

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE

CJA COST CONTAINMENT ORDER –
VOUCHERS IN EXCESS COMPENSATION CASES

ADM-1
ORDER 15-4

ORDER

In June 2012, in furtherance of the directives from the Judicial Counsel of the First Circuit pertaining to CJA cost and expenditure containment, but in lieu of mandating case budgeting as contemplated by the CJA Guidelines, § 230.26, the district court adopted the following procedure, as updated herein, in order to facilitate the prudent administration of CJA funds and to relieve court-appointed attorneys of the financial hardships resulting from representation in cases of extended duration or complexity:

(1) Absent leave of court, in all cases in which counsel is appointed pursuant to 18 U.S.C. § 3006A, counsel shall file a CJA 20 voucher when the total unpaid attorney compensation (the total of the amounts claimed under sections 15 and 16 on the CJA 20 form) exceeds the statutory maximum amount applicable to felony cases pursuant to 18 U.S.C. § 3006A(d)(2) regardless of the type of case. The voucher must be accompanied by the following:

(a) a request that explains (1) why the case is “extended” or “complex” (see CJA Guidelines § 230.23.40(b)), (2) why the payment is necessary to provide fair compensation (see CJA Guidelines § 230.23.40(c)), and (3) to the extent CJA counsel is seeking compensation for a partner or associate, the tasks, number of hours, hourly rate, and total expenditure for each partner or associate; and

(b) a proposed budget that outlines the anticipated future attorney compensation that will be incurred until the resolution of the case.

(2) Thereafter, counsel shall file a CJA 20 voucher when the accumulated (and not previously paid) attorney compensation exceeds \$5,000. The voucher shall be accompanied by a request and proposed budget as outlined in section (1) above. The request shall also contain the following:

(a) a summary of the amounts paid on previously submitted vouchers; and

(b) an explanation of whether the compensation sought exceeds previously submitted budget estimates and, if so, the reasons for exceeding the estimates.

(3) Payment on vouchers submitted pursuant to this order will not be subject to the 20% withholding requirements for interim vouchers.

(4) This procedure shall apply to all cases filed on or after August 1, 2012.

(5) Upon submission of a final voucher pursuant to this procedure, all vouchers submitted in the case shall be subject to a final review to assess whether the total attorney compensation claimed is necessary to provide fair compensation. See CJA Guidelines §§ 230.23.10(c)(3) and 230.23.40; 18 U.S.C. § 3006A(d)(3).

(6) Prior Administrative Order. This Order supersedes ADM-1, ORDER 12-02.

SO ORDERED,

9/14/15
Date



Joseph N. Laplante
Chief Judge
United States District Court
for the District of New Hampshire

9-14-15
Date



William J. Kayatta, Jr.
Designee of the Chief Judge
United States Court of Appeals
for the First Circuit