UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON
Office of the Clerk
Spokane (509) 458-3400 - Yakima (509) 573-6600 - Richland (509) 943-8170

Information for CJA Panel Attorneys

Appointment of counsel normally originates from either Magistrate Judge Rodgers' chambers for Spokane cases or Magistrate Judge Hutton's chambers for Yakima and Richland cases. Attorneys will be contacted by the magistrate judge's chambers to accept a case. Upon acceptance, counsel will receive an email with a link to eVoucher so you can create a voucher which will be submitted at the end of the case.

All CJA-20 vouchers are audited and approved at the District Court level. The actual check is produced and mailed from the U.S. Courts Administrative Office in Washington, D.C. The following instructions are provided for efficient processing of CJA-20 claims.

1. Use eVoucher to record in-court and out-of-court time and other expenses. In-Court time is time counsel is before a judicial officer, whether in court or in chambers, representing his/her client. Time waiting for a jury verdict or attending a co-defendant's hearing should be claimed as out-of-court time.

2. The Court's official record is the electronic file maintained on the Court's servers. Electronic access to the electronic docket and documents filed in the ECF system is available by registering for a PACER Account. No PACER fees are charged to individuals providing services authorized by the Criminal Justice Act, 18 U.S.C. § 3006A. When registering for a PACER account at, http://pacer.psc.uscourts.gov, advise that you will be providing services authorized by the Criminal Justice Act.

3. For any expense over $50.00 please provide receipts or any other supporting documents that substantiate your claims.

4. When traveling out of town you are considered a government employee and are subject to the same regulations. You need to identify yourself as such and should then receive government rates. Actual expenses incurred for meals and lodging while on overnight travel outside of the city or county of your residence, in the course of a CJA representation, must conform to the prevailing limitations governing travel and subsistence expenses of federal judiciary employees. Since the amount allowable is dependent upon the place of travel, please consult the court's website www.waed.uscourts.gov. Meals and lodging are included in per diem rates; other expenses, such as taxi fares, rental car charges, etc., are not included in the per diem rate and may be claimed separately if receipts are provided.

5. The issuance of subpoenas at government expense requires counsel to obtain a separate court order. The clerk's office will issue subpoenas to counsel in blank for his/her preparation. Counsel should then file a motion and proposed order for the issuance of subpoenas at government expense along with the completed subpoenas. Once the order is signed, the U.S. Marshal Service will serve the subpoenas. For payment of witness fees, see "Fact Witnesses Compensation Instructions and Guidelines".

6. Transcripts requested by counsel for representation of his/her client should be billed on a CJA-24, not as an expense on the CJA-20 voucher. Counsel should request a CJA-24 "Authorization and Voucher for Payment of Transcript" from the clerk's office.

7. Attorney fees (excluding expenses) may not exceed the statutory maximums unless waived. See the Guide to Judiciary Policy, Volume 7, Part A, Chapter 2, Section 230.23.20 and Section 230.23.40. Excerpts follow:

> "**(3) Waiving Case Compensation Maximums**. Payments in excess of CJA compensation maximums may be made to provide fair compensation in cases involving extended or complex representation when so certified by the court . . . and approved by the chief judge of the circuit . . .
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> In determining if an excess payment is warranted, the court ...should make a threshold determination as to whether the case is either extended or complex. If the legal or factual issues in a case are unusual, thus requiring the expenditure of more time, skill and effort by the lawyer than would normally be required in an average case, the case is 'complex.' If more time is reasonably required for total processing than the average case, including re-trial and post-trial hearings, the case is 'extended.'
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> After establishing that a case is extended or complex, the approving judicial officer should determine if excess payment is necessary to provide fair compensation."
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> "**(2) Claim for More than the Case Compensation Maximum.** In any case in which the total compensation claimed is in excess of the statutory case compensation maximum, counsel shall submit a detailed memorandum* supporting and justifying counsel's claim that the representation given was in an extended or complex case, and that the excess payment is necessary to provide fair compensation."

**Use the CJA 26 Memorandum, adopted by the Court and available electronically in eVoucher.*

Effective January 1, 2010, the case compensation maximums are:

Type of Charge	**Statutory Maximum**
Felonies (except federal capital prosecutions) for Appeal	$9,700.00 $6,900.00
Misdemeanor [including petty offenses (class B or C misdemeanors or infractions) as set forth in subsection (a)(2)(A) of the Act]. for Appeal	$2,800.00 $6,900.00
Parole Violation for Appeal	$2,100.00 $6,900.00
Non-capital Post-Conviction Proceedings under sections 2241, 2254 or 2255 of title 18 US Code for Appeal	$9,700.00 $6,900.00
Other Representations (including probation violation, supervised release hearing for persons charged with a violation of supervised release or facing modification, reduction or enlargement of a condition or extension or revocation of a term of supervised release, parole proceedings under chapter 311 of title 18, USC, material witness in custody, witness, international extradition. for each level of Appeal	$2,100.00 $2,100.00

CJA 21 - Authority and Voucher for Expert and Other Services. **Guide to Judiciary, Volume 7, Part A, Chapter 3.**

1. Prior authorization from the presiding judicial officer is required for all investigative, expert or other service necessary for adequate representation where the cost, exclusive of reimbursement for reasonable expenses, will exceed $800.00.

2. With prior authorization, compensation for investigative, expert and other services **is limited to $2,400** per organization or individual, exclusive of reimbursement for expenses reasonably incurred, per individual authorization to perform said service, except with regard to capital cases. (See paragraph 6.03 for guidelines applicable to capital cases.)

3. A separate authorization should be obtained for each type of service for each person served, and for each defendant served, and for each case. While the contractor may be compensated separately for each defendant served, care should be taken to ensure that duplicate charges are not being made for the same services.

4. Payment in excess of the $2,400 limit for services authorized prior to the performance thereof may be made when certified by the court and approved by a Ninth Circuit Judge as being necessary to provide fair compensation for services of an unusual character or duration.

5. If counsel obtained prior authorization for an investigative, expert or other service and later determines that the cost of the service will exceed the initial estimate by a significant amount, counsel should seek further prior authorization for the additional amount from the presiding judicial officer.

6. Cases that require the use of an interpreter for expert service should submit a CJA-21 voucher for payment of those services.

7. Paralegal Time: "For services of paralegals and legal assistants, . . ., the court shall determine a reasonable hourly compensation rate that shall not exceed the lesser of the rate paid to counsel under the CJA or the rate typically charged by counsel to a fee-paying client for such services. Authorizing compensation at such rates should result in greater efficiency and lower costs for the CJA program than would occur if counsel performed and charged for these services." Guide, Chapter 3 (Authorization and Payment for Expert or Other Services), § 320.70. These services are billed on the CJA 21 and payment is made to the attorney's office.

Appeal procedures under the CJA guidelines

1. Unless otherwise requested, counsel originally representing a defendant at the district court level will continue to represent the defendant at the appellate level.

2. Upon filing the notice of appeal, counsel's CJA-20 voucher will originate from the Ninth Circuit Court of Appeals. Once the appeal has been completed, counsel's appeal voucher should be forwarded to the Ninth Circuit Court of Appeals for approval.

3. The district court clerk's office will send out an appeal package containing instructions, forms, and deadlines that require adherence. It is important that the transcript designation and CJA-24 voucher are completed and submitted timely per the appeal package instructions.

Each attorney is responsible for ensuring the voucher's completion and accuracy. The voucher should be submitted to the clerk's office within 45 days after the completion of the case.

The procedures, identified above, will help ensure that vouchers for payment are processed efficiently. Thank you for your cooperation.

If you have any questions, please call the clerk's office and ask for the appropriate CJA case administrator assigned by case number.

Spokane Clerk's Office: (509) 458-3400

Court's Web Site: http://www.waed.uscourts.gov

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