

# CJA PANEL QUARTERLY

## CJA BILLING COMPLIANCE

The following information contains reminders and guidelines to help you with your submissions.

Part of the reason that our vouchers are being delayed is because many of us are submitting old paper vouchers that need to be reviewed, and/or vouchers that do not include justification for expenditures in excess of the statutory maximums. If you have a bill that has been outstanding for a significant period of time, you can send an email to one of the billing clerks. They are doing everything they can to ensure that the billing and voucher process runs smoothly. If you have been waiting for payment on a voucher, please do not call chambers. If for any reason you do not get a response, please contact me and I will do what I can to help.

## OUTSTANDING VOUCHERS

NOW is the time to get current with your billing. eVoucher went live on October 1, 2013. Outstanding paper vouchers were due on August 17, 2015. Paper vouchers are no longer being accepted. **This includes any outstanding submissions for experts, investigators, court reporters and/or interpreters.** If representation of a client has not ended, and you need to be switched over to eVoucher, please let Bonnie know as soon as possible by email, so she can create an eVoucher for you. The creation of these eVouchers is time consuming, so please be patient.

For those who need the historical hourly and travel rates to complete your vouchers:

**§ 230.16(a) Non-Capital Hourly Rates**

**If services were performed between... The maximum hourly rate is...**

01/01/2015 to present	\$127
03/01/2014 through 12/31/2014	\$126
09/01/2013 through 02/28/2014	\$110
01/01/2010 through 08/31/2013	\$125
03/11/2009 through 12/31/2009	\$110
01/01/2008 through 03/10/2009	\$100
05/20/2007 through 12/31/2007	\$94
01/01/2006 through 05/19/2007	\$92
05/01/2002 through 12/31/2005	\$90

**Previous automobile rates**

<b>Effective Date</b>	<b>Rate per mile</b>
January 1, 2015	\$0.575
January 1, 2014	\$0.56
January 1, 2013	\$0.565
April 17, 2012	\$0.555
January 1, 2011	\$0.51
January 1, 2010	\$0.50
January 1, 2009	\$0.55
August 1, 2008	\$0.585
March 19, 2008	\$0.505
February 1, 2007	\$0.485
January 1, 2006	\$0.445
September 1, 2005	\$0.485
February 4, 2005	\$0.405

**CJA 26 FORMS**

Look over your pending eVoucher cases to determine whether you are, or are going to be, over budget. The current caps for representation are \$9,900 for felonies, \$2,800 for misdemeanors and \$2,100 for supervised release violations and grand jury representation. For case compensation maximums in other matters, see § 230.23.20. (**Important:** If you are being reappointed on a supervised release violation, or if you get appointed on a grand jury matter, you must submit a CJA 23 Financial Affidavit to the Court for approval. Unless the case is sealed, you can do this through PACER—it appears in the events box, and is an automatically sealed document.)

eVoucher will not accept your voucher or process it for payment if your expenses exceed the cap unless you have filed a CJA 26 form on eVoucher.

If you have already gone over budget, file a motion for additional expenses nunc pro tunc. You must file an electronic CJA 26 form. Include in your statement an explanation why you exceeded the case maximum without seeking preapproval. Do this now! You are more likely to get your bills approved if you submit these requests in a timely manner.

Try to anticipate the amount necessary to represent your client prior to trial. Although you can submit more than one CJA 26 form, you are encouraged to submit a CJA 26 once for a case in which you expect to resolve your case with a plea and a second time only if your case is going to proceed to trial. There will obviously be situations where you begin preparing a case for trial, sometimes early in the process, and the case results in a guilty plea. While we can never predict what our clients are going to do, if you regularly submit vouchers indicating “trial preparation” in cases where your clients enter a plea, be prepared to explain these entries to a judge.

Always do the work that you think is necessary to zealously represent your client. Please make sure that you expend funds responsibly and take the time to adequately explain the need to expend funds/allocate time. So PLEASE provide details, i.e., your client/client’s family is difficult/unreasonable, that you have to travel out of state to meet with your client, that there are complex/novel legal issues you need to research and/or voluminous discovery that you need to review.

The earlier in the process you do this, the easier it is going to be for you to get your vouchers paid. It puts the judges in a bad position if you have already performed the work and ask for payment over the statutory maximum after the fact. Budgeting helps you, and helps the judges help you get paid for the hard (and fantastic!) work that you do.

If you submit a second (or third) CJA 26, you must justify the work that you need to do going forward. Do not reference the work you already did, that you had requested in an earlier CJA 26. You are justifying the expense of more money, for continued representation, just as you would do for a private client. Please make sure you are thorough, and take the time to explain why you need the additional expenses.

## **Interim Billing**

Interim bills may still be submitted, but must be submitted in \$2,500 increments. **Note that this is excluding travel and expenses, so the maximum has to be reached based on your in and out of court time.** In the past, Panel members had submitted interim bills for hundreds of dollars at a time, which created paperwork and processing nightmares for everyone involved in reviewing vouchers. This \$2,500 amount is a reduction from the previously discussed \$5,000 minimum and was a compromise in recognition of the fact that many of us are solo practitioners or work at small firms and have pressing financial obligations. If you need to submit a voucher before you hit the \$2,500 limit for hardship reasons, submit a motion explaining the hardship, and it will be considered by the Court.

## **Motions to Incur Expenses**

You must file a motion to incur expenses in eVoucher by way of AUTH for a paralegal, interpreter, investigator or any expert. You can use an interpreter right away if you need to, but make sure you file the motion. You can get approval for up to \$2,400. If you need additional expenses after that, you need to file another motion. **You will no longer be reimbursed for payments that you make up front for interpreters, investigators, court reporters and experts.**

## **Requests for Transcripts**

If you need to get transcripts for your clients, you must submit a CJA 24 Form first. **CJA 24 Authorizations are activated in eVoucher.** You cannot pay out of pocket and then get reimbursed. Many of us have done this in the past, especially for state transcripts where the bill was less than \$50. **You will no longer be reimbursed for payments that you make up front.** There is no expense maximum associated with this guideline, so if you need a transcript, get out the CJA 24 and follow up on it!

## **Expert Services**

**From the clerk's office:** The expert button problem on CJA 21 vouchers has been fixed. Counsel should no longer have to perform the expert role for those experts with access to eVoucher. However, counsel must create the CJA 21 in order for the expert to prepare his/her voucher. Below are the directions for creating a CJA 21 and having it sent to the expert for preparation of his/her invoice.

1. Select appropriate case from the case assignment listing.
2. On the blue vertical panel to the left, select "CJA 21 Create."
3. On the Basic Info tab, select "Use Previous Authorization." All services must have previous authorization.
4. Select the authorization pertaining to the expert.
5. Select the expert from the drop down selection. Please do this carefully. Some experts use business identification rather than their name. If the expert definitely does not exist in the drop down, complete the information necessary to add the expert. This will generate a pink notification message that states the expert is a pending user.
6. After selecting the expert from the drop down list, select the radio button as to who will prepare the CJA 21. If the expert has access, select the expert radio button. If not, select the attorney radio button.
7. The final step is to click "Create" at the bottom of the page. Be sure to contact the expert to verify that he/she has received the CJA 21 on their home page.

## **Motions to Appoint Associate Counsel**

Associate Counsel must have a federal bar number, and unless they are a Panel member, the rate of pay is \$90 an hour. If you need the assistance of another attorney in a case, file a Motion to Appoint Associate Counsel. This gets filed on PACER and appears in the "events" box.

## **Other News from the Clerk's Office**

- In-house paralegals will no longer be required to wait until the end of the case to submit their billings. Paralegals must be very careful not to duplicate any work being done by counsel.
- The Circuit has decided that the 20% withholding from expert vouchers will no longer occur in eVoucher. All monies that have been withheld will be returned prior to the financial migration in eVoucher, which is scheduled to happen towards the end of the calendar year.