

CJA VOUCHER REFERENCE SHEET

This reference sheet provides guidance to USDC-NH CJA Panel attorneys on the preparation of payment vouchers (CJA 20, CJA 21, CJA 24) and authorizations for services (AUTH, AUTH 24). Additional information can be found in the Guidelines for the Administration of the Criminal Justice Act and Related Statutes, set forth in Volume 7 of the Guide to Judiciary Policy (www.uscourts.gov/rules-policies/judiciary-policies/criminal-justice-act-cja-guidelines) and the judiciary National CJA Voucher Reference Tool (<https://cjaresources.fd.org/cjaort/index.html>).

Attorney Compensation

Attorney fees and related expenses should be claimed on a CJA 20 voucher.

Current and historical compensation **rates**, as well as case compensation **maximums**, can be found here: https://www.uscourts.gov/administration-policies/judiciary-policies/guidelines-administering-cja-and-related-statutes-6#a230_16

Submission Schedule for CJA 20 Vouchers (See [Standing Order 23-21](#))

- Counsel *may* submit one (1) interim CJA 20 voucher at any point in the representation prior to reaching the statutory maximum.
- Once the statutory maximum for the representation has been reached, counsel *must* submit a CJA 20 voucher and attach both of the following:
 - a request for excess payment explaining why the case is “extended” or “complex,” why the excess payment is necessary for fair compensation and, if the claim includes compensation for associate/partner work, detailed info of work performed by such associate/partner;
 - a [proposed budget worksheet](#) outlining the anticipated future attorney compensation for the remainder of the case (note that no budget worksheet is required for a final voucher)
- An additional voucher must be filed each time an additional \$7,500 in fees is incurred. A renewed request for excess payment and updated proposed budget worksheet should be filed with each voucher (note, however, that a budget worksheet is not required for the final voucher).
- Counsel may and are encouraged to submit a final voucher once their work on a representation is complete, even if the representation is still ongoing with substitute counsel.

Partner/Associate Assistance

If an appointed attorney intends to have a partner or associate assist in a case, the appointed attorney must contact a court CJA auditor to have the partner/associate added to the representation in eVoucher. All time billed by the partner/associate counts toward the total fees billed by the appointed attorney. [Guide to Judiciary Policy, Vol. 7A, CJA Guidelines, Ch. 2, § 230.53.](#)

Associate Rates

If the representation began...	The maximum presumptive hourly rate is...
09/05/2019 to present	\$118 if partner/associate is not on CJA Panel \$128 if partner/associate is on CJA Panel
09/01/2013 to 09/04/2019	\$80 if partner/associate is not on CJA Panel \$90 if partner/associate is on CJA Panel

Compensation for In-Court and Client Conference Time: When a Partner/Associate is assisting on a case, only one attorney may bill for any in-court time or client conference time.

Co-Counsel: In exceptional cases, upon order of the court, co-counsel may be appointed to a case. If co-counsel is appointed, each attorney is eligible to receive the maximum compensation allowed under CJA. [Guide to Judiciary Policy, Vol. 7A, CJA Guidelines, Ch. 2, § 230.53.](#)

Proration of Claims for Time Spent in Common Between Two or More CJA Representations

Attorneys spending time in common between two or more CJA cases may prorate the **time** between the cases (note, however, that **expenses** incurred in common should **NOT** be prorated). When time (such as travel) is prorated between two cases, please note which cases were involved in the Description field in eVoucher. For more information on prorating claims for time in common, see [Guide to Judiciary Policy, Vol. 7A, CJA Guidelines, Ch. 2, § 230.50](#) and [Ch. 3, § 310.65](#).

Ancillary Matters

Prior to providing services related to an ancillary matter, counsel should first file a motion for clarification to ensure that the services are compensable under the CJA.

Non-Billable Services

Services of a personal nature—including assisting the defendant with the disposition of personal property, assisting the defendant with executing the conditions of probation, or providing legal assistance in matters unrelated to the litigation of the appointed case—are not billable under the CJA. Similarly, general office overhead—including filing pleadings and secretarial tasks—is not billable under the CJA. [Guide to Judiciary Policy, Vol. 7A, CJA Guidelines, Ch. 2, § 230.66](#)

Services Other Than Counsel

Fees and related expenses for services other than counsel should be claimed on a CJA 21 voucher.

Prior Authorization

An AUTH is not required in the following circumstances (See [Standing Order 23-21](#)):

- The total for services other than counsel for the representation does not exceed **\$1000** (unless the service provider is a mitigation specialist)
- The provider is an **interpreter** working at or below the current [U.S. Courts rate](#) for conversations between the defendant and counsel
- The provider is a **paralegal** at counsel's firm working at or below the presumptive max (currently \$88 per hour); final total does not exceed **\$2,000**
- The provider is an investigator working at or below \$110 per hour; final total does not exceed **\$2,000**

An AUTH is required when:

- The total for any service providers other than interpreters, paralegals, and investigators equals or exceeds the pre-authorization limit (currently \$1000)
- The total for paralegal or investigator exceeds \$2,000
- An interpreter is needed for something other than conversations between the defendant and counsel, such as document translation, and the total for all services other than counsel is expected to exceed \$1,000
- The service provider is a mitigation specialist

If claims for services other than counsel exceed \$3,000, approval by the First Circuit Court of Appeals is required prior to payment.

Presumptive Hourly Rates

Paralegal

If representation begins...	The maximum presumptive hourly rate is...
09/05/2019 to present	\$88
09/01/2013 to 09/04/2019	\$50

Mitigation Specialist

If representation begins...	The maximum presumptive hourly rate is...
08/2/2012 to present	\$100 (pre-authorization always required)

Submission Schedule for CJA 21 Vouchers (See [Standing Order 23-21](#))

Counsel may submit one (1) interim CJA 21 voucher for each service provider at any point in the representation. Additional interim vouchers may be submitted upon motion to avoid undue hardship to the service provider.

A final voucher for services other than counsel may be submitted at the conclusion of the service provider's work on a case. The court retains discretion to hold a voucher until the conclusion of the case.

A service provider's invoice should include enough detail to allow the court to determine that the services are compensable and the rate is reasonable. Generally, CJA service providers must bill on an hourly basis or other time-based structure (such as half days and full days for interpreters). Flat fees are generally discouraged but may be permissible in certain circumstances.

Counsel does not need to replicate each line of the service provider's invoice on the CJA 21 voucher. Attorneys may enter one line on the Services tab with the total for services and write "see attached invoice" in the Description field. The same approach may be used on the Expenses tab for any expert expenses.

Interpreters & Translators

Interpreter fees billed under the CJA should generally be billed at the [U.S. Courts established rate](#), or at the actual private rate charged for services, whichever is lower. Interpreters are not permitted to "double dip," even when providing services to multiple CJA clients within the same half/full day. For example, if an interpreter provides services during the same day for two CJA clients, the interpreter may not bill for a half-day on one voucher and then another half-day on another voucher. Instead, the interpreter must prorate the full-day rate between the two vouchers.

Translation (interpretation of text as opposed to audio or dialogue) is typically billed per word rather than on an hourly basis or for a flat fee. While the court has not set a maximum per-word rate, excessive per-word rates will generally not be approved. If translation is billed at an hourly rate, counsel should be prepared to provide an estimate of the total number of words translated. Because of the technical nature of this work, attorneys are encouraged to contact an auditor before hiring a translator.

Psychiatric and Related Expert Services

While most requests for services other than counsel made in CJA cases should be submitted only in eVoucher using an AUTH, evaluations by psychiatrists or psychologists may be an exception. Before requesting funds for a psychiatrist or psychologist, please review the [Guide to Judiciary Policy, Vol. 7A, CJA Guidelines, Ch. 3, § 320.20](#).

If, based on the guidelines, you determine that the Department of Justice ("DOJ") is solely responsible for the expert's fees, do not file your request in eVoucher. Instead, file a motion in the ECF case docket (or in paper if sealed) requesting those services be approved, and then submit the expert's invoice directly to DOJ, along with a copy of the court's order, for payment.

If you determine the expert's fees should be paid from CJA funds, file a request via eVoucher in the form of an AUTH, as you do for other expert services.

If you determine that the evaluation has a "dual purpose" and is partially billable to DOJ and partially billable to CJA, file a motion in the ECF case docket. If the order is granted, you will submit a CJA 21 voucher for the full amount of the service provider's invoice and the court will seek partial reimbursement from DOJ.

Use of Law Students

The compensation rate for work by a law student on a CJA case should not exceed 50% of the applicable CJA rate for attorney compensation. All compensation for law students should be claimed on a CJA 21 voucher.

Hiring Relatives for Compensable Services

Prior to hiring a relative as a CJA service provider, the CJA attorney must file an ex parte NOTICE OF ENGAGING A RELATIVE FOR COMPENSABLE SERVICES. This notice should inform the judge of the relationship between the attorney and the service provider, and indicate the type of service that will be provided. See [Guide to Judiciary Policy, Vol. 7A, CJA Guidelines, Ch. 3, § 310.20.05](#).

Attorney and Service Provider Expenses

Receipts: A receipt (or affidavit in the absence of a receipt) is required to support a request for reimbursement of an expense when:

- 1) The expense is over \$50 (does not include mileage)
- 2) The expense is for outside copy costs
- OR
- 3) The expense is for premium delivery/mail services

Prior Court Approval: Prior court approval is required for an expense when it is expected to exceed \$500. Please contact a CJA auditor if you need to seek prior approval for an expense.

Copies: Copying will be reimbursed at a rate of no more than \$.15 per page for in-house copies and \$.20 per page for copies by an outside vendor.

Travel: Travel expenses (mileage, tolls, parking, common carrier fares, rental fees and, in some cases, meals and lodging) are reimbursable if essential to and incurred in connection with a CJA representation. Only actual expenses may be claimed, as CJA attorneys and service providers are not eligible for per diem reimbursement. Receipts are required for all travel expenses except mileage and tolls.

Prior approval is required for lodging and travel by common carrier (air, bus, or train). In such cases, a request must be filed in eVoucher (TRAVEL) at least 10 days prior to the proposed travel date. Meals will only be reimbursed if the travel period is 24 hours or longer.

For more information regarding travel expenses, see [Guide to Judiciary Policy, Vol. 7A, CJA Guidelines, Ch. 2, § 230.63.40](#).

Expenses of a Personal Nature: Expenses of a personal nature—including the purchase of clothing, dry cleaning, meals, and haircuts for a client—are not billable under the CJA. [Guide to Judiciary Policy, Vol. 7A, CJA Guidelines, Ch. 2, § 230.66](#). If your client does not have clothing for a court appearance, the U.S. Marshals Service may have clothing available.

PACER Charges: Do not claim expenses for charges incurred from PACER. CJA attorneys are eligible for cost-free access for use with CJA cases only. Your account will allow you to toggle from standard paid access to cost-free CJA access. Cost-free CJA access may also be used for educational purposes within firms. For information on cost-free access, contact the PACER Service Center at (210) 301-6440.

Computer-Assisted Legal Research: If you claim expenses for computer-assisted legal research, you must also include 1) a brief statement setting forth the issue or issues that were the subject matter of the research, 2) an estimate of the number of hours of attorney time that would have been required to do the research manually, and 3) a copy of the bill and receipt for the use of the equipment or an explanation of the precise basis for the charge (e.g., indicating the extent to which it was derived by proration of monthly charges, or by charges identifiable to the specific research).

Data Hosting: Charges for data hosting, such as an e-discovery platform, should be billed as an expense on a CJA 20 voucher. A receipt must be attached on the Documents tab. Contact a CJA auditor for prior approval if the expenses are expected to exceed \$500 or if you have questions about the billing structure. For some cases, Defender Services may be able to arrange for data hosting at low or no cost.

Expenses in Common Between Two or More CJA Representations: Please note that, unlike time spent in common, expenses incurred between two or more CJA representations *must not be prorated*. Expenses in common must be billed entirely to one of the two or more vouchers (when you enter the expenses on the voucher, please note in the Description field which cases were involved). For more information see [Guide to Judiciary Policy, Vol. 7A, CJA Guidelines, Ch. 2, § 230.50](#) and [Ch. 3, § 310.65](#).

For more information on expenses that are reimbursable, review the [Guide to Judiciary Policy, Vol. 7A, CJA Guidelines, Ch. 2, §§ 230.63, 230.66](#) and [Ch. 3, §320.80](#).

Transcripts

Requests for transcripts should be submitted via AUTH 24. The court will create the CJA 24 voucher and route it to the attorney for approval after the transcript has been completed. Please state clearly in your request which transcripts you are seeking and for what purpose.

Other Useful Information

Continuing Representation on Appeal: Counsel should be aware of their continuing representation obligation pursuant to the [First Circuit Court of Appeals Local Rules 12.0\(b\) and 46.6](#).

Defendant as Witness: If a defendant in an ongoing criminal case is going to appear as a witness in a case involving another defendant, compensation and expenses incurred for the witness representation should be included as part of the criminal case representation. If the defendant has

already been sentenced and a final CJA voucher has been submitted in the criminal case, contact the clerk's office to seek a new appointment for the witness representation.

Fact Witnesses: Expenses related to the testimony of a fact witness, either at trial or deposition, including fact witness fees, witness travel costs and related travel expenses, and expenses for service of subpoenas, are not paid out of the CJA appropriation. Instead, these expenses are paid by the Department of Justice pursuant to Fed. R. Crim. P. 17 and 28 U.S.C. § 1825. For additional guidance on payment of witness travel fees, see [Guide to Judiciary Policy, Vol. 7A, CJA Guidelines, Ch. 3, § 320.40](#).

Grand Jury Target Appointments: Upon conversion of a grand jury target ("GJ target") matter to a criminal case, the defendant must submit an updated Request for Appointment of Counsel and Financial Declaration and the statutory case maximum will increase accordingly. Any monies paid for attorney's fees in relation to the GJ target matter, exclusive of expenses, count toward the case maximum of the subsequent criminal case. Attorneys who are not reappointed in a subsequent criminal matter must file a CJA 20 voucher for the GJ target matter within 45 days of the filing of the criminal case.

Avoiding Common Voucher Errors

Below are a few tips to help ensure processing of your voucher is not delayed.

- Choose the correct service category for each entry.
 - In-court categories should be used only for court proceedings, not for meeting with clients or drafting pleadings
 - "Interviews and Conferences" includes all interviews, meetings and conferences, as well as all oral and written communication, including letters, email, and text messages
- Reconcile your travel time with the mileage you claim. For example, if you claim two hours of travel time on 1/1/2015, you should claim mileage for that same date unless you walked to your destination or claimed the mileage on a voucher for another client.
- Reconcile your in-court time with the "CJA Time" on the docket's minute entry, and always round up to the nearest six-minute interval. For example, if your CJA Time is 25 minutes, round up to 30 minutes and claim 0.5 hours, not 0.4 hours.
- Do not claim expenses for charges incurred from PACER. CJA attorneys are eligible for cost-free access for use with CJA cases (see above).
- If you claim expenses for computer-assisted legal research, you must also include 1) a brief statement setting forth the issue or issues that were the subject matter of the research, 2) an estimate of the number of hours of attorney time that would have been required to do the research manually, and 3) a copy of the bill and receipt for the use of the equipment or an explanation of the precise basis for the charge (e.g., indicating the extent to which it was derived by proration of monthly charges, or by charges identifiable to the specific research).

- Do not claim time spent filing court documents, preparing a CJA 20 or CJA 21 voucher, or drafting a request to exceed the case maximum. These are “overhead expenses” that would generally not be billed directly to non-CJA clients. Note, however, that you may claim time spent preparing a request for services other than counsel or a proposed case budget.
- For each entry, please provide enough detail to allow the CJA auditors, the presiding judge, and the First Circuit staff and judges to determine whether the time billed is reasonable.

Do this...

Date	Service	Time	Description
4/5/16	Travel Time	1.0	Traveled by private car to locate and meet with two possible eyewitnesses (W1 and W2) in Brockton, MA (includes travel to and within Brockton to two separate residences)
4/5/16	Interviews and Conferences	1.6	Interviewed two possible eyewitnesses (W1 and W2) in Brockton, MA, at their separate residences
4/8/16	Obtain/Review Rcds	1.5	Reviewed 200 pages of wiretap transcripts (Bates Nos. 220-420)
4/17/16	Legal Research	5.2	Researched whether the search of client's car without a warrant was unlawful; drafted motion to suppress (Doc. 112)
4/20/16	Obtain/Review Rcds	2.0	Reviewed cell site data, take notes, and draft timeline. Approx. 150 pages of cell site discovery (no bates numbers).

Not this...

Date	Service	Time	Description
4/5/16	Travel Time	1.0	Travel
4/5/16	Interviews and Conferences	1.6	Witness interviews
4/8/16	Obtain/Review Rcds	1.5	Reviewed discovery
4/17/16	Legal Research	5.2	Legal research and writing
4/20/16	Obtain/Review Rcds	2.0	Reviewed discovery

- Avoid bundling tasks in one service line.

Do this...

Date	Service	Time	Description
4/5/16	Interviews and Conferences	1.6	Met with AUSA (.4); phone call with client (.4); met with client at jail (.8)
4/5/16	Obtain/Review Rcds	3.2	Reviewed 302s re: Count 1 (Bates Nos. 001-225)
4/5/16	Legal Research	1.5	Legal research for motion to suppress re car stop
7/7/16	Motion Hearing	2.7	Evidentiary hearing on motion to suppress
7/7/16	Travel	0.8	Travel RT to Court for motion to suppress hearing

Not this...

Date	Service	Time	Description
4/5/16	Interviews and Conferences	4.1	Met with AUSA; phone call with client; Reviewed 302s re: Count 1 (Bates Nos. 001-225) reviewed 200 pages of wiretap transcripts; met with client at jail; legal research for motion to suppress re car stop
7/7/16	Motion hearing	3.5	Court hearing, travel to court roundtrip

- If you claim time incurred prior to your appointment date, attach a request for a *nunc pro tunc* appointment date.
- Review your voucher prior to submission for typos and clerical errors.

Court CJA Auditors:

Cases Assigned to Judge McCafferty & Judge Laplante – Erin Callahan:
Erin_Callahan@nhd.uscourts.gov; 603-226-7781

Cases Assigned to Chief Judge Elliott and Judges Barbadoro, McAuliffe, Johnstone, and Saint-Marc
– Matt Pennington: Matt_Pennington@nhd.uscourts.gov; 603-225-1437