

UNITED STATES DISTRICT COURT
(NAME OF DISTRICT)

UNITED STATES OF AMERICA

CRIMINAL NO. 0:00 CR 0 (Judge)

V.

(DEFENDANT)

**MEMORANDUM TO ALL PERSONS PROVIDING SERVICES PURSUANT TO
SUBSECTION (e) OF THE CRIMINAL JUSTICE ACT [CJA], 18 U.S.C. § 3006A, AND
21 U.S.C. § 848(q)(9) AND (q)(10)(B)**

Re: Interim Payments for Services Other Than Counsel

Because of the expected length of the proceedings in this federal capital prosecution, and the anticipated hardship on persons providing services pursuant to 18 U.S.C. § 3006A(e) and 21 U.S.C. § 848(q)(9) and (q)(10)(B) for such a period without payment, in accordance with paragraph 6.03 D of the *Guidelines for the Administration of the Criminal Justice Act and related Statutes (CJA Guidelines)*, Volume VII, *Guide to Judiciary Policies and Procedures*, the following procedures for interim payments shall apply during the period of time in which you provide services in connection with this case.

1. Submission of Vouchers

Persons providing services under 18 U.S.C. § 3006A(e) and 21 U.S.C. § 848(q)(9) and (q)(10)(B) shall submit to (name), Chief Deputy Clerk, once each month, an interim CJA Form 31, "Authorization and Voucher for Expert and Other Services." Compensation earned and reimbursable expenses incurred during the month shall be claimed on an interim voucher submitted by no later than the first Monday of each month.

The first interim voucher submitted by each provider of services shall reflect all compensation claimed and reimbursable expenses incurred from the date on which services were first retained up to and including (date), and shall be submitted by no later than (date). Thereafter, the vouchers shall be submitted once a month by the first Monday of each month.

Each interim voucher shall be assigned a number when processed for payment. Interim vouchers shall be submitted in accordance with this schedule even though little or no compensation or expenses are claimed for the respective period. Each voucher shall include the time period each covers. All interim vouchers shall be supported by detailed and itemized time and expense statements. Chapter VI and the applicable provisions of Chapter III of the *CJA Guidelines* outline the procedures and rules for claims by persons

providing services pursuant to 18 U.S.C. § 3006A(e) and 21 U.S.C. § 848(q)(9) and (q)(10)(B), 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 two-thirds of the approved number of hours. This compensation will be determined by multiplying two-thirds of the approved number of hours by the applicable rate. Magistrate Judge (name) will also authorize for payment all reimbursable expenses reasonably incurred.

At the conclusion of the period during which you provide services in this case, you shall submit a final voucher seeking payment of the one-third balance withheld from the earlier interim vouchers, as well as payment for services rendered during the final interim period. The final voucher shall set forth in detail the time and expenses claimed for the entire case, including all appropriate documentation. A statement should be attached to the voucher which reflects all compensation and reimbursement previously received, as well as the net amount remaining to be paid at the conclusion of the case. After review, the final voucher will be submitted to the chief judge of the circuit or his delegate, for review and approval. The court will certify that the total payment amount is necessary to provide fair compensation for services of an unusual character or duration. If the total payment for a service provider does not exceed \$7,500 and if it is anticipated that the combined payments for all providers of investigative, expert, and other services will not exceed \$7,500, then I will approve the final voucher.

2. Reimbursable Expenses

Persons providing services pursuant to 18 U.S.C. § 3006A(e) and 21 U.S.C. § 848(q)(9) and (q)(10)(B), may be reimbursed for out-of-pocket expenses reasonably incurred incident to the rendering of services.

The following guidelines may be helpful:

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. For service providers requiring air travel, 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 services provided pursuant to 18 U.S.C. § 3006A and 21 U.S.C. § 848(q), as amended, can generally be found in (1) these statutes; (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

Approved:

Date

United States Circuit Judge