

UNITED STATES DISTRICT COURT
(NAME OF DISTRICT)

UNITED STATES OF AMERICA

CRIMINAL NO. 0:00 CR 0 (Judge)

V.

(DEFENDANT)

**MEMORANDUM TO ALL COUNSEL APPOINTED UNDER THE CRIMINAL JUSTICE
ACT (CJA)**

Re: Interim Payments to Counsel in a Death Penalty Case

Because of the expected length of the trial in this case and the anticipated hardship on counsel in undertaking representation full-time for such a period without compensation, pursuant to paragraph 2.30 B of the *Guidelines for the Administration of the Criminal Justice Act*, the following procedures for interim payments shall apply during the course of your representation in this case:

1. Submission of Vouchers

Counsel shall submit to (name), Chief Deputy Clerk, once each month, an Interim CJA Form 30, "Death Penalty Proceedings: Appointment of and Authority to Pay Court Appointed Counsel." Compensation earned and reimbursable expenses incurred during the month shall be claimed on an interim voucher submitted by no later than the last business day of the month. The first interim voucher submitted shall reflect all compensation claimed and reimbursable expenses incurred from the date of appointment through (date), and shall be submitted no later than (date).

Thereafter, the vouchers shall be submitted once each month on the last business day of the month. Each voucher shall be numbered when processed for payment. Counsel should complete Item 18 on the form for each interim voucher. Interim vouchers shall be submitted in accordance with this schedule even though little or no compensation or expenses are claimed for the respective period. All interim vouchers shall be supported by detailed and itemized time and expense statements. Chapter VI, as well as the applicable provisions of Chapter II, Part C of the *Guidelines for the Administration of the Criminal Justice Act*, outlines the procedures and rules for claims by CJA attorneys and should be followed regarding each voucher.

Administrative management of the CJA voucher process has been referred to the Hon. (name), United States Magistrate Judge, by separate order, a copy of

which is attached to this memorandum. Magistrate Judge (name) will review the interim vouchers when submitted, particularly with regard to the amount of time claimed, and will authorize compensation to be paid for the approved number of hours. Magistrate Judge (name) will also authorize for payment all reimbursable expenses reasonably incurred.

At the conclusion of the representation, each counsel shall submit a final voucher seeking payment for representation provided during the final interim period. The final voucher shall also set forth in detail the time and expenses claimed for the entire case, including all documentation. Counsel shall reflect all compensation and reimbursement previously received on the appropriate line of the final voucher.

2. Reimbursable Expenses

Counsel may be reimbursed for out-of-pocket expenses reasonably incurred incident to the representation. While the statute and applicable rules and regulations do not place a monetary limit on the amount of expenses that can be incurred, counsel should incur no single expenses item in excess of \$300.00 without prior approval of the Court. Such approval may be sought by filing an ex parte application with the Clerk stating the nature of the expense, the estimated dollar cost and the reason the expense is necessary to the representation. An application seeking such approval may be filed in camera, if necessary. Upon finding that the expense is reasonable, the Court will authorize counsel to incur it. Recurring expenses, such as telephone toll calls, photocopying and photographs, which aggregate more than \$300.00 on one or more interim vouchers are not considered single expenses requiring Court approval.

With respect to travel outside the (name of district) for the purpose of consulting with the client or his or her former counsel, interviewing witnesses, etc., the \$300.00 rule should be applied in the following manner. Travel expenses, such as air fare, mileage, parking fees, meals and lodging, can be claimed as itemized expenses. Therefore, if the reimbursement for expenses relating to a single trip will aggregate an amount in excess of \$300.00, the travel should receive prior approval of the Court. Any single expense greater than \$50.00 will require documentation through receipts or affidavit of counsel.

The following additional guidelines may be helpful to counsel:

a. Case related travel by privately owned automobile should be claimed at the prevailing mileage rate, which may be obtained from the clerk's office, plus parking fees, ferry fares and bridge, road and tunnel tolls. Transportation other than by privately owned automobile should be claimed on an actual expense basis. Air travel in "first class" is prohibited. Counsel are encouraged to contact the clerk for authorization to travel at government rates.

b. Actual expenses incurred for meals and lodging while traveling outside of the (name of district) in the course of this representation must conform to the prevailing limitations placed upon travel and subsistence expenses of federal judiciary

employees in accordance with existing government travel regulations. For specific details concerning travel regulations, counsel should consult with (name), Chief Deputy Clerk.

c. Telephone toll calls, telegrams, photocopying and photographs can all be reimbursable expenses if reasonably incurred. However, general office overhead, such as rent, secretarial help and telephone service, is not a reimbursable expense, nor are items of a personal nature. In addition, expenses for service of subpoenas on fact witnesses are not reimbursable, but rather are governed by Rule 17, F.R.Cr.P. and 28 U.S.C. §1825.

3. Further questions or guidance

Answers to questions concerning appointment under the Criminal Justice Act can generally be found in (1) 18 U.S.C. § 3006A; and (2) the Plan of the United States District Court for the (name of district), available through the clerk, and (3) the *CJA Guidelines*, published by the Administrative Office of the U.S. Courts, also available through the clerk. Should these references fail to provide the desired clarification or direction, counsel should address their inquiry directly to (name) at (555) 555-5555.

Date

(Name)

United States District Judge