



*United States District Court
Western District of Missouri*

***CRIMINAL JUSTICE ACT
(CJA)***

***INFORMATION FOR
APPOINTED COUNSEL***

Revised: 06/01/02

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI

**INFORMATION FOR COUNSEL APPOINTED UNDER
THE CRIMINAL JUSTICE ACT (CJA)**

The following information is provided for the guidance of privately practicing attorneys appointed, pursuant to the Criminal Justice Act (18 U.S.C. §3006A), to represent a person financially unable to obtain adequate representation.

I. DUTIES OF APPOINTED COUNSEL

- A. Counsel named in the order of appointment (Form CJA 20) must personally appear at all proceedings. Counsel shall not delegate his responsibility to other counsel. Counsel who is unable to personally fulfill his or her obligation to a defendant because of health or other good reason should immediately so notify the Court or United States Magistrate Judge in writing.
- B. Counsel is required to secure the appearance of the defendant at all pretrial conferences and at all other proceedings requiring the appearance of the defendant.
- C. Counsel shall fulfill his or her professional responsibility as an officer of the Court, and the limited amount of compensation accruing in no respect diminishes such responsibility.
- D. Counsel appointed by a United States Magistrate Judge shall continue to serve until his or her representation is terminated by the provisions of the plan of the Court, adopted pursuant to the Criminal Justice Act of 1964, as amended by Public Law 91-447, or by Court order.
- E. Counsel shall report, to the Court or a United States Magistrate Judge, any change in the financial status of the person he or she was appointed to represent which indicates the ability of the person to finance all or part of the representation.

II. TERMINATION OF APPOINTMENT

- A. Representation of a defendant in a criminal case shall terminate with the imposition of sentence following the acceptance of a plea of guilty or a plea of nolo contendere and the filing of a timely motion pursuant to Rule 35, Federal Rules of Criminal Procedure.
- B. Counsel shall, following the imposition of sentence in a criminal case where the defendant has been found guilty after trial, advise the defendant of his or her right to appeal and of his or her right of counsel on appeal. If requested to do so by the defendant, counsel shall file a timely notice of appeal. Counsel

on appeal shall be appointed by the Court of Appeals. If the defendant does not request the filing of a notice of appeal, counsel shall file a statement that he or she has informed the defendant of his or her right to appeal and the defendant has advised that he or she does not desire to appeal, whereupon the representation will terminate.

- C. Representation in all other proceedings shall terminate when the purpose of the appointment is accomplished or when terminated by Court order.

III. COMPENSATION

- A. Counsel shall be compensated at a rate not exceeding \$90.00 per hour for time expended out of court or in court before a United States District or Magistrate Judge for work performed on or after 5/1/02. Prior to 5/1/02 but after 4/1/01, counsel shall be compensated at a rate not exceeding \$75.00 per hour for time expended in court and \$55.00 per hour for time reasonably expended out of court. Appointed counsel shall be reimbursed for expenses reasonably incurred.

- B. The rate of compensation in a death penalty proceeding is set by the Court on an individual case basis. The Guidelines provide that the rate may be between \$75 and \$125, but may **not** exceed \$125.00 per hour.

- C. The maximum allowance permitted by 18 U.S.C. §3006A, for representation of a person before a United States Magistrate Judge and in the District Court, or both, is:

1.	Felony Case	\$5,200.00
2.	Misdemeanor Case	1,500.00
3.	Post-Trial Motion (made after entry of judgment)	1,200.00
4.	Probation Revocation	1,200.00
5.	Motion to Vacate	1,200.00
6.	Habeas Corpus (except in Death Penalty cases)	5,200.00
7.	Parole Revocation	1,200.00
8.	Material Witness	1,200.00
9.	Mental Competency (18 U.S.C. §4245)	1,200.00
10.	Civil or Criminal Contempt	1,200.00
11.	Grand Jury Witness	1,200.00

- C. The maximum allowance, permitted by 18 U.S.C. §3006A, for representation of a person in an Appellate Court is \$3,700.00.

- D. Payment in excess of any maximum amount provided in paragraph "C" herein immediately above may be made for extended or complex representation whenever the District Judge before whom the representation was rendered, or the United States Magistrate if the representation was furnished exclusively before him, certifies that the amount of the excess payment is necessary to provide fair compensation and the payment is approved by the Chief Judge of the Circuit or his delegate. In making a claim for excess compensation, the attorney shall set forth on the voucher the itemization of the time and expense along with a memorandum as to why he feels the case is either "extended" or "complex". Ordinarily, no case will be considered "extended" unless the trial lasts longer than five days. When the trial of a case before a District Judge or Magistrate Judge does not last longer than five days, the attorney shall confine the request for compensation to an amount not to exceed \$5,200.00. The only basis upon which compensation in excess of \$5,200.00 will be considered when the trial time is five days or less is if the attorney verifies that the case was "complex" and sets out the reasons why he believes the it was. A case disposed of by a plea of guilty or dismissal of indictment or information may possibly be considered "complex" if it involves extraordinary investigation or extraordinary briefing or preliminary motions, etc.

IV. ACTUAL EXPENSES OTHER THAN FOR EXPERT OR OTHER SERVICES

- A. Counsel shall be reimbursed for reasonable actual expenses incurred in the representation of a defendant. This would include photocopies, toll calls, facsimiles and computer-aided legal research. Please include copies of bills for toll calls and Westlaw/Lexis charges with your voucher.
- B. In determining whether actual expenses incurred are "reasonable," counsel shall be guided by the prevailing limits placed upon travel and subsistence of federal judiciary employees. Therefore, reimbursement for counsel appointed to represent a defendant before a United States Magistrate Judge or in the United States District Court for the Western District of Missouri shall be limited as follows:
1. Actual subsistence, not to exceed the maximum daily allowance for the particular area for employees of the judiciary as fixed by the Director of the Administrative Office of the United States Courts. Lodging, meals, and all other allowable items of expense shall be itemized, and receipts furnished with the voucher.
 2. Actual travel expenses shall not exceed:
 - a. Round-trip coach air fare arranged through GTA
 - b. Round-trip taxi or public transit fare from office to airport, train station, or bus depot, and from airport to courthouse.
 - c. Private automobile mileage at the rate allowed for employees of the judiciary as fixed by the Director of the Administrative Office of the United States Courts (current rate is 36.5 cents per mile), not to exceed the amount of round-trip coach air fare.

C. When authorization for the use of a paralegal or law clerk has been obtained from the Court, separate work sheets are required for that person.

V. PACER AVAILABLE TO ATTORNEYS APPOINTED UNDER THE CRIMINAL ACT

A. The Judicial Conference has approved an Amendment to the Miscellaneous Fees Schedule exempting CJA appointed attorneys in the performance of services authorized by CJA from fees for the use of Public Access to Court Electronic Records (PACER) effective January 1, 1995.

B. CJA appointed attorneys who use PACER in connection with their CJA appointments can obtain an exempt login and password in connection with a CJA appointment by contacting the Pacer Service Center at 1-800-676-6856. If you inadvertently use the service in connection with a CJA appointment without an exempt login and password, a request for credit may be made in writing to Pacer Service Center after receipt of the quarterly statement, however, this should be the exception and only used in unusual circumstances.

VI. AUTHORIZATION FOR OBTAINING EXPERT OR OTHER SERVICES

A. Prior authorization from the Court should be obtained before obtaining investigative, expert, or other services; e.g., reporter's transcript, interpreter, investigator, psychiatrist, psychologist, other expert services. The maximum allowance, permitted by 18 U.S.C. §3006A, is \$1,000.00 in non death penalty cases, \$7,500.00 (aggregate) in death penalty.

B. Investigative, expert, or other services may be obtained, where it is not possible to seek prior authorization, subject to later review. The maximum allowance, permitted by 18 U.S.C., §3006A, where prior authorization is **not** obtained, is \$300.00

C. The request for prior authorization to obtain investigative, expert, or other services, shall be made on Form CJA 21 entitled "Authorization & Voucher for Expert or Other Services," or Form CJA 31 entitled "Death Penalty Proceedings: Ex Parte Request for Authorization and Voucher for Expert and Other Services" which may be obtained from the Clerk of the Court. The top portion of Form CJA 21/CJA 31 shall be completed by counsel and presented to the judge for prior approval. After the investigative, expert, or other services have been obtained, the completed Form CJA 21/CJA 31 shall be submitted to the Clerk of the Court. Approval can also be obtained by the filing of a Motion and the Judge granting same. This is in addition to and does not eliminate the need for a CJA 21/CJA 31. When the CJA 21/CJA31 is submitted for payment, with all the appropriate signatures, the order should be attached with all the other supporting documentation.

VII. FORMS OBTAINABLE FROM THE CLERK OF THE COURT

A. Form CJA- 21 entitled "Authorization & Voucher for Expert or Other Services"

B. Form CJA 31 entitled "Death Penalty Proceedings : Ex Parte Request for Authorization and Voucher for Expert and Other Services".

- C. Notice of Appeal (criminal only).

Please note that the above blank forms may be copied as needed. The CJA-20/30 form will be provided to you upon appointment. In the case of the CJA-30 or the CJA-20 when interim payments are approved counsel may make copies of the appointment form before completing it for submission of subsequent interim claims.

VIII. PREPARATION AND SUBMISSION OF VOUCHERS

- A. The original copy, signed by the judge, of Form CJA 20, entitled "Appointment of and Authority to Pay Court Appointed Counsel" or Form CJA 30, entitled "Death Penalty Proceedings: Appointment of and Authority to Pay Appointed Counsel" are to be completed by counsel and delivered to the CJA Administrator promptly. Pursuant to the Policies and Procedures Guide to the Criminal Justice Act vouchers should be submitted no later than 45 days after the completion of the case. If interim payments are to be made, the vouchers should be submitted in accordance with the order approving same. After being audited and sent to the Judge for approval, the voucher will be entered on the computer by the CJA Administrator and the payment will then be made by the Administrative Office of the United States Courts, Washington, D.C.
- B. Form CJA 21 entitled "Authorization and Voucher for Expert and Other Services" or Form CJA 31 entitled "Death Penalty Proceedings: Ex Parte Request for Authorization and Voucher Expert and Other Services" are to be completed by counsel and the party providing the services and delivered to the CJA Administrator of the Court as soon as services are complete and in any event not later than 45 days after services have been concluded. After being audited and sent to the Judge for approval, the voucher will be entered for payment by the CJA Administrator and payment will be made by the Administrative Office of the United States Courts, Washington, D.C.
- C. A claim for more than the maximum provided under 18 U.S.C. § 3006A will increase the time needed for processing the claim since it will require approval of the Circuit Judge as well as the District Court Judge.
- D. Failure to submit claims in a timely manner may result in refusal of the claim by the Court.

Please note the dates for the period of service (#20 on a CJA-20 and #18 on a CJA-30) and, when a final voucher is submitted, disposition of the case should be completed (#21 on a CJA-20 and #20 on a CJA-30).

IX. SPECIAL INSTRUCTIONS FOR COMPLETING FORM CJA30

- a. The Form CJA 30 for use in death penalty proceedings require the reporting of services according to the following stages of the proceedings:

CAPITAL PROSECUTION

- * Pre-Trial
- * Trial
- * Sentencing
- * Other Post Trial
- * Appeal
- * Petition for Supreme Court Writ of Certiorari

DEATH PENALTY HABEAS CORPUS

- * Habeas Petition
- * Evidentiary Hearing
- * Dispositive Motions
- * Appeal
- * Petition for Supreme Court Writ of Certiorari

OTHER PROCEEDINGS

- * Stay of Execution
- * Appeal of Denial of Stay
- * Petition for Supreme Court Writ of Certiorari
Regarding Denial of Stay
- * Other

B. Because the CJA 30 voucher forms can be used to report services relating to only one stage of the proceedings, a separate interim voucher form must be filed at each stage of the proceedings. (In any case in which the court has approved interim payments, additional interim vouchers may be submitted within any stage of the proceedings.) When filing interim claims be sure to check "Interim" and enter the claim number at the bottom of the form. The "Final" should be so checked and the number of the claim entered.. The one-third withheld on each voucher will be added to the total when submitted to the judge for approval. Hours of services should be reported during the stage in which they were performed, even if the work product will be used at a later stage. Under The Criminal Justice Act a new appointment should be made for a person represented in a new trial after motion, mistrial, reversal, or remand on appeal.

X. Criminal Justice Act Worksheet Instructions

In Court Hourly Worksheet

These Worksheets were devised to standardize the itemization and documentation of hourly totals and in court services performed by Court Appointed Counsel in the defense of a client under the Criminal Justice Act. You are not required to use these worksheets, however, you are required to submit an accounting of the time spent on the case. Claims not supported with worksheets, or the worksheets are illegible, **will not** be accepted for processing. Each attorney should provide the following information on the worksheet:

1. The Case Number and name of defendant or petitioner pertaining to the claim.
2. For each "In Court" service rendered provide the following:
 - the date the service was performed
 - a brief description of the service performed
 - the time spent performing the service

The time spent performing the service should be reported in **tenths** of hours. One-tenth (.1) of an hour is equal to six (6) minutes. In addition, the time reported should be listed under the appropriate "In Court" service category, i.e., Arraignment and/or Plea, Motions and Requests, Bail Hearings, etc. **"In Court" time begins to accrue at the time the hearing is scheduled to begin and ends with adjournment.**

Once all "In Court" services have been documented the hours column pertaining to each service category should be totaled. If more than one page is required a page total should be provided on each page. A grand total of all page totals should be provided on the final page. The grand total of hours for each service category should then be transferred to Item 15 of the CJA 20 (Item 15 of the CJA 30) and listed across from the applicable "In Court" service and totaled to arrive at the total hours for all "In Court" services. The "In Court" compensation should then be calculated by multiplying the applicable rate per hour by the total hours.

3. Each page should be numbered, i.e., Page 1 of 2, Page 2 of 2, etc.

Once all necessary information has been completed and transferred to the CJA 20/CJA 30, the "In Court Hourly Worksheet" must be attached to the voucher.

XI. Criminal Justice Act Worksheet Instructions

Out of Court Hourly Worksheet

These Worksheets were devised to standardize the itemization and documentation of Hourly Totals of "Out of Court" Services performed by Court Appointed Counsel in the defense of a client under the Criminal Justice Act. You are not required to use these worksheets, however, you are required to submit an accounting of the time spent on the case. Claims not supported with worksheets, or the worksheets are illegible, **will not** be accepted for processing. Each attorney should provide the following on the worksheet.

1. The Case Number and name of defendant or petitioner pertaining to the claim.
2. For each "Out of Court" Service rendered provide the following:
 - the date the service was performed
 - a brief description of the service performed
 - the time spent performing the service

The time spent performing the service should be reported in **tenths** of hours. One-tenth of an hour is equal to six (6) minutes. In addition, the time reported should be listed under the appropriate "Out of Court" Service category, i.e., Interviews and Conferences, Obtaining and Reviewing Records, Legal Research and Brief Writing, etc.

Once all "Out of Court" services have been documented the hours column pertaining to each service category should be totaled. If more than one page is required a page total should be provided on each page. A grand total of all page totals should be provided on the final page. The grand total hours for each service category should then be transferred to Item 16 of the CJA 20 (Item 15 of the CJA 30) Form and listed across from the applicable "Out of Court" service and added to arrive at the total hours for all "Out of Court" services. The Out of Court compensation should be calculated by multiplying the applicable rate per hour by the total hours.

3. Each page should be numbered, i.e., Page 1 of 2, Page 2 of 2, etc.

Once all necessary information has been completed and transferred to the CJA 20/CJA 30, the "Out of Court Hourly Worksheet" must be attached to the voucher.

Case Number: _____
 Voucher Number: _____

OUT OF COURT HOURLY WORKSHEET (CJA 20)

Date	Brief Description of Services	Interviews and Conferences	Obtaining and reviewing records	Legal research and brief writing	Travel time	Investigative and other work
PAGE TOTAL						
GRAND TOTAL						

XII. Criminal Justice Act Worksheet Instructions

Other Expense Worksheet

This Worksheet was devised to standardize the itemization of other reimbursable expenses incurred by Court Appointed Counsel in the defense of a client under the Criminal Justice Act. Each attorney should provide the following on the worksheet:

1. The Case Number and name of defendant or petitioner pertaining to the claim
2. For each item of "Other Expense" incurred provide the following (this includes toll phone calls)
 - the date incurred
 - a brief explanation of the expense
 - the amount of expense incurred

Attach supporting documentation, i.e., receipts, canceled checks and invoices. Receipts are required for all travel expenses. Toll calls made by the attorney are reimbursable. Toll calls made by the defendant or petitioner are limited to those absolutely necessary. Copies of phone charges are required. Cell phone charges are not reimbursable. Receipts are required for any expenses in excess of \$50.00 . Such expense items as mileage, facsimiles, and copying should show the total miles or the number of pages, respectively, multiplied by the applicable rate to arrive at the expense incurred. See the following sheets in the Appendix for a breakdown of rates applicable to CJA. Copies and facsimiles are reimbursed at commercially competitive rates. If copies are obtained from the Court or a police department, please attach the receipts. Fed-Ex or Express Mail should not be used except in emergency situations. To qualify for meals, the times of departure and arrival must be listed and travel time must be at least ten hours. The expenses incurred should then be listed on the breakdown sheet in chronological order and the amount listed under the appropriate "Other Expense" category, i.e., Mileage, Parking, Meals, etc. **Any single expense which exceeds \$250.00 requires prior approval from the Court. Service of Process and items of a personal nature are not reimbursable.** If it is critical that a pleading must be hand delivered to the court, a courier service or someone in the attorney's office may be used. Please include a receipt, if a service is used, and a justification of why the delivery was necessary.

Once all expenses have been itemized on the "Other Expense" breakdown sheet, total each column . Transfer the "Other Expense" categories totals, to the applicable spaces provided on lines 17 and 18 of the CJA 20 (lines 16 and 17 of CJA 30). Please note the columns are **Travel, Lodging, Meals, etc.** and **Other**. The totals for mileage, meals and lodging should be combined on the front of the voucher for travel and all other expense totaled and listed in "Other Expense ". It is not sufficient to say "See Attached". The "Other Expense" Worksheet along with any supporting documentation must be attached to the voucher.

Case Number: _____
 Voucher Number: _____

OTHER EXPENSE WORKSHEET

					Amount Per Item					
Date	Brief Description of Services	Mileage	Parking	Meals	Lodging	Copying	Postage	Toll Calls	Telegrams	Other
PAGE TOTAL										
GRAND TOTAL										

XIII. All vouchers should be certified by the attorney signed and submitted to:

CJA Administrator

U. S. District Court

400 E. 9th St., Rm. 2710

Kansas City, MO 64106

XIV. Any questions regarding CJA may be directed to Annie Ledford at (816) 512-5017, Laura Schwaller at (816) 512-5067 or Sharon Dover at (816) 512-5065.

Appendix

APPOINTMENT OF AND AUTHORITY TO PAY COURT APPOINTED COUNSEL

1. **Attorney Compensation Rates-In Court/Out of Court -**
 - 5/1/02 - \$90.00/\$90.00
 - 4/1/01 - 4/30/02 - \$75.00/\$55.00
 - 1/1/00 - 3/31/01 - \$70.00/\$50.00
 - 1/1/96 - 12/31/99 - \$65.00/\$45.00
 - Prior to 1/1/96 - \$60.00/\$40.00
2. **Time** - should be reported in tenths of hour (example: 6 min. = .1, 12 min = .2)
3. **Breakdown Sheets** - should be in standard format with tasks listed in chronological order by date. Be sure to use the breakdown sheet which corresponds to the Voucher you are submitting. (CJA20/CJA30)
4. **Compensation - In Excess Of The Statutory Maximum,**(\$5200.00 in cases where any part of the work was performed on or after 11/13/2000) - an attorney must submit a detailed memorandum supporting their claim with the voucher. Also circuit approval is required.
5. **Interim payments** - require an order from the court.
6. **Prior Authorization** - The total cost of investigative, expert or other services obtained prior to authorization may not exceed \$300.00 and expenses reasonably incurred. If you did not receive prior authorization, you may submit the time for consideration by the Judge.
7. **Paralegal Time** - can be reimbursed on a CJA 20 as an out-of-pocket expense of appointed counsel. Breakdown sheets are required. Total amount should be included in "Other Expense" on the front of the voucher.
8. **Receipts** - required for any expense exceeding \$50.00 and for all travel expenses.
9. **Copies** - are reimbursable at commercially competitive rates. Please indicate what is being copied and the number of pages.
10. **Long Distance Phone Calls** - list who initiated the call, to whom the call was made, the expenses incurred and attach copies of the phone bills to the voucher .
11. **Travel Time** - Compensation will be approved for time spent in necessary and reasonable travel.
12. **Travel Expense** - actual receipts required for all travel
13. **Mileage Rates** - 6/7/96-9/7/98 - \$.31 per mile, .9/8/98- 3/31/99 - \$.325, 4/1/99-1/13/00 - \$.31, 1/14/00-1/21/01 - \$.325, 1/22/01-1/20/02 - \$.345, 1/21/02-Present - \$.365
14. **Air Travel** - requires Court approval. You must travel under the GTA Program.

15. **Automated Research** - Vouchers must include the Westlaw/Lexis statement, a statement setting forth the issues researched and an estimate of the number of hours that would have been required to do the research manually.
16. **Transcripts** - Court Reporters should claim compensation for their services on a CJA 24. Reimbursement to an attorney who has paid for the transcript as an out-of-pocket expense should also submit a CJA24 for reimbursement. Court authorization is required.
17. **Depositions/Sworn Statements** - requires prior approval of the court.
18. **Certification and Disposition** - complete Space 19. and 21. on the CJA-20 and Space 18. and 20. on the CJA-30
19. **Personal Information** - such as Address, Phone Number, Social Security Number and 1099 preference should be provided at the time of or before the first appointment.
20. **Orders** - attach copies of all orders pursuant to appointment and claim to voucher.
21. **Appointment Concluded** - appointment is concluded with filing of appeal or petition for Writ of Certiorari.
22. **Submission of Claim** - claim is due within 45 days of conclusion of the case or monthly for those approved for interim payments.
23. **Non-Reimbursable Items** - General Office Overhead, Items & Services of a Personal Nature, Filing Fees, Printing of Briefs, Service of Process and Taxes

Sanction at the Rate of 2% may apply to vouchers received 60 days or more after the conclusion of the case.

CJA RATES OF COMPENSATION AND MILEAGE RATES

Attorney Compensation Rates for In Court/Out of Court

05/1/02 -	\$90.00/\$90.00
4/1/01 - 4/30/02	\$75.00/\$55.00
1/1/00 - 3/31/01	\$70.00/\$50.00
1/1/96 - 12/31/99	\$65.00/\$45.00
Prior to 1/1/96	\$60.00/\$40.00

Death Penalty Compensation Rates

4/24/96 - Present	\$125.00/\$125.00
Prior to 4/24/96	An amount approved by the Judge to properly reimburse Appointed Counsel

Mileage Rates

1/21/02 - Present	36.5
1/22/01 - 1/20/02	34.5
1/14/00 - 1/21/01	32.5
4/01/99 - 1/13/00	31
9/08/98 - 3/31/99	32.5
6/07/96 - 9/07/98	31

Standard Rates for Expert Services

Associate working with Appointed Counsel in Death Penalty Cases \$80.00

Interpreters - (Non-Certified) Full Day \$145.00/Half Day \$80.00/Overtime \$25.00 per hour or part thereof

Interpreters - (Certified) Full Day \$305.00/Half Day \$165.00/Overtime \$45.00 per hour or part thereof