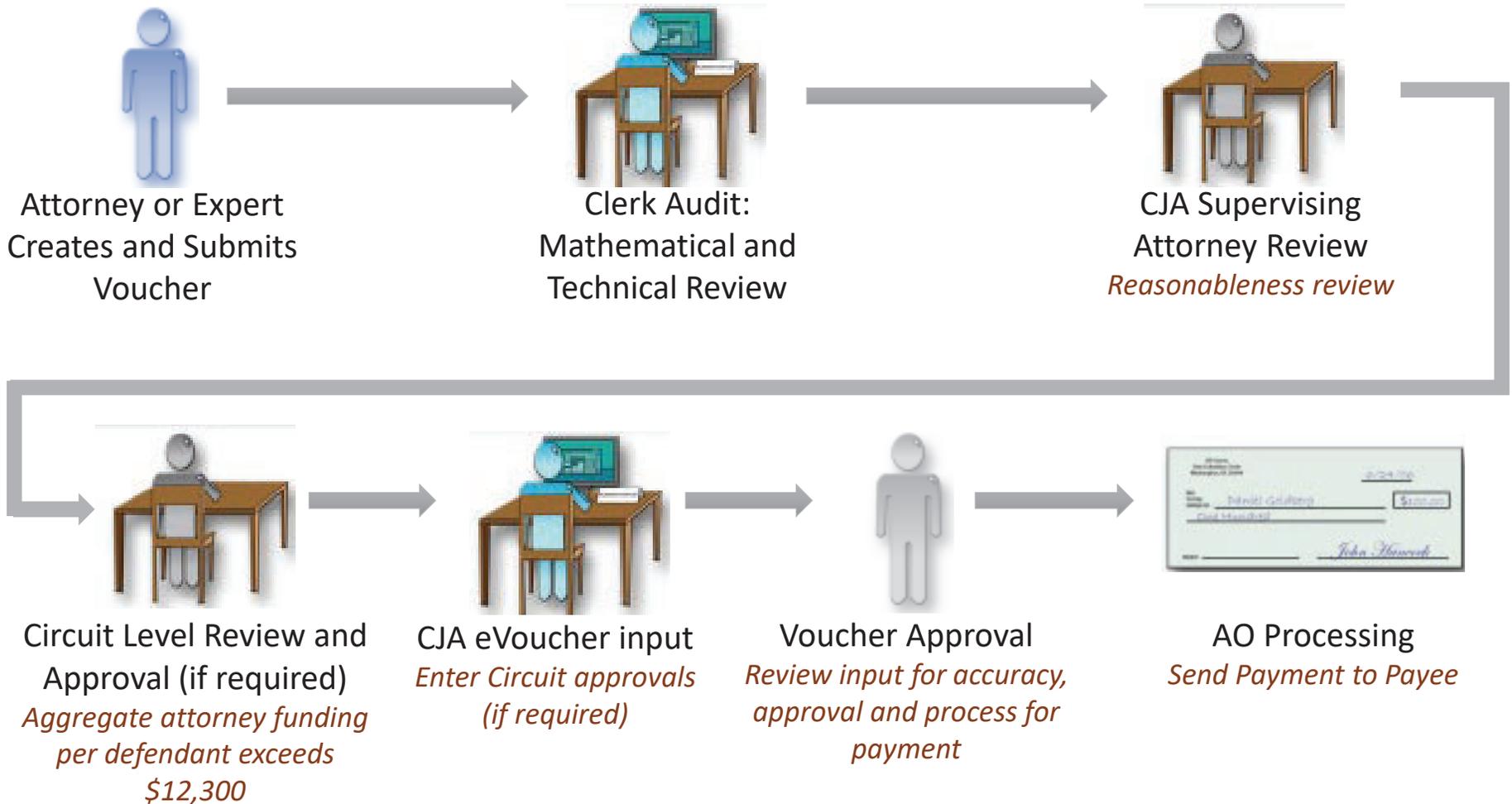
### **Sign in to CJA eVoucher**

Enter your email address. If you have not created a single login profile, you will be prompted to create one.

**Email Address**

**Next**

# CJA Voucher End-to-End Process



# District Court and Ninth Circuit Review & Approval

- The CJA places limitations on the general authority of presiding judicial officers to unilaterally approve attorney compensation. [\[Guide, Vol. 7, § 230.23.10\(c\)\(1\)\]](#)
- For each voucher claiming fees in excess of the case compensation maximum, counsel is required to submit a detailed memorandum (form CJA-26) supporting and justifying counsel's claim that the representation given was in an extended or complex case, and that excess compensation is necessary to provide fair compensation. [\[Guide, Vol. 7, § 230.30\(b\)\(1\)\]](#)
- Payments above case compensation limits may be authorized when certified by the presiding judicial officer (or the CJA Supervising Attorney) and approved by the chief judge of the circuit. The chief judge of the circuit is permitted to delegate this approval authority to another active or senior circuit judge (or the Circuit CJA Supervising Attorney). [\[Guide, Vol. 7, § 230.23.10\(c\)\(2\)\]](#)

# REASONABLENESS STANDARD

- Congress enacted the CJA to both “assure adequate representation in the Federal courts of accused persons with insufficient means,” and “afford[] reasonable compensation to counsel who are assigned.” See **In re Smith**, 586 F.3d 1169, 1175 (9th Cir. 2009).
- The question thus becomes not “what hours were actually expended,” but “what hours were reasonably expended completing work necessary for adequate representation.” See **In re Smith**, 586 F.3d 1169, 1175 (9th Cir. 2009).
- Appointed counsel “shall, at the conclusion of the representation or any segment thereof, be compensated... for time expended in court...and for time reasonably expended out of court.” 18 U.S.C. § 3006A(d)(1).
- Billing for time clearly in excess of what was reasonably required to complete the task will result in reduced payment subject to the CACD’s Procedures for Review of Proposed Reductions to CJA Payment Vouchers.



# Standard for Voucher Review

## [Guide, Vol. 7, § 230.33.10(4)]

- ▶ Voucher deductions are made in the following circumstances:
- ▶ Mathematical errors;
- ▶ Instances in which work billed was not compensable;
- ▶ Instances in which work billed was not undertaken or completed; and
- ▶ Instances in which the hours billed are clearly in excess of what was reasonably required to complete the task.

# VOUCHER SUBMISSION POLICY

1. INTERIM BILLING: CJA appointed counsel are divided into three groups, by surname, and each group is assigned four quarterly billing periods throughout the year. Every attorney in each group must submit vouchers for all work completed in each quarter by the 15th day of the month following the close of that quarter. The groups, and their designated billing months, are:

Group 1 - Surnames A - H: January, April, July, October

Group 2 - Surnames I - P: February, May, August, November

Group 3 - Surnames Q - Z: March, June, September, December

# VOUCHER SUBMISSION POLICY

2. Do not submit INTERIM vouchers on cases where outstanding fees do not exceed \$500.
3. FINAL VOUCHERS: For case completed in the trial court or cases on which the services of the CJA attorney have been terminated for any reason, the *final* voucher may be submitted immediately regardless of its amount and must be submitted no later than 45 days after the attorney ceases representation. Therefore, counsel may be required to submit a *final* voucher before the interim quarterly due date.
4. LATE VOUCHERS: Processing of late vouchers, whether interim or final, requires the approval of the CJA Committee Chair based on a showing of good cause. Preoccupation with pressing professional demands does not establish good cause.
5. Counsel are required to advise the CJA Supervising Attorney when they have billed more than 1800 hours on a rolling nine-month basis (see December 5, 2012 Memorandum to CJA Trial Panel Attorneys re Case Appointment Policy).



# COMMON MISTAKES THAT DELAY THE PROCESS

- CJA-26 form – Counsel forget to attach the CJA-26 form to vouchers that exceed the statutory maximum; counsel do not use the most current CJA-26 form; and counsel do not fill out the CJA-26 completely, especially with respect to summarizing work performed in the contemporaneous billing quarter.
- “Late Letter” – A “Late Letter” providing good cause must be attached to all vouchers submitted late.
- Expenses not itemized – All expenses and travel must be itemized.
- Required receipts missing - All travel and any non-travel expenses in excess of \$50 must be accompanied by receipts or supporting documentation where practical.
- Mathematical errors.
- Cutting and pasting which results in duplicate entries.



# FREQUENT PROBLEMS WITH CONTEMPORANEOUS TIME RECORDS AND BILLING

- Appointed counsel must maintain contemporaneous time records for at least three years after approval of final voucher. (Guide, Vol 7, Pt A, Chap 2, §230.76).
- Frequent problems include:
  - Handwritten records are often illegible (results in mistaken entries and duplicate billing)
  - Records not kept reasonably contemporaneously (results in inaccurate billing)
  - Records not kept chronologically by day, or even within a client entry (results in duplicate billing)
  - Records don't contain accurate start and end times. All "begin" and "end" times should not always be in multiples of six minutes (keep exact time).
  - Billing fails to reflect breaks taken and voucher reflects a 12 hour charge (e.g., discovery 7 a.m. to 7 p.m.)

# FREQUENT PROBLEMS WITH CONTEMPORANEOUS TIME RECORDS AND BILLING

- Overlapping time frames (e.g., review discovery 8:15 a.m. to 10:00 a.m.; t/c AUSA re \_\_ 9:15 to 9:30 a.m.)
- Records don't indicate when breaks were taken (approximately 10-15 minutes every 60-90 minutes is necessary to keep brain focused and efficient)
- Computation errors (e.g., 10:00 a.m. to 10:30 a.m. = 1 hour)
- Entries are "block-billed" (State Bar study concluded this increases time billed by 10-30%)
- Entries have inadequate descriptions
- More hours on the voucher than in the contemporaneous time records for a particular task
- More hours on the voucher than in the contemporaneous time records on a particular day

# FREQUENT PROBLEMS WITH CONTEMPORANEOUS TIME RECORDS AND BILLING

- Formulaic billing (1 hour for travel, 2 hours for client meeting, repeated “review and analyze emails from court clerk, court pleadings, court orders, court minutes, court docket entries, prior correspondence, internal notes, and other file materials,” etc.)
- Billing “.1” for every task performed even if the task took one or two minutes
- Minimum billing (.1 for review of NEF, .2 for every phone call, etc.)
- Billing excessive/impossible time in a day
- Duplicate entries
- Billing while attending seminars, etc.

# Compensability and Reasonableness Review

Please see the Ninth Circuit CJA Compensability Handbook  
for a more comprehensive policy

- ▶ You must bill in 0.1 or six-minute increments – do not round up to 0.5 or 1.0 hours
- ▶ Do not bill for more time in a day than actually worked
- ▶ Descriptions must be adequate to allow for evaluation of reasonableness
- ▶ No billing for acquiring basic knowledge of criminal law
- ▶ Do not overbill for use of “boilerplate” language in sentencing position papers
- ▶ Excessive time spent on tasks - time must be the lesser of “reasonable” or “actual,” and services must be billed as if performed at peak efficiency
- ▶ Communications with family, friends, etc. must advance the defense (no compensation for “hand-holding”)

# Compensability and Reasonableness Review

- ▶ Counsel should bring other CJA work whenever possible to perform while waiting at MDC, traveling, waiting for court proceedings, waiting for jury verdicts, meetings, etc.
- ▶ Whenever possible, counsel should avoid traveling during peak traffic hours, and events likely to cause traffic delays (Dodgers opening day, Presidential visits, etc.)
- ▶ Counsel should have meetings whenever possible at counsel's office to ensure the most productive use of counsel's time.
- ▶ Secretarial or clerical work is not compensable regardless of who performs it (e.g., mailing, downloading, calendaring, copying, filing, transmittal letters).
- ▶ Attorneys performing paralegal or investigator work must indicate that an entry should be billed at the paralegal or investigator rate.

# Compensability and Reasonableness Review

- ▶ To ensure expense reimbursement for significant or unusual expenses, counsel should seek prior authorization by emailing the CJA Supervising Attorney.
- ▶ Counsel should seek prior authorization for CJA payment to attend a hearing or trial in a co-defendant's case if the client is not testifying.
- ▶ Counsel should not bill for related work in state court (including Prop 47) without prior approval.
- ▶ Counsel should not bill for ancillary services without seeking prior approval, e.g., state-court work, retrieving a client's real or personal property, or most post-sentencing work other than supervision violations.
- ▶ Counsel should not claim general office overhead expenses, including secretarial help, as reimbursable expenses.
- ▶ Counsel should not allow anyone to bill their time as if it were the attorney's time.

# COMPENSATION FOR TRAVEL

- Compensation for travel time is paid for “time reasonably expended out of court.” [*Guide*, Vol. 7, § 230.60(c)]
- CJA will not pay for more than eight hours of travel time within a 24-hour period commencing when the traveler leaves his/her home or office. In some circumstances, a cap of less than eight hours will apply based on reasonableness.
- CJA will not pay for travel time spent in-flight as it is expected that work can be performed on the plane (or train, if applicable).
- Any time spent working en route should be billed separately as substantive work with a notation in the billing entry that said work was performed en route.
- There can be no double billing, i.e. billing for travel time and substantive work performed contemporaneously. When applicable, always bill for substantive work over travel time.
- While the eight-hour travel cap does not apply to substantive work, a reasonableness standard will apply to the total number of hours worked/billed in a day and a 15-hour eVoucher report will automatically generate if 15 or more hours are billed in a day.
- Any time a 15-hour report is generated, supplemental justification will be required to allow the CJA Chair to conduct the necessary reasonableness review which will include the degree to which a person can efficiently perform substantive work en route given the en route conditions and the total number of hours billed.

# COMPENSATION FOR TRAVEL

## Do:

- obtain prior approval for out-of-district travel, any overnight travel/hotel, and foreign travel by submitting a TravelAUTH in eVoucher.
- for client visits at the locations below, please e-mail a three to four month client visitation plan or “travel tracker” for the entire defense team to the CJA Office for approval by the CJA Committee Chair.
  - *Central Valley Modified Community Correctional Facility located at McFarland, CA*
  - *Arizona State Prison Complex Yuma, located in San Luis, AZ*
  - *Arizona State Prison Complex Florence, located in Florence, AZ*
  - *USP Florence ADX, located in Florence, CO*
- work on CJA cases while en route if possible.
- obtain services of local providers per the Travel Policies for Service Providers memo.
- negotiate reduced hourly rate for expert travel time including caps on travel time or waiver of time travel payment when appropriate.
- consider scheduling VTC meetings whenever possible.
- travel that benefits more than one client must be prorated, even if one of the clients is a private client

## Don't:

- bill for travel to visit an out-of-custody client absent unusual circumstances preventing the client from coming to you.
- bill for travel to Court or elsewhere solely to file, deliver or pick-up documents, etc.

## Per § 210.10.30 Change in Client's Eligibility

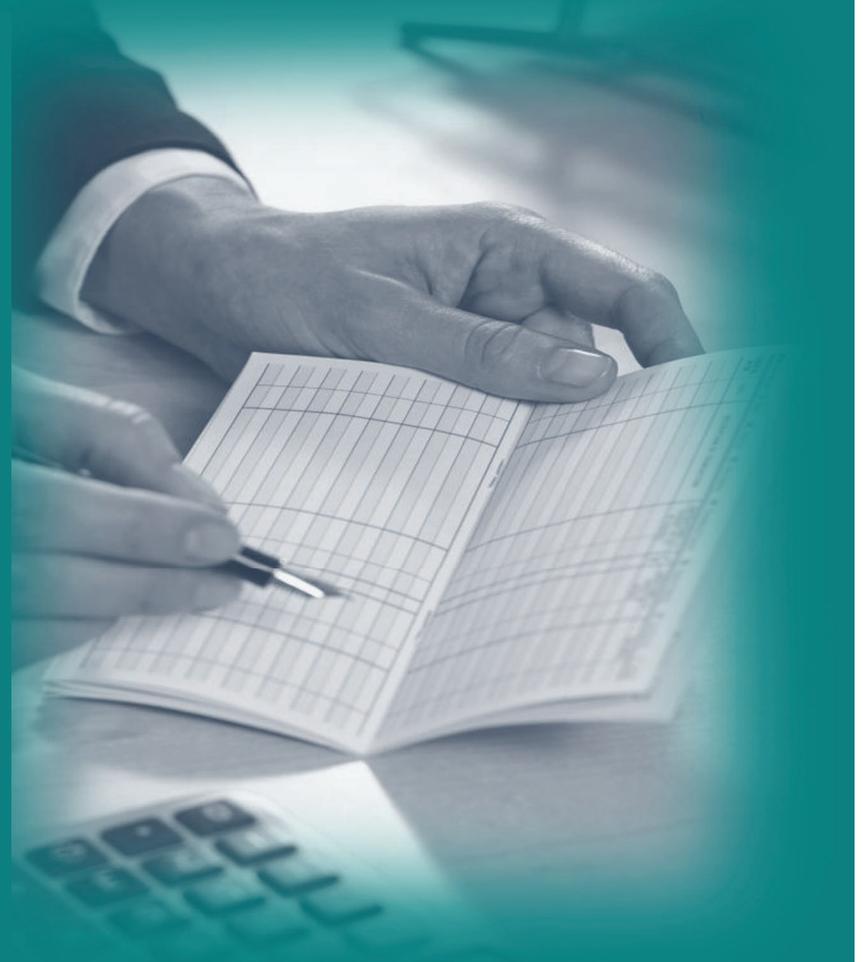
- Disclosure of Change in Eligibility. If, at any time after appointment, counsel obtains information that a client is financially able to make payment, in whole or in part, for legal or other services in connection with his or her representation, and the source of the attorney's information is not protected as a privileged communication, counsel shall advise the Court. (CJA Plan)
- Don't accept payment for services without court authorization and any amount received must be deducted from the fees to be approved by the court.



- Communications with MDC: Counsel should communicate with MDC, including requests for medical treatment, by emailing [los-execassistant-s@bop.gov](mailto:los-execassistant-s@bop.gov) or calling (213) 485-0439
  - Eliezer (Eli) Ben-Shmuel, ext. 5428
  - JoAnna Wilson, ext. 5471
  - May Shin, ext. 5187
  - Emma Sholder, ext. 5474
- Communications with USMS: Counsel should communicate with USMS for housing related issues including requests for medical treatment.
  - Detention Management Coordinators:
    - Richard Kith: (213) 925-1628, [Richard.Kith2@usdoj.gov](mailto:Richard.Kith2@usdoj.gov)
    - Neftali Martinez: (213) 276-2249, [Neftali.Martinez@usdoj.gov](mailto:Neftali.Martinez@usdoj.gov)
  - Cellblock Supervisors:
    - Derek Haywood: (703) 400-9702, [Derek.Haywood@usdoj.gov](mailto:Derek.Haywood@usdoj.gov)
    - Charity Levells: (213) 798-5187, [Charity.Levells@usdoj.gov](mailto:Charity.Levells@usdoj.gov)

# PRIOR APPROVAL IS REQUIRED FOR SERVICE PROVIDER FUNDING

- All funding for experts, service providers, and associate counsel must be requested by submitting an AUTH in eVoucher with the appropriate AUTH-form including sufficient detailed justification that the requested services are “necessary for adequate representation.”
- If approval is required by the presiding judge, the CJA Supervising Attorney will obtain the necessary approval after the AUTH is submitted in eVoucher. For example, this would apply to funding requests for international travel, associate counsel, *nunc pro tunc* billing, and supplemental vouchers for work performed after the end of the case.



# CACD Service Provider Hourly Rates

<http://www.cacd.uscourts.gov/attorneys/cja/cja-service-provider-policies-rates>

Service Provider/Expert	Hourly Rate	Type of Tasks
Paralegal	\$65	All Tasks Performed & Travel Time
	\$75	Tasks Requiring Use of the Paralegal's Foreign Language Skill
Paralegal Lawyer	\$75	All Tasks Performed & Travel Time
	\$85	Tasks Requiring Use of the Paralegal Lawyer's Foreign Language Skill (effective 10/21/2022)
Investigator	\$55	Tasks Involving Record Collection & Related Travel Time
	\$75	Routine Tasks & Travel Time
	\$95	Tasks Requiring Specialized Skills (a high level of investigative expertise relevant to the type of crime alleged or other special skills the case requires)
	\$115	Tasks Requiring Use of the Investigator's Foreign Language Skill
Capital Mitigation Specialist	\$125	All Tasks Performed & Travel Time
Capital Mitigation Specialist Proficient in a Foreign Language	\$150	Only for tasks requiring foreign language skills

# DEFENDANT DETAIL BUDGET REPORT: THE PRIMARY eVOUCHER REPORT NEEDED TO MANAGE CJA FUNDING FOR SERVICE PROVIDERS AND EXPERTS

Expert and Other Services Budget - Requiring Authorization										Defendant: John Smith	
Voucher Dates	Voucher Number	Claimed				Approved				Voucher Info	
		Fees	Expenses		Total	Fees	Expenses		Total	Claim Status	Circuit Approved
			Travel	Other			Travel	Other			
Authorization Number: 0973.1291543 Specialty: Interpreter/Translator		Amount Requested: \$1,000.00				Amount Authorized: \$1,000.00				Attorney: Amy Test-Attorney	
Authorization Number: 0973.1291544 Specialty: Paralegal Services		Amount Requested: \$3,000.00				Amount Authorized: \$2,500.00				Attorney: Amy Test-Attorney	
Vendor: Patrick Paralegal (Paralegal Services)											
01/03/2022 to 01/04/2022	0973.1291546	\$825.00	\$0.00	\$0.00	\$825.00	\$825.00	\$0.00	\$0.00	\$825.00	Interim 1	
01/05/2022 to 01/05/2022	0973.1291551	\$150.00	\$0.00	\$0.00	\$150.00	\$150.00	\$0.00	\$0.00	\$150.00	Interim 2	
01/06/2022 to 01/06/2022	0973.1291552	\$225.00	\$0.00	\$0.00	\$225.00					Interim 3	
Total Claimed/Approved:		\$1,200.00	\$0.00	\$0.00	\$1,200.00	\$975.00	\$0.00	\$0.00	\$975.00		
Pending Approval:		\$225.00	\$0.00	\$0.00	\$225.00						

AUTHORIZATION TOTALS										Attorney: Amy Test-Attorney	
Authorization Number: 0973.1291544 Specialty: Paralegal Services		Amount Requested: 3000				Amount Authorized: 2500.0000					
		Claimed				Approved				Fee Amount Remaining	
		Fees	Expenses		Total	Fees	Expenses		Total	After Approved	After Pending and Approved
			Travel	Other			Travel	Other			
Total Claimed/Approved:		\$1,200.00	\$0.00	\$0.00	\$1,200.00	\$975.00	\$0.00	\$0.00	\$975.00	\$1,525.00	\$1,300.00
Pending Approval:		\$225.00	\$0.00	\$0.00	\$225.00						

Identifies the AUTH number and expert category for this authorization summary.

Identifies which attorney requested the funding

Remaining AUTH amount available.  
**Best Practice Tip:** Review the DDBR after approving the expert's CJA-21/31 voucher to make sure there are sufficient funds available for the expert to continue his/her work. Be advised that *nunc pro tunc* funding requests must be approved by the presiding judge.

# SERVICE PROVIDER FUNDING

- **DO** make timely funding requests for service providers as *nunc pro tunc* requests for funding are highly disfavored and may not be paid.
- **DO** specify discrete tasks the service provider will perform and estimate the number of hours needed to complete each task.
- **DO** identify the correct hourly rate including the applicable hourly rate for low-level work like record collection, routine work, and work requiring specialized skills.
- **DO** consider geographic proximity when choosing to work with a service provider and explain to that service provider that only reasonable travel time will be compensated.
- **DO** review the service provider's voucher for accuracy and compliance with CACD's CJA policies.
- **DO NOT** claim work performed by a service provider as an attorney expense.
- **DO NOT** allow service providers to perform work in court, unless testifying as a witness, without prior approval from the presiding judge. This should be facilitated by the CJA Supervising Attorney upon request.
- **DO NOT** allow service providers to bill for transporting or providing an escort for witnesses.
- **DO NOT** provide monies, books, or supplies to any defendant with the expectation of reimbursement from CJA funds.
- **DO NOT** bill for administrative tasks.
- **DO NOT** bill for serving a subpoena on a witness unless done contemporaneously with interviewing a witness. Subpoenas can be served by the USMS.
- **DO NOT** use funds approved for interpreting services for document translation, especially sentencing letters, or audio transcription.

# Ninth Circuit CJA Resource Webpage

## **Ninth Circuit Criminal Justice Act Resources**

Circuit-wide CJA policies, procedures, and relevant information for CJA attorneys, administrators, and staff.



CJA HOME

NINTH CIRCUIT  
CJA POLICIES  
AND  
PROCEDURES

EXPERT  
PRESUMPTIVE  
RATES

NINTH CIRCUIT  
MODEL CJA  
PLAN

Ninth Circuit Presumptive Rates for Service Providers

Ninth Circuit CJA Policies and Procedures

Ninth Circuit CJA Compensability Handbook

Ninth Circuit: <https://www.ca9.uscourts.gov/attorneys/cja-resources/>



# Where To Find Your Service Providers

- Other panel members
- Panel Website ([cja.fpdcacd.org](http://cja.fpdcacd.org))
- FPDO Resources (213) 894-2854
- Local Bar

# CJA Contact List

NAME:	PHONE/EMAIL:
<b>Lauren Eskenazi-Ihrig</b> <b>CJA Supervising Attorney</b>	<b>(213) 894-0978 (work)</b> <b>(213) 335-0052 (cell/text)</b> <b>Lauren_Eskenazi-Ihrig@cacd.uscourts.gov</b>
Mary Lou Morales, CJA Analyst CJA-20s, CJA-24s, CJA-30s, Travel AUTHs	(213) 894-5684 MaryLou_Morales@cacd.uscourts.gov
Tracy Nelson, CJA Analyst CJA-21s, CJA-30s, CJA-31s; AUTHs; Budgets	(213) 894-2382 Tracy_Nelson@cacd.uscourts.gov
Edith Nakada, CJA Analyst eVoucher appointments, eVoucher troubleshooting, CJA-20s	(213) 894-3025 Edith_Nakada@cacd.uscourts.gov
Chris Powers, CJA Analyst CJA-21s, CJA-30s, CJA-31s, Budgets, Takedowns, Travel AUTHs	(213) 894-5402 Christopher_Powers@cacd.uscourts.gov



THANK YOU FOR YOUR  
DEDICATION TO OUR  
CRIMINAL JUSTICE SYSTEM

# APPENDIX 10

## Creating an Authorizaion for a Service Provider or Expert

## Creating an Authorization for a Service Provider

### Step 1

In the Appointments' List section of your Home page, click the case number link.

Appointments	Defendant
<a href="#">Case: 1:14-CR-08805-AA</a> Defendant #: 1 Case Title: USA v. Branson Attorney: Andrew Anders <a href="#">Representation ID: 2</a> <a href="#">Appointment ID: 4</a>	<b>Defendant: Jebediah Branson</b> Representation Type: Criminal Case Order Type: Appointing Counsel Order Date: 03/03/14 Pres. Judge: Albert Albertson Adm./Mag Judge:
<a href="#">Case: 1:14-CR-08806-AA</a> Defendant #: 1 Case Title: USA v. Watson Attorney: Andrew Anders <a href="#">Representation ID: 4</a> <a href="#">Appointment ID: 2</a>	<b>Defendant: Thomas Watson</b> Representation Type: Criminal Case Order Type: Appointing Counsel Order Date: 03/03/14 Pres. Judge: Albert Albertson Adm./Mag Judge:

### Step 2

In the Appointment section, click the AUTH **Create** link.

Home	Operations	Reports	Links	Help	Sign out
------	------------	---------	-------	------	----------

#### Appointment

In this page you will find a summary about this appointment, including a list of vouchers related to this appointment and links to create new vouchers

[View Representation](#)

#### Create New Voucher

<b>AUTH</b> Authorization for Expert and other Services	<a href="#">Create</a>
<b>AUTH-24</b> Authorization for payment of transcript	<a href="#">Create</a>
<b>BUDGETAUTH</b> Authorization for Excess Attorney Fees and/or Expert and other Services on Budgeted Case	<a href="#">Create</a>

#### Appointment Info

1. CIR. DIST. DIV. CODE 0101	2. PERSON RJ Jebediah Br
3. MAG. DKT/DEF. NUMBER	4. DIST. DKT/ 1:14-CR-08:
7. IN CASE/MATTER OF(Case Name) USA v. Branson	8. PAYMENT Felony (incl of alleged fe
11. OFFENSE(S) CHARGED 15:1825 F INSPECTION VIOLATION PENALTY	
12. ATTORNEY'S NAME AND MAILING ADDRESS Andrew Anders 110 Main Street San Antonio TX 78210 Phone: 210-833-5623 Cell phone: 210-555-1234 Email: <a href="mailto:lisa_ornelas@aotx.uscourts.gov">lisa_ornelas@aotx.uscourts.gov</a>	
14. LAW FIRM NAME AND MAILING ADDRESS	

Step 3

Click the **Create New Authorization** link.

**Authorization Type Selection**

You can click the **Create New Authorization** button to create a new authorization request, or click the **Request Additional Funds** button to select from a list of approved authorizations that you would like to request additional funds for.

**Create New Authorization**

Use this button to create a new authorization.

**Request Additional Funds**

Use this button to select an approved authorization that you would like to request additional funds for.

Step 4

On the Basic Info page, enter the information requested for the authorization.

In the **Estimated Amount**, **Basis of Estimate**, and **Description** fields, enter the appropriate information; the **Authorized Amount** field is not editable. Click the **Service Type** drop-down arrow and select the applicable service type, then enter the service provider's name in the **Notes** field.

Basic Info Documents Confirmation

### Basic Info

1. CIR. DIST. DIV. CODE 0101	2. PERSON REPRESENTED Rebecca Branson	3. APPEALS. DKT. DEF. NUMBER	VOUCHER NUMBER
3. MAG. DKT. DEF. NUMBER	4. DIST. DKT. DEF. NUMBER 1:14-CR-08805-1-AA	5. OTHER. DKT. DEF. NUMBER	
7. IN CASE MATTER OF (Case Name) USA v. Branson	8. PAYMENT CATEGORY Felony (including pre-trial diversion of alleged felony)	9. TYPE PERSON REPRESENTED Adult Defendant	10. REPRESENTATION TYPE Criminal Case

11. OFFENSE(S) CHARGED  
15-1825.F INSPECTION VIOLATION PENALTIES

12. ATTORNEY'S NAME AND MAILING ADDRESS  
Andrew Anders  
110 Main Street  
San Antonio TX 78210  
Phone: 210-833-5623  
Cell phone: 210-555-1234  
Email: [lisa\\_cornelas@astx.uscourts.gov](mailto:lisa_cornelas@astx.uscourts.gov)

13. COURT ORDER  
 A. Associate Counsel  
 C. Co-Counsel  
 D. Federal Defender  
 F. Subs for Federal Defender  
 I. Learned Counsel (Capital Only)  
 O. Appointing Counsel  
 P. Subs for Panel Attorney  
 R. Subs for Retained Attorney  
 S. Pro Se  
 T. Retained Attorney  
 U. Subs for Pro Se  
 X. Administrative  
 Y. Standy Counsel

Prior Attorney's Name  
Appointment Date  
Signature of Presiding Judge or By Order of the Court  
Albert Albertson  
Date of Order: 3/3/2014  
Nunc Pro Tunc Date  
Repayment  YES  NO

14. LAW FIRM NAME AND MAILING ADDRESS

### Master Authorization Information

Order Date:

Nunc Pro Tunc Date:

Repayment:

Estimated Amount: \$

Authorized Amount: \$  Deactivated

Basis of Estimate:

Description:

Service Type:

Notes:

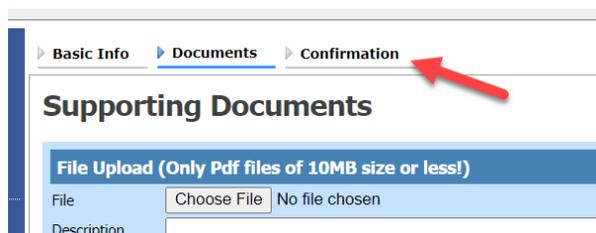
« First < Previous Next > Last » Save Delete Draft Audit Assist

## eVoucher 6.9

## Service Provider Authorizations

## Step 5

Click the **Documents** tab. Upload the PDF version of your CJA-01, 02, 03, or 04 form, plus any other documents needed to evaluate your funding request (e.g., the service provider's CV, emails from the CJA Office).



Basic Info Documents Confirmation

### Supporting Documents

**File Upload (Only Pdf files of 10MB size or less!)**

File  No file chosen

Description

## Step 6

Click the **Confirmation** tab. Add any notes to your submission in the “Public/Attorney Notes” field, select the **I swear and affirm...** check box, and then click **Submit**. Upon submission, the authorization date automatically updates to the current date.

Signature of Presiding Judge	Date Signed	Judge Code	Approved Amount
Signature of Chief Judge, Court of Appeals (or Delegate)	Date Signed	Judge Code	Approved Amount

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

Public/Attorney Notes

I swear and affirm the truth or correctness of the above statements

Date:

## Requesting Additional Funds

### Step 1

If additional funding is needed, you can request to increase the amount approved on an existing authorization. Complete the first two steps as if you were creating a new authorization—but this time, click the **Request Additional Funds** link.

#### Authorization Type Selection

You can click the **Create New Authorization** button to create a new authorization request, or click the **Request Additional Funds** button to select from a list of approved authorizations that you would like to request additional funds for.

##### Create New Authorization

Use this button to create a new authorization.

##### Request Additional Funds

Use this button to select an approved authorization that you would like to request additional funds for.

### Step 2

A list of all approved master authorizations appears for this representation and appointment. Select the authorization you want to increase.

#### Authorization Type Selection

You can click the **Create New Authorization** button to create a new authorization request, or click the **Request Additional Funds** button to select from a list of approved authorizations that you would like to request additional funds for.

##### Create New Authorization

Use this button to create a new authorization.

##### Request Additional Funds

Use this button to select an approved authorization that you would like to request additional funds for.

##### Please Select the Authorization to request additional funds for:

<b>ID Number: 932</b> Order Date: 12/15/2021 Authorized Amount: \$750.00 Grand Total Amount: \$1,100.00	Service Type: Psychologist Estimated Amount: \$750.00 Notes:
--	--

#### Request for Additional Funds on existing Authorization

Order Date	<input type="text"/>	
Nunc Pro Tunc Date	<input type="text"/>	
Repayment	<input type="checkbox"/>	
Current Total Authorized	\$	1100.00
Estimated Additional Amount	\$	<input type="text"/> *
Authorized Additional Amount	\$	<input type="text"/> <input type="checkbox"/> Deactivated
Basis of Estimate	<input type="text"/>	

### Step 3

Then, finish the request for an increase by following steps 4-6 as described in the first section, Creating an Authorization for a Service Provider.

You can click on the existing authorization link to view the original authorization in a separate tab. You should remember to close the newly opened tab after viewing the authorization, as having multiple tabs open in CJA eVoucher can lead to unintended results.

**Request for Additional Funds on existing Authorization** [932](#)

Order Date	<input type="text"/>	
Nunc Pro Tunc Date	<input type="text"/>	
Repayment	<input type="checkbox"/>	
Current Total Authorized	\$	1,100.00
Estimated Additional Amount	\$	<input type="text" value="750.00"/> *
Authorized Additional Amount	\$	<input type="text"/> <input type="checkbox"/> Deactivated

**Note:** When increasing funds on an existing authorization, the approved amount is added to the amount of the original authorization to which it is attached, and a link is established between the two documents. The original authorization is the one that holds the approved funds and is the only authorization presented when CJA21/31s are generated.