Tab 5

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

Chambers of
DALE S. FISCHER
United States District Judge

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.