

## **PARTNER/ASSOCIATE**

The Guide allows co-counsel only in exceptional circumstances, but it does permit a partner or associate of a CJA member to assist in a case. See [\*The Guide to Judiciary Policies and Procedures, Volume 7, Appointment of Counsel in Criminal Case, Chapter 2, Part B, Section 2.10 & 2.11\*](#) at [www.uscourts.gov](http://www.uscourts.gov). A firm member, however, cannot participate to such an extent that he is effectively representing the client or is effectively co-counsel in the case. Additionally, unless the court appoints the partner or associate as co-counsel, they both cannot get paid for simultaneous court or trial appearances.<sup>1</sup> Thus, a member of the firm can work on the case and appear on occasion for the appointed attorney, but he cannot take over the case or effectively work as co-counsel in the case. This result does not change if the partner or associate is a CJA member.

When appointed counsel claims time for services furnished by a partner or associate, counsel must separately identify that person, the work performed, and time on separate worksheets.

The court has created USDCNH-114, Partner/Associate Worksheet, to be used to report all time (in-court and out-of-court) expended, in connection with the CJA appointment, by associated attorneys in the same firm for which compensation is claimed. This worksheet is available on our website at Case Processing / Frequently Used Forms / Criminal Forms / CJA 20 Partner/Associate Worksheet. The worksheet is

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<sup>1</sup> In extremely difficult cases, the representing attorney may motion for the appointment of co-counsel. If a motion to appoint co-counsel is granted each attorney representing the individual defendant must submit a separate voucher to each receive maximum compensation allowed.

divided into categories that coincide with the in-court and out-of-court categories on the CJA 20 appointment voucher for which the use of the associates is authorized. A separate worksheet must be prepared for each associate of the law firm performing services for which compensation is claimed.

The hours claimed by the associate are not an expense of counsel and they do not count toward the maximum case compensation limits.

There is only one appointed CJA attorney; the maximum hourly rate for associates' time is what the judge determines to be reasonable.