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Chambers of
DALE S. FISCHER
United States District Judge

MEMORANDUM

TO: CJA Panel Attorneys

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

DATE: July 10, 2013

RE: Travel Policies - Service Providers

As you know, the Judicial Conference of the United States Committee on Defender Services issued a May 23, 2013 Memo re: Negotiating Rates of Retained Experts, Investigators, and Other Service Providers. In this District the amount billed for travel by service providers is of particular concern. As you are aware, the Court is in the process of drafting new travel policies that will apply to panel members and service providers. I have advised you previously that Ninth Circuit policy provides: "Geographic Proximity. To minimize travel, counsel should select local investigators and experts when possible. Courts should try to appoint CJA panel attorneys who are located reasonably near to where the case will be heard to avoid unnecessary travel time." Similarly, 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."

You may recall that I previously advised you that the reasonableness of requests for reimbursement for travel and the location of the service provider would be considered by the CJA Supervising Attorney when evaluating applications to obtain service providers. In the past few months, we have monitored service provider applications and vouchers for intra-district travel and determined

that some service providers bill extraordinary numbers of hours for travel on a recurring basis. Negotiating substantially lower rates for service provider travel is not practical in this District because it would increase the number of vouchers to be processed. Instead, I expect that limits will soon be placed on the amount of time service providers are permitted to bill for travel.

In these economic times, it is more important than ever to adopt cost-saving policies. It is simply not appropriate to pay service providers for extraordinary amounts of travel time when other service providers of similar quality and experience are more conveniently located.

You will be advised of the specific policies concerning travel in the near future.