Tab 8

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION
255 E. Temple Street, Suite 830
Los Angeles, CA 90012

SOUTHERN DIVISION
411 West Fourth Street, Suite 1053
Santa Ana, CA 92701-4516
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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: Interim Voucher Review

Date: May 10, 2016

As you know, Circuit Judge Milan Smith has determined that 18 U.S.C. § 3006A(d)(3) requires that all interim vouchers be forwarded to him for review and approval once the attorney's fees in a case exceed the statutory case compensation maximum. The recently revised CJA 26 form will assist in expediting that review. As he did with the final vouchers, Judge Smith may occasionally send interim vouchers to district judges for a reasonableness review. Although this review of interim vouchers will necessarily add some additional time to the process, it also has benefits for the panel. Judge Smith has confirmed that once he has approved payment of an interim voucher, the determination that the amount approved is reasonable compensation for the services rendered through the end of the period reflected in the interim voucher will be final. In other words, there will be no "clawback" of funds previously paid as to that case once Judge Smith has approved the interim voucher.

It is possible, of course, that either Judge Smith or the presiding district judge may determine that it is too early to perform a meaningful review of the amount billed on the matter thus far - and therefore defer review until a later time.

It is too early to tell whether that will happen often - or at all.

Sums paid on vouchers that have not been approved by Judge Smith remain subject to possible repayment - and sums approved by Judge Smith on interim and final vouchers may be used to offset amounts determined to have been overpaid unless other arrangements have been made.

Please contact me or Cynthia Dixon if you have any questions.

c: Circuit Judge Milan D. Smith, Jr.