Tab 15

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

TRAVEL GUIDELINES
for
CJA ATTORNEYS AND EXPERTS

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TABLE OF CONTENTS

INTRODUCTION i

1. GENERAL RULES 1
- **A. Attorney's and Expert's Obligation.** 1
- **B. Reimbursable Expenses.** 1
- **C. Billing While in Travel Status.** 1
- **D. Authority for Travel.** 1
  - **1. Intra-District.** 1
  - **2. Inter-District.** 1

2. TRANSPORTATION ALLOWABLE 2
- **A. Expenses Payable as Transportation.** 2
- **B. Methods of Transportation.** 2
  - **1. Authorized Methods.** 2
  - **2. Selecting Method of Transportation to be Used.** 2
  - **3. Most Advantageous Method of Transportation.** 2
  - **4. Privately-Owned Automobile.** 2
- **C. Government Discount Travel Rates.** 2
  - **1. Advantageous to Court.** 2
  - **2. Written Travel Authorization.** 3
  - **3. After Obtaining the Travel Authorization.** 3
  - **4. Hotels and Rental Cars.** 3
- **D. Use of Special Lower Fares.** 3
- **E. Reimbursement for Travel at Other Than Government Rate.** 4
- **F. Routing of Travel.** 4
  - **1. Official Necessity.** 4
  - **2. Indirect-Route or Interrupted Travel.** 4
- **G. Class of Service and Rental Cars Authorized.** 4
- **H. Frequent Traveler Programs.** 4

3. AUTHORIZED TRAVEL EXPENSES 5
- **A. Travel in Excess of 24 Hours or When Lodging is Incurred.** 5
- **B. Travel of 24 Hours or Less and No Lodging Incurred.** 5
- **C. Reasonableness of Expenses.** 5
- **D. Receipts.** 5

4. NON-REIMBURSABLE EXPENSES 5

APPENDIX 6

INTRODUCTION

Travel expenses reasonably incurred in providing representation under the Criminal Justice Act ("CJA"), may be claimed on the CJA voucher, and must be itemized and reasonably documented.
Following the passage in late 1992 of Section 702 of the Federal Courts Administration Act of 1992, (Public Law 102-572, 106 Stat. 4506), attorneys and experts[1] providing representation pursuant to the CJA were authorized to obtain government travel rates. These guidelines have been prepared to inform CJA attorneys and experts of the Court's policies and procedures related to travel.

Considerable savings to the Court will be achieved through compliance with these guidelines. All CJA attorneys and experts are required to arrange their travel in this manner. The guidelines set forth the procedure for obtaining government travel rates and provide a summary of recurring allowable and non-allowable charges. While it is impossible to address all possible travel related issues, the guidelines are intended to serve as a basic resource.

CAVEAT- The guidelines are not exclusive. Please refer to: pertinent local rules; general and specific court orders; Chapter VI, Travel and Transportation, Volume I, Guide to Judiciary Policies and Procedures; and the Guidelines for the Administration of the Criminal Justice Act, Volume VII, Guide to Judiciary Policies and Procedures.

[1]In these guidelines, the term "experts" encompasses persons providing investigative, expert or other services necessary for adequate representation pursuant to subsection (e) of the CJA.

1. GENERAL RULES

A. Attorney's and Expert's Obligation. An attorney or expert[2] traveling as part of his or her representation under the CJA is expected to exercise the same care in incurring expenses that a prudent person would exercise if traveling on personal business. Only those expenses which were actually incurred and were essential to and in connection with representation under the CJA should be claimed.

In addition, an attorney appointed to represent a fact witness has the obligation to inform the witness to contact the U.S. Marshal's office on how to make travel arrangements and to obtain government transportation rates when the witness is required to remain away from their residence overnight. A fact Witness Voucher, Form OBD-3 must be prepared by the attorney for each witness. For detailed information, call the U.S. Marshal's office or obtain USMS Pub. No. 74, September 1997.

B. Reimbursable Expenses. Travel expenses which will be reimbursed are confined to those expenses essential and in connection with representation under the CJA and supported by receipts.

C. Billing While in Travel Status. An attorney or expert may be compensated for travel time spent in travel status to and from the travel destination. However since this unproductive travel time is foreseeable, every effort should be made to work on existing matters. Compensation for other than travel time while in travel status will be paid only for actual services rendered.

D. Authority for Travel.

1. Intra-District. An attorney or expert traveling in connection with representation under the CJA is not required to obtain prior authorization for local non-overnight intra-district travel. Prior court authorization for overnight intra-district travel is required.

2. Inter-District. An attorney or expert traveling in connection with representation under the CJA is required to obtain prior court authorization for inter-district and all overnight travel.

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[2]In these guidelines, the term "experts" encompasses persons providing investigative, expert or other services necessary for adequate representation pursuant to subsection (e) of the CJA.

2. TRANSPORTATION ALLOWABLE

A. Expenses Payable as Transportation. Transportation expenses which may be claimed on the voucher or paid directly by the Court include fares, automobile rental fees, mileage payments, parking and any expenses incident to transportation such as baggage transfer, business related telephone, and food when on overnight travel. Regardless of dollar amount, receipts are required for reimbursement of all travel expenses.

B. Methods of Transportation.

1. Authorized Methods. Methods of transportation authorized for travel include railroads, airlines, helicopter service, ferries, buses, streetcars, subways, transportation terminal limousines, taxis, rental automobiles, privately-owned automobiles, and other necessary means of conveyance.

2. Selecting Method of Transportation to be Used. Travel shall be by the method of transportation which will result in the greatest advantage to the Court, cost and other factors considered. In selecting a particular method of transportation to be used, the traveler should consider energy conservation, the total cost to the Court, including cost of subsistence and fees and actual transportation costs. The travel shall be by the most expeditious means of transportation practicable and shall be commensurate with the nature and purpose of the duties of the individual requiring such travel.

3. Most Advantageous Method of Transportation. Since travel by common carrier (air, rail, taxicabs or bus) will generally result in the most efficient use of energy resources and in the least costly and most expeditious performance of travel, the traveler shall use a common carrier whenever it is reasonably available. If rail, bus or other means is selected as a personal preference, and is more costly (including travel time) than air, reimbursement will be limited to actual expenses not to exceed constructive costs of travel by air.

4. Privately-Owned Automobile. CJA case related travel by privately-owned automobile should be claimed at the rate then in effect for the federal judiciary employees. The Court will also reimburse case related parking fees if documented with receipts.

C. Government Discount Travel Rates.

1. Advantageous to Court. The use of government discount fares is considered advantageous to the Court. In order to obtain the government

discount fare, the tickets must be charged to the Court's Government Transportation Account ("GTA"). Only officially authorized travel related to CJA representation may be arranged in this manner.

2. **Written Travel Authorization.** A written Travel Request and Authorization ("TA") must be issued for each trip, a copy of which must be carried during the authorized travel for identification and for presentation should an airline agent ask to see it. The traveler is to complete the TA and submit it to the Office of the CJA Supervising Attorney. If a Court Order has been issued authorizing the travel, a copy of the order shall be included. Once authorized, the traveler will be notified by facsimile. The sample TA attached to these guidelines may be reproduced and used for this purpose.

3. **After Obtaining the Travel Authorization.** Once the TA has been issued, the traveler is to contact the court's nationwide Travel Management Center (TMC). The traveler is to advise TMC that he/she is a panel attorney (or expert) providing CJA representation and that airfare charges are to be made to the Court's account. In addition, the docket number must also be provided to TMC. TMC will provide an itinerary which the traveler must immediately fax to the Office of the CJA Supervising Attorney. Within ten calendar days of the conclusion of travel, a copy of the TA and passenger receipt must be submitted to the Office of the CJA Supervising Attorney.

4. **Hotels and Rental Cars.** Because the TA is an official government document, it should enable the traveler to obtain government rates at hotels and rental agencies as well. TMC is a full-service travel agency and can provide assistance with hotel and car rental reservations. Costs for other than common carriers (which are paid directly by the Court) are claimed for reimbursement on the CJA voucher under the travel section and must be documented with receipts regardless of amount. Credit card receipts and billings are not acceptable.

D. **Use of Special Lower Fares.** Other special, excursion, and reduced rate round-trip fares for official travel may be used (in lieu of government-contract fares and regular coach) when the traveler can determine prior to the start of a trip that any such type of service is practical and more economical to the Court. Special fares which involve penalties for changes or cancellation may be utilized provided that, to a high degree of certainty, no changes or cancellation will occur. Liability for costs for changes or cancellation over which the traveler had control will accrue to the traveler if a change or cancellation was due to personal preferences.

E. **Reimbursement for Travel at Other Than Government Rate.** When an

attorney or expert arranges their own travel without using the government rate, they will be reimbursed using the contracted government coach fare or lower. Reimbursement will be for the common carrier that is the most efficient, expeditious, and advantageous to the Court. All reimbursement for common carrier must be supported by travel receipts. Submission of credit card receipts is not sufficient for reimbursement purposes.

F. Routing of Travel.

1. Official Necessity. The traveler shall perform all travel by the usually-traveled route. Reimbursement for travel by other routes will be made only when the traveler establishes official necessity.

2. Indirect-Route or Interrupted Travel. When a traveler for his or her own convenience travels by an indirect route or interrupts travel by direct route, he or she shall bear the extra expense. Reimbursement will be made of only the expenses the traveler would have incurred on the usually-traveled route.

G. Class of Service and Rental Cars Authorized. There is no reimbursement for first class or business class travel expenses.[3] Travelers should exercise prudence in the selection of the least expensive rental vehicle necessary to adequately perform the official travel. The Court will not reimburse Personal Accident Insurance (PAI) or Personal Effects Coverage (PEC) for rental automobiles. In addition, no reimbursement will be made for add-ons or upgrades when renting an automobile, or for the excessive cost of refueling a rental car at the rental agency.

H. Frequent Traveler Programs. Travelers are encouraged to participate in frequent traveler programs for official travel. Section 1116 of the fiscal year 2002 National Defense Authorization Act, Public Law No. 107-107, allows federal contractors including CJA attorneys and experts to make personal use of frequent flyer mileage and similar travel bonuses arising from official travel. Section 1116 applies even with respect to such benefits received before the date of its enactment (12/28/2001), as well as on and after that date.

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[3]Reimbursement will be made for business class travel when air travel is direct between authorized origin and destination points which are separated by several time zones, and either the origin or destination point is outside the continental United States, and the scheduled flight time (including stopovers) is in excess of 14 hours.

3. AUTHORIZED TRAVEL EXPENSES

A. **Travel in Excess of 24 Hours or When Lodging is Incurred.** During overnight authorized travel, reimbursement will be made for actual subsistence expenses. Expenses of subsistence include all reasonable charges for meals (maximum three per day); lodging; all fees and tips to waiters, porters, and hotel maids; necessary cleaning and pressing of clothing while staying at the hotel; and transportation between places of lodging and business (specifically excluded are alcoholic beverages and entertainment expenses such as in-room movies, and any expenses incurred for other persons).

B. **Travel of 24 Hours or Less and No Lodging Incurred.** When the travel period is 24 hours or less and no lodging is incurred, meals will not be reimbursed. Only those travel expenses related to the case will be reimbursed such as mileage, parking, tolls, etc.

C. **Reasonableness of Expenses.** In determining the reasonableness of travel costs, the Court will be guided by the prevailing limitations placed upon travel and subsistence expenses of federal judiciary employees in accordance with existing government travel regulations. The Office of the CJA Supervising Attorney may be contacted for guidance in determining the reasonableness of such costs.

D. **Receipts.** With the exception of tips and mileage calculations, receipts must be submitted with the voucher for all travel (including to and from the Court) and subsistence expenses regardless of the amount incurred. Credit card receipts and billings are not acceptable.

4. NON-REIMBURSABLE EXPENSES

The cost of travel for spouses, other family members, and friends is not allowable. In addition, the following items are not reimbursable as a separate itemized expense:

- Snacks and alcoholic beverages
- Entertainment (e.g., movies)
- Travel insurance taken while traveling
- Parking fines or fees for traffic violations
- Personal automobile expenses (e.g., PAI and PEC)
- Expenses incurred in traveling by indirect routes for personal reasons
- Use of taxis to obtain meals
- Expenses submitted without receipts.

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 is not allowable.