

## PARALEGAL SERVICES

Effective with vouchers submitted on or after May 6, 2009, in-house (on your office staff) paralegal services should be claimed on a ***CJA 20, Appointment of and Authority to Pay Court-Appointed Counsel*** or ***CJA 30, Death Penalty Proceedings: Appointment and Authority to Pay Court-Appointed Counsel***.

Independent paralegal services should be submitted separately on a ***CJA Form 21, Authorization and Voucher of Expert and Other Services*** or ***CJA 31, Death Penalty Proceedings: Ex Parte Request for Authorization and Voucher for Expert and Other Services***.

To assist you, the court has created a worksheet for services provided by paralegals (USDCNH-115, Paralegal Worksheet). This worksheet, or a facsimile thereof, should be used to report all time expended by a paralegal in connection with the appointment for which compensation is claimed. The worksheet can be found on the court's website at [www.nhd.uscourts.gov](http://www.nhd.uscourts.gov) / Case Processing / Frequently Used Forms / Criminal / CJA Paralegal Worksheet.

- **Compensation Rates:**

Section 3.16 of the Guidelines for the Administration of the Criminal Justice Act and Related Statutes provides in part:

For services of paralegal, ... the court shall determine a reasonable hourly compensation rate that shall not exceed the lesser of the rate paid to counsel under the Criminal Justice Act 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.

Thus, the amount claimed should not exceed the actual cost to the attorney (i.e. hourly salary and reasonable, reimbursable, nonoverhead expenses) and the rate of compensation should not exceed the applicable CJA rate for the attorney's compensation. If defense counsel seeks reimbursement at or near the CJA rate for attorney compensation, they must supply supporting documentation to establish that this is less than or equal to the rate typically charged to fee paying clients.

- **Claims for in-house paralegal services submitted on a CJA 20 or CJA 30:**

Any time spent by an in-house paralegal should be included in **Box 18, "Other Expenses,"** on the **CJA 20** or **Box 17, "Other Expenses" on the CJA 30,** and identified as such on the worksheet. If the amount exceeds \$50, you should attach a copy of an internal time billing statement.

- **Claims for independent paralegal services submitted on a CJA 21 or CJA 31:**

As with other "expert" services, no prior approval is necessary if the total compensation claimed will be less than \$500 (but it is subject to subsequent review).

For those services requiring prior approval (when compensation claimed is \$500 or more), you must conventionally file an ***ex parte*** motion. The ***ex parte*** motion for paralegal services must detail the following:

- projected number of hours;
- hourly rate, (including an explanation of the special skills possessed and their application to the case, if applicable);
- the total anticipated expenditure.

- **Preparing a CJA 21 or 31 voucher for payment:**

A separate CJA 21 or CJA 31 voucher and worksheet are required for each payee.

- **Submitting your CJA 21 or 31 voucher for payment:**

When the service is finished, submit the completed voucher with completed worksheets and attachments as follows:

- ***attach any explanatory materials required, i.e., the special skills possessed by the paralegal and the application of those skills to the case;***
- ***attach copies of all funding or pre-authorization orders;***
- ***receipts for reasonable reimbursable expenses.***

<p><b>NOTE:</b> CJA 21 and 31 vouchers will be sealed upon filing unless the case has already concluded.</p>
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