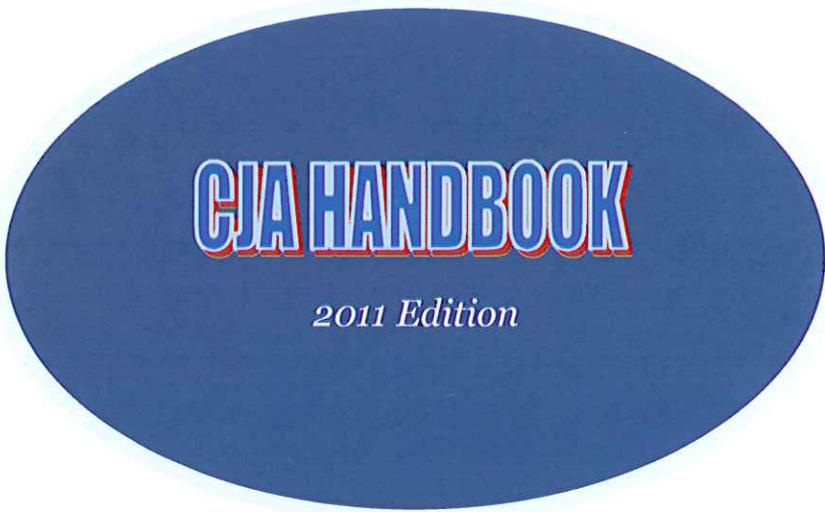


**CJA PANEL ATTORNEY PROGRAM
EASTERN DISTRICT OF MICHIGAN
DETROIT, MICHIGAN**



CJA HANDBOOK

2011 Edition

Prepared for CJA Panel Attorneys in the Eastern District of Michigan

Courtesy of

**Federal Defender Office
Legal Aid & Defender Association, Inc.
613 Abbott Street, 5th Floor
Detroit, Michigan 48226**

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CJA PANEL ATTORNEY PROGRAM

Eastern District of Michigan

Detroit, Ann Arbor, Bay City, Flint and Port Huron

INTRODUCTION

Pursuant to the Criminal Justice Act (18 U.S.C. 3006A), the U.S. District Court for the Eastern District of Michigan has adopted a plan for the representation of any person otherwise financially unable to obtain adequate representation. This Handbook is prepared to assist CJA panel attorneys and answer general questions regarding representation of CJA defendants in the U.S. District Court for the Eastern District of Michigan. For more detailed information regarding the administration of the CJA Panel Attorney program, please visit the Office of Defender Services Training Branch website at www.fd.org.

ADMISSION TO THE CJA PANEL

Attorneys seeking admission to the CJA Panel Attorney Program for the Eastern District of Michigan must complete an application. CJA Panel Attorney Applications may be obtained by contacting the Federal Defender Office at (313) 967-5542, or by downloading a form from the FDO website at www.miefdo.org. The completed application should be returned to the Federal Defender Office, 613 Abbott Street, 5th Floor, Detroit, Michigan 48226, Attn: CJA Panel.

Admission to the Panel is contingent on the number of vacancies and may not be open for new admissions each year. When the Panel is open for new admissions, notice seeking new applicants is provided in local legal publications and the Michigan Bar Journal. The applications are generally screened in the Spring (April-May) by a CJA Panel Selection Committee comprised of experienced federal court practitioners nominated by various bar associations in the Eastern District of Michigan. The Committee's recommendations for admission are forwarded to the U.S. District Court for final approval.

All current panel members must submit new applications and apply for re-admission to the panel every three years. New applications are automatically forwarded to current CJA panel members every three years for re-admission to the panel.

HOW CJA CASES ARE ASSIGNED

Cases are assigned on an alphabetical, rotational basis, subject to discretion to make exceptions due to the nature and complexity of the case, an attorney's experience, and geographical considerations.

CJA attorneys are often contacted on the same day a court appearance is required. In those instances, calls begin as early as 8:00 a.m. Every effort is made to afford panel members ample opportunity to respond in a timely manner; however, to ensure representation at all scheduled court appearances, more than one attorney may be called per case. Panel members are encouraged to provide the Federal Defender Office with the best means of contact (i.e., cell #s, etc.) and instruct support staff to respond expeditiously.

ACTIVE STATUS ON THE PANEL

To remain active on the CJA Panel and receive case assignments, each member is asked to accept a minimum of two CJA cases per year. Members who do not accept a minimum of two cases per year are placed on inactive status and removed from the roster of new case assignments. Members who are placed on inactive status must contact the Federal Defender Office to request reinstatement to active status.

REMOVAL FROM THE CJA PANEL

All panel members serve at the pleasure of the U.S. District Court. A panel member whose license

is revoked or suspended by the Attorney Discipline Board for more than 119 days shall be removed automatically from the CJA Panel. In the event of reinstatement to membership in good standing in the State Bar of Michigan, an attorney who desires to be reinstated to the CJA Panel shall proceed as on original application. Any member whose license is suspended for 119 days or less, or for any other reason is no longer a member in good standing of the State Bar of Michigan, shall be suspended automatically from active status. Upon reinstatement, a suspended attorney shall be returned to active status through the Panel Selection Committee. In both instances, the CJA Panel Selection Committee makes a recommendation to the U.S. District Court for discussion and decision. In addition, the U.S. District Court may provisionally suspend an attorney from membership on the CJA Panel for reasons other than bar membership status, including, but not limited to, formal accusation of a crime, conviction of crime not resulting in action by the Attorney Discipline Board, indications of lack of professional competence or lack of adherence to ethical standards, and indications of mental or emotion instability affecting professional responsibilities.

CJA SEMINARS AND WORKSHOPS

As a prerequisite to remaining on the CJA panel, all members must attend an annual CJA Panel Attorney Seminar sponsored by the Federal Defender Office. Each year, guest speakers are invited to address various topics of interest to federal court practitioners and is designed to assist panel members by providing recent, up-to-date case law and strategies. The seminar is held each year in September, and panel members are notified of the exact date via e-mail and the CJA Newsletter well in advance of the scheduled date. New members to the Panel must also attend an orientation seminar, in addition to the annual seminar, before receiving case assignments.

Other seminars and workshops are also available to CJA panel attorneys through the Administrative Office of the U.S. Courts, Office of Defender Services Training Branch. Information regarding these seminars and workshops are provided in the quarterly CJA Newsletter. To obtain additional information regarding dates and locations of upcoming CJA seminars, please visit the Office of

Defender Services Training Branch website at www.fd.org, or call (202) 502-3030.

REPRESENTATION OF CJA DEFENDANTS

The CJA panel member, and not an associate or another member of the firm, must represent the client at all federal court proceedings. See, generally, **CJA Panel Attorney Application**, at **Appendix A-1**. Attorneys appointed to a case must continue to serve until representation is terminated by court order. Acceptance of a criminal assignment means that representation continues through the entire appellate process, including the Petition for Certiorari in the U.S. Supreme Court, if the client so desires and there is a meritorious issue.

WITHDRAWING FROM A CJA CASE

Once an Appearance has been filed, or a CJA voucher issued for a new case, appointed counsel must file a motion to withdraw to be relieved as counsel. When the motion is granted, the Federal Defender Office is reappointed and the case assigned to new counsel. The motion should be filed with the district court judge or magistrate judge who is presiding over the case. Until the court grants the motion, appointed counsel remains the attorney-of-record, and the Federal Defender Office has no authority to assign new counsel.

If a Notice of Appeal has been filed and the case docketed in the Sixth Circuit, a motion to withdraw must be filed with the Sixth Circuit Court of Appeals. The Court of Appeals will appoint new counsel from the Sixth Circuit roster of CJA attorneys.

SUBSTITUTION OF COUNSEL

If a CJA attorney is substituted for another CJA attorney previously appointed in the same case, the total compensation which may be paid both attorneys shall not exceed the statutory maximum for one defendant, unless the case involves extended or complex representation. In such cases, vouchers for attorney's services shall not be approved by a judicial officer until the conclusion of the trial so that the judicial officer may make such apportionment between the attorneys as may be just. This procedure does not apply if a CJA attorney is substituted for retained counsel or the Federal

Defender Office – the total compensation is the maximum allowable as if the CJA attorney was originally appointed to the case.

CJA COMPENSATION RATES

Effective January 1, 2010, the hourly rate for in-court and out-of-court work in all judicial districts is \$125.00. Where the appointment of counsel occurred before this effective date, the new compensation rate applies to that portion of services provided on or after January 1, 2010.

Prior to January 1, 2010, the rates for in-court and out-of-court work for all judicial districts were as follows:

Effective 3/11/2009 - 12/31/2009.....	\$110.00
Effective 1/1/2008 - 3/10/2009.....	\$100.00
Effective 5/20/2007 - 12/31/2007.....	\$94.00
Effective 1/1/2006 - 5/19/2007.....	\$92.00
Effective 5/1/2002 - 12/31/2005.....	\$90.00

For rates prior to May 1, 2002, please contact the Federal Defender Office or visit the Office of Defender Services Training Branch website at www.fd.org.

CJA MILEAGE REIMBURSEMENT RATES

Effective:

1/1/11	-	\$.51
1/1/10	-	\$.50
2/1/09	-	\$.55
8/1/08	-	\$.585
3/19/08	-	\$.505
2/01/07	-	\$.485
1/01/06	-	\$.445
9/01/05	-	\$.485
2/04/05	-	\$.405
1/01/04	-	\$.375
1/01/03	-	\$.36
1/21/02	-	\$.365
1/22/01	-	\$.345

MAXIMUM STATUTORY ALLOWANCES

	<u>On/After</u> <u>10/13/08</u>	<u>On/After</u> <u>03/11/09</u>	<u>On/After</u> <u>01/01/10</u>
Felony	\$7,800	\$8,600	\$9,700
Habeas (non-capital)	\$7,800	\$8,600	\$9,700
Appeals	\$5,600	\$6,100	\$6,900
Misdemeanor	\$2,200	\$2,400	\$2,800
Pretrial Diversion			
Felony	\$7,800	\$8,600	\$9,700
Misdemeanor	\$2,200	\$2,400	\$2,800
Material Witness	\$1,700	\$1,800	\$2,100
Grand Jury Witness	\$1,700	\$1,800	\$2,100
Parole Proceedings	\$1,700	\$1,800	\$2,100
Supervised Release	\$1,700	\$1,800	\$2,100
Probation Violation	\$1,700	\$1,800	\$2,100
Remand/Re-sentence	\$1,700	\$1,800	\$2,100
Crack Retro Cases	\$1,700	\$1,800	\$2,100

COMPENSATION CLAIMS IN EXCESS OF MAXIMUMS

Counsel claiming payment in excess of the statutory maximum (excluding other expenses) shall submit with his/her voucher and worksheets a detailed narrative memorandum supporting and justifying counsel's claim. The memorandum should outline and show that the representation given was in an extended or complex case and that the excess payment is necessary to provide fair compensation. See **Appendix A-3, Guidance to Attorneys in Drafting the Memorandum Required for a Compensation Claim in Excess of the Case Compensation Maximum: District Court.** Preliminary approval of such a claim will be made by the district judge presiding over the case. If the presiding judge concurs, he/she will forward the voucher to the Chief Judge of the Sixth Circuit for final approval. Once the voucher is approved by the Chief Judge, it will be returned to the Clerk's Office of the U.S. District Court for payment.

BUDGETING-- "EXTRAORDINARY COSTS" IN NON-CAPITAL CASES

Courts are encouraged to use case budgeting techniques in representations that appear likely to become or have become extraordinary in terms of potential cost (ordinarily, a representation in which attorney hours are expected to exceed 300 hours or total expenditures are expected to exceed \$30,000 for appointed counsel and services other than counsel on behalf of an individual CJA defendant). If a court determines that case budgeting is appropriate (either on its own or upon request of counsel), counsel should submit a proposed initial litigation budget for court approval, subject to modification in light of facts and developments that emerge as the case proceeds. Case budgets should be submitted *ex parte* and filed and maintained under seal.

The use of case budgets should help ensure that defense counsel receive the resources necessary to represent the accused effectively while at the same time providing the court with sufficient information to assess and monitor the expenditure of public funds. The initial litigation budget submitted by counsel and approved by the court is not meant to

preclude additional requests or to constitute an absolute limit on the CJA compensation for the representation. For assistance and guidance in developing an initial proposed budget, assigned counsel should contact the Judge's Case Manager assigned to the case.

CLAIMING COMPENSATION: CJA VOUCHERS

Issuance of CJA Form 20 Vouchers. All counsel appointed pursuant to the Criminal Justice Act are issued a **CJA Form 20**, entitled "*Appointment Of and Authority to Pay Court Appointed Counsel*". The form is prepared by the Federal Defender Office at the time of appointment and forwarded to the appointing magistrate judge for authorization. Once the original CJA Form 20 is signed, it is mailed to appointed counsel by the U.S. District Court. A copy of the CJA form is forwarded to appointed counsel by the FDO to confirm an assignment only. This form should not be submit to the court for payment of services. *If counsel has not received the original CJA Form 20 from the court within 10 days after appointment, please contact the Federal Defender Office.* **NOTE: Please do not download a copy of a CJA voucher from PACER or CM/ECF. The CJA voucher must have an original signature to be accepted for payment by the Court. All CJA vouchers without an original signature will be returned to the attorney.**

The Federal Defender Office is responsible for issuance of CJA Form 20 vouchers at the preliminary stage of prosecution (initial appearances, bond hearings, arraignments, etc.). Once a case has been assigned to a district court judge, all vouchers issued stemming from proceedings therein are prepared by the case manager (court clerk) of the presiding judge (i.e., substitution of counsel, new trial, probation/supervised release, etc.).

CJA Form 20 vouchers for appellate representations are issued by the U.S. Court of Appeals for the Sixth Circuit and are generally issued at the conclusion of representation. For further information regarding preparation and submission of CJA vouchers in the Sixth Circuit, please contact the CJA Deputy at (513) 684-2953.

Interim CJA Form 20 Vouchers. Where it is considered necessary and appropriate in a specific case, based upon the expected length of a trial and hardship on counsel, the presiding trial judge may arrange for periodic or interim payments to counsel. In such instances, the District Court, after receiving approval from the Circuit, issues a Memorandum Order which outlines the payment procedures, actual expenses, travel and compensation. The CJA attorney is responsible for submitting each interim voucher with supporting documentation for all expenses claimed in the manner prescribed in the Memorandum Order. *Additional questions regarding interim vouchers should be addressed directly to the case manager (court clerk) of the presiding judge.*

Completing the CJA Form 20 Voucher and Worksheets. Time spent performing services must be reported in **no less than tenths of hours**. See **Appendix A-5-22** for instructions on completing CJA Voucher 20 and Worksheets, as well as a sample form.

Allowable Expenses. Out-of-pocket expenses reasonably incurred by counsel may be claimed on the CJA 20 voucher and must be itemized and reasonably documented. Expenses for investigations or other services shall not be considered out-of-pocket expenses. See **Appendix A-23** for a list of allowable expenses.

Non-Reimbursable Expenses. Appointed counsel may not claim reimbursement for general office overhead, items and services of a personal nature, filing fees, printing of briefs, or service of process. See **Appendix A-24** for additional information regarding non-reimbursable expenses.

Submission of CJA Form 20 Vouchers. Send completed vouchers and worksheets to the appropriate judge or magistrate judge who presided over the case ***not later than 45 days after final disposition, unless good cause is shown.*** In cases where a voucher is submitted following dismissal of complaint, the voucher should be submitted to the judge who signed the dismissal order. **Remember to send a copy of the front sheet of the submitted voucher to the CJA Information Clerk, Clerk's Office, 5th Floor.** Please be sure to check math

calculations, provide documentation for all expenses in excess of \$50.00, sign and date the voucher; and if the total amount of compensation is more than the statutory maximum, provide a detailed narrative memorandum justifying the claim. *All vouchers and worksheets must be typed.* Reminder -- the CJA voucher must contain the original signature of the appointing magistrate or district court judge – no copies downloaded from PACER or CM/ECF are accepted.

The following guidelines should be used to assist panel members with timely submission of vouchers:

(1) **Pre-Indictment Cases:** If formal charges are filed within 45 days, keep the CJA voucher until final disposition. If no charges are filed, submit voucher for payment within 45 days of notification. Generally, because there is no formal charging document, vouchers in pre-indictment negotiation cases will bear a miscellaneous number, since the matter is not yet a criminal case. If an indictment/information is not filed after pre-indictment negotiations are concluded, the voucher should be submitted *as is*, with the miscellaneous number. If a formal indictment/information is eventually filed, the issuance of a new voucher is not necessary. Section 2.12 of the CJA *Guidelines*, Continuity of Representation, permits the attorney to submit a claim for the entire representation on the voucher issued at pre-indictment negotiations stage. However, before submitting the voucher, the miscellaneous number should be crossed out and replaced with the assigned criminal case number. In the event a second voucher is issued at the indictment/information stage, the first voucher should be submitted for payment upon issuance of the second. When the second voucher is submitted at the conclusion of the case, it will be considered a supplemental voucher. The statutory maximum compensation for pre-indictment cases depends on the charges, either felony (\$9,700) or misdemeanor (\$2,800). The statutory representation would apply from the beginning of the pre-indictment representation through sentencing.

(2) **Complaint Cases:** If the Complaint is dismissed and there is no activity within 45 days (no cooperation, no Indictment returned, no Information filed, no pre-indictment plea negotiations), submit voucher for payment.

If Complaint is dismissed and there is activity within 45 days (cooperation, Indictment returned, Information filed, pre-indictment negotiations), keep voucher until final disposition of the case. Since Indictments are given a new case number, a line

should be drawn through the Complaint case number and replaced with the Indictment case number.

If Complaint is dismissed and activity resumes after 45 days, a new FDO appointment order is needed. CJA counsel should instruct client to complete a new financial affidavit for court review. Affidavits may be completed at the Pretrial Services Agency. If granted, the FDO will prepare a new voucher for CJA counsel.

(3) **Indictment/Information Cases:** If the Indictment is dismissed and new charges are filed within 45 days, or charge(s) superseded, keep the CJA voucher until final disposition. If the Indictment is dismissed and there are not new charges within 45 days, submit voucher for payment.

Missing a CJA Form 20 Voucher? If a voucher is lost, misplaced, or never received, please contact the Federal Defender Office or the case manager (court clerk) for the presiding district court judge for a replacement. If the original voucher is found at a later date, it should be discarded.

When to Request A Supplemental or New CJA Voucher. Designation, custody, or abscond issues may require a supplemental voucher. If a defendant absconds before trial or sentence and is not apprehended within 45 days, the panel attorney should submit the CJA 20 for payment. A supplemental voucher will be issued after the defendant is apprehended.

A new voucher is always needed for:

- New trial after motion, mistrial, reversal or remand on appeal
- Interlocutory Appeal
- Bail Appeal
- Grand Jury Witness
- Probation/Supervised Release Violations

CJA Form 30 Voucher: Death Penalty Cases.

The CJA Form 30, “*Death Penalty Proceedings: Appointment of and Authority to Pay Court Appointed Counsel,*” should be used to claim compensation for all death eligible cases, regardless of whether the death penalty is authorized, not-authorized, or de-authorized. Effective January 1, 2010, Counsel may be compensated at the in-court or out-of-court rate of \$178.00 per hour, or any other rate so authorized by the court.

The rates in effect prior to January 1, 2010, are as follows:

3/11/09 - 12/31/09:	\$175.00
1/01/08 - 3/10/09:	\$170.00
5/29/07 - 12/31/07:	\$166.00
1/01/06 - 5/19/07:	\$163.00
2/05/05 - 12/31/05:	\$160.00
Before 2/05/2005:	\$125.00

OBTAINING EXPERT SERVICES FOR CJA DEFENDANTS

Investigative, Expert and Other Services. All counsel appointed to provide representation under the Criminal Justice Act, 18 U.S.C. 3006A, may request, under subsection (e) of the Act, authorization to obtain investigative, expert or other services necessary for adequate representation to be paid out of funds appropriated for the administration of the Act. In addition to investigators, psychiatrists, psychologists and reporters, services other than counsel may include, but are not limited to, interpreters, neurologists and laboratory experts in areas of ballistics, fingerprinting, handwriting and so forth. *Prior authorization is required, see below.*

In order to prevent the possibility that an open hearing concerning a request for services will cause a defendant to reveal his/her defense, these requests should be made by *ex parte* application. Guidelines promulgated by the U.S. Judicial Conference (*Guidelines for the Administration of the Criminal Justice Act, Volume VII, Guide to Judiciary Policies and Procedures*) provide that the applications shall be heard *in camera* and not be revealed without the consent of the defendant. The *Guidelines* further state that such applications shall be placed under seal until the final disposition of the case in the trial court, subject to final order of the court.

Prior Authorization. Prior authorization must be secured from the presiding judicial officer for all subsection (e) services where the cost (exclusive of reimbursement expenses) will exceed \$800.00. In addition to prior authorization, once the services have been provided, the claims for compensation must be approved by the presiding judicial officer. Failure to obtain prior authorization will result in the disallowance of any amount claimed for compensation in excess of \$800.00, unless the presiding judicial officer, in the interest of justice,

finds that timely procurement of necessary services could not await prior authorization. Claims for compensation in excess of \$2,400.00 (excluding reimbursement for expenses) may be paid only if the presiding judicial officer certifies that payment in excess of that amount is necessary to provide fair compensation for services of an unusual character or duration, and the amount of the excess payment is approved by the Chief Judge of the Sixth Circuit.

Selecting an Expert. CJA panel members may secure the services of any qualified, reputable expert of their choice. The Federal Defender Office may be contacted for expert recommendations. If the services of an expert in another state is required, the federal defender program in that area is a helpful resource for referrals. To obtain the location and telephone number of a federal defender organization in another jurisdiction, please contact Carol McGuire at (313) 967-5833.

Payment of Claims for Expert Services. Payment for services should be claimed directly by the service provider on the **CJA Form 21, "Authorization and Voucher for Expert and Other Services."** The form may be downloaded from www.fd.org or obtained from the Clerk's Office, U.S. District Court. See **Appendix A-25-32** for instructions on how to complete the CJA Form 21.

Expert and Other Services: Death Penalty Cases. The CJA Form 31, "*Death Penalty Proceedings: Ex Parte Request for Authorization and Voucher for Expert and Other Services,*" should be used to request services and payment for death penalty cases. Fees and expenses for investigative, expert and other services are limited to \$7,500 in any case unless payment in excess of that amount is certified by the court, or magistrate judge if the services were rendered in connection with a case disposed of entirely before such magistrate judge, as necessary to provide fair compensation for services of an unusual character or duration, and the amount of the excess payment is approved by the chief judge of the court of appeals (or delegate).

Interpreter Services. To obtain the services of an interpreter, please contact Procurement Specialist Roy Nelson at (313) 234-5056. *Prior authorization*

is required if expenses are expected to exceed \$800.00.

Please note that the Wayne County Jail now requires a court order each time an interpreter accompanies counsel for client interviews. Counsel must present the original order, with the court seal affixed over the judicial officer's signature. Please call Mr. Nelson to request the order as soon as the visit has been scheduled with the interpreter. Interpreter fees are paid in the same manner as services for investigative, experts, and other services by submitting **CJA Form 21**, "Authorization and Voucher for Expert and Other Services."

Ordering and Payment of Transcripts. To order transcripts of federal court proceedings, please go to www.transcriptorders.com, or you may contact the court reporter for the presiding judicial officer. If you need additional information, John Purdy is the Court Reporter Supervisor and can be reached at (313) 234-5132. The preferred method of payment of transcripts is for the court reporter or reporting service to claim compensation directly for transcripts authorized by the court on a **CJA Form 24**, "Authorization and Voucher for Payment of Transcript." However, if assigned counsel elects to pay for the court authorized transcript, the attorney may seek reimbursement as an "out-of-pocket expense", and use the **CJA Form 24** for this purpose. Regardless of which method is used, the limitations of \$2,400 and \$800 mentioned above are inapplicable with regard to the cost of transcripts. See **Appendix A-33-38** for instructions on how to complete the CJA Form 24.

WITNESS FEES AND EXPENSES

Fees and expenses of fact witnesses in all federal criminal proceedings for defendants proceeding under the CJA are paid by the Department of Justice, Fed.R.Crim.P., Rule 17(b), 28 U.S.C. 1825. If advance witness travel funds are required, appointed counsel should file for the court's approval a motion and order for travel and subsistence expenses at government expense to authorize the travel advance by the U.S. Marshals. See also, *Transportation of CJA Defendants*.

Expenses incurred in the taking of fact witness depositions (notarial fees, interpreters, transcripts, etc.) are also paid by the Department of Justice,

regardless of which party requested the deposition. The costs of attendance of fact witnesses at the deposition are paid by the Department of Justice. Expenses incident to attendance of counsel and the defendant at the deposition are paid by the Department of Justice if the Government is the requesting party; CJA if the depositions are at the instance of the defense. The presence of the defendant is not essential to defense depositions since the confrontation clause only requires the defendant's presence if the depositions are intended to be used against him.

Form OBD-3, "Fact Witness Voucher", must be prepared and submitted to the U.S. Marshals to request payment of witness fees and expenses. The Federal Defender Office is responsible for preparing this form for CJA Panel Attorneys and forwarding it, and all supporting documentation, to the U.S. Marshal's Office for payment. Attorneys should obtain a copy of the "Request for Payment of Witness Fee" form from the Federal Defender Office prior to any scheduled appearance. When the appearance of the witness is concluded, the "Request for Payment of Witness Fee" form, a copy of the subpoena, and all receipts, should be forwarded to the Federal Defender Office for completion of **Form OBD-3**. See copy of "Request for Payment of Witness Fee" and Form OBD-3 at **Appendix A-39-40(A-C)**. The Marshal's Office will mail the check to the address provided on Form OBD-3, unless other arrangements are made. CJA Panel Attorneys are not authorized to sign Form OBD-3.

COMMERCIAL COMPUTER-ASSISTED LEGAL RESEARCH SERVICES

The court may authorize counsel to obtain computer-assisted legal research services, where the research is performed by employees of a commercial legal research firm or organization rather than by appointed counsel, provided that the total amount charged for computer-assisted legal research is reasonable. Requests by counsel for authority to obtain such computer-assisted legal research services should include a brief explanation of the need for the research and an estimate of the charges.

Claims for compensation should be submitted on CJA Form 21, "Authorization and Voucher for Expert and Other Services".

OTHER SERVICES AND COMPUTER HARDWARE AND SOFTWARE

In addition to investigators, psychiatrists, psychologists, and reporters, services other than counsel may include but not necessarily be limited to, computer systems and automation litigation support personnel and experts; paralegals and legal assistants, including law students; neurologists; and laboratory experts in the areas of ballistics, fingerprinting and handwriting.

Providing an adequate defense case may require CJA panel attorneys to utilize computer hardware and software not typically available in a law office. In such cases, counsel may apply to the court for authorization of CJA funds for the acquisition of such property. Before seeking court approval for any computer hardware or software with a cost exceeding \$500, or for the utilization of computer systems or automation litigation support personnel or experts with an expected combined cost exceeding \$10,000, appointed counsel must consult with the Office of Defender Services at (202) 502-3030 for guidance and inform the court in writing of the Office of Defender Services's advice and recommendation regarding counsel's proposed expenditure. The acquisition of the computer hardware and/or software, with CJA funds, shall be made by a federal defender organization designated by the Office of Defender Services, or by the Office of Defender Services itself, and shall remain the property of the United States. Upon the completion of the case, the computer hardware and/or software must be returned in good condition, after all case-related material has been removed, to a federal defender organization designated by the Office of Defender Services.

For services of paralegals and legal assistants, and other non-secretarial professional support personnel employed by appointed counsel, 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.

SERVICE OF SUBPOENAS

Witness fees, travel costs, and expenses for service of process on fact witnesses, are paid by the Department of Justice. A motion and order for service of subpoena(s) at government expense, setting forth the reasons therefor, should be prepared and submitted for the Judge's signature. The signed Order and completed subpoena(s) should be forwarded to the U.S. Marshals for service of process. Please note, all service of subpoenas for CJA cases must be processed through the U.S. Marshal; reimbursement of process service fees is expressly prohibited. See also, **Witness Fees and Expenses**, *supra*.

OBTAINING TRANSPORTATION FOR CJA DEFENDANTS

Travel costs (airfare and subsistence) for out-of-state CJA defendants to attend mandatory court appearances in federal court, or to report to a designated correctional facility, are paid by the Department of Justice. Appointed counsel should file for the court's approval either a "*Motion and Order for Travel and Subsistence Expenses*" or a "*Stipulation and Order for Travel*" requesting travel at government expense. (Please note, an AUSA must sign off on a stip and order.) Once signed, appointed counsel must forward a copy of the Order to the U.S. Marshal Office to secure necessary travel arrangements. Once arrangements are made, the Marshal's Office will provide appointed counsel with the defendant's travel itinerary, including flight times and how to pick up airline tickets. See **Appendix A-41-47** for a sample motion and order and stipulation and order for travel at government expense.

GOVERNMENT TRAVEL RATES FOR CJA ATTORNEYS AND EXPERTS

Government travel rates at substantial reductions from ordinary commercial rates may be available from common carriers for travel authorized by the court in connection with representation under the

CJA. To obtain such rates, attorneys must obtain prior approval and an Order signed by the presiding judicial officer. Once an Order is obtained, counsel may contact Omega Travel (an official travel agency authorized to provide government rates) to make travel arrangements. To seek reimbursement, a copy of the Order and Omega Travel receipt must be attached to the CJA voucher. Counsel should contact the case manager (court clerk) or the Financial Office at the U.S. District Court to obtain additional information on arranging and seeking payment for government travel.

CJA REPRESENTATION IN CIVIL FORFEITURE PROCEEDINGS

Under 18 U.S.C. 983(b)(1), if a person with standing to contest the forfeiture of property in a judicial civil forfeiture proceeding under a civil forfeiture statute is financially unable to obtain representation by counsel, and the person is represented by counsel appointed under section 3006A of Title 18, United States Code, in connection with a related criminal case, the court may authorize counsel to represent that person with respect to the claim. *Guide to Judiciary Policies and Procedures*, Volume VII, Chapter II, Section 2.01(6). CJA counsel should seek prior authorization from the court to provide representation in civil forfeiture proceedings. Representation shall be compensable as part of the representation in the principal matter for which counsel has been appointed and shall not be considered a separate appointment for which a separate compensation maximum would be applicable.

REIMBURSEMENT FOR EXPENSES INCURRED DEFENDING MALPRACTICE ALLEGATIONS

The CJA was amended by the Federal Courts Improvement Act of 2000 to authorize courts to reimburse panel attorneys for expenses reasonably incurred in defending actions alleging malpractice in furnishing representational services under the CJA. The amendment covers expenses incurred on or after its effective date (November 13, 2000). No reimbursement shall be made if a judgment of malpractice is rendered against the attorney; in view

of this prohibition, no reimbursement is provided until the malpractice claim is resolved.

The total reimbursement shall not exceed the deductible amount of counsel's professional liability insurance policy or \$5,000, whichever is less. Expenses qualifying for reimbursement may include, but are not limited to, the costs of transcripts, witness fees and costs, and attorney fees. In determining reasonable attorney fees for this purpose, CJA rates are inapplicable. Reimbursement shall not include compensation for representing oneself in defending the action alleging malpractice, or, if represented by counsel, for time spent assisting that counsel in defending the action.

Reimbursement should be claimed under the expense categories on a CJA Form 20 (or, where the appointment was in a capital matter, CJA Form 30), and supporting documentation should be attached.

SUPERVISED RELEASE/PROBATION VIOLATION CASES

If a CJA panel attorney is contacted by a Probation Officer or an AUSA about a former client who has been charged with a probation or supervised release violation, the panel attorney should contact the Federal Defender Office to confirm assignment to the case before making an appearance at any hearing. In most instances, supervised release or probation violation cases are assigned to FDO counsel, unless otherwise requested by the court.

SCHEDULING JAIL VISITS

Wayne County Jail. No advance notice required for visits during regular visiting hours. Visiting hours are:

New Jail:	7:30 a.m. - 10:30 a.m. 1:00 p.m. - 3:30 p.m. 6:00 p.m. - 9:00 p.m.
Old Jail:	8:30 a.m. - 10:00 a.m. 1:00 p.m. - 3:30 p.m. 7:00 p.m. - 9:00 p.m.

William Dickerson Detention Facility. The professional visit schedule is seven (7) days a week during the following times:

7:00 a.m. - 10:30 a.m.
12:30 p.m. - 2:00 p.m.
7:00 p.m. - 9:00 p.m.

If special accommodations are desired for a debriefing, or the services of an interpreter is required, an order signed by the district judge should be obtained to provide to prison officials. Advance notice should be provided if special accommodations are required. Please contact Roy Nelson at (313) 234-5056 regarding interpreter services.

Milan - FDC. Counselors now process Attorney and Law Enforcement visiting requests and can be reached at (734) 439-1511 or e-mail as following:

West Unit: Tim Hall ... Ext. 5401
thall@bop.gov

East Unit: Greg Washington ... Ext. 4772
gwashington@bop.gov

Please provide the prisoner name, reg. #, and date and time of visit. Visiting at the Detention Center is Thursdays & Saturdays for the West Unit, and Fridays and Sundays for the East Unit. Other dates may be possible and should be arranged through the counselors. At least 24 hours notice should be given to prison officials to schedule a prison visit. More notice is required if special requirements are needed. **NOTE: e-mails will generally receive a faster response from the counselors and will also provide written documentation of scheduled visits.**

Milan - FCI. At least 24 hours notice should be given to prison officials to schedule a prison visit. Please contact the prison at the main telephone number (734) 439-1511 and provide the prisoner name, reg. #, and date and time of visit. Visiting hours at the FCI are:

Saturday, Sunday 8:15 a.m. - 3:00 p.m.
Thursday, 4:30 p.m. - 8:00 p.m.
Friday 12:40 p.m. - 8:00 p.m.

Other times are possible and should be arranged with the prison.

St. Clair County Jail. Visiting hours are:

Sunday - Thursday 9:00 a.m. - 9:00 p.m.
(With the exception of lunch and dinner hours)

Sanilac County Jail. Please call the jail first at (810) 648-8338.

CJA NEWSLETTER

A CJA Newsletter is published quarterly by the Federal Defender Office. The Newsletter contains helpful practice pointers and valuable information on case law and other CJA matters in the Eastern District of Michigan. It also provides important information on administrative procedures in the representation of CJA cases. Panel members are invited and encouraged to submit articles for inclusion in the Newsletter, as well as any other information for dissemination that may be of interest to the Panel.

Inactive panel members may be removed from the CJA Newsletter mailing list until returning to active status.

CHANGE OF BUSINESS OR E-MAIL ADDRESS

CJA attorneys should forward a change of address and telephone number immediately to the Federal Defender Office and the Financial Section of the U.S. District Court to ensure timely receipt of CJA vouchers and compensation checks. Checks with non-deliverable addresses are returned to the disbursement office of the Administrative Office of U.S. Court in Washington, D.C., and may take several weeks for reissue.

CJA attorneys should also report any change of e-mail address to the Federal Defender Office to receive timely electronic notice of relevant CJA matters.

CM/ECF

CM/ECF (electronic filing) was implemented in the U.S. District Court for the Eastern District of Michigan on June 1, 2004. E-filing is now mandatory for all court filings. See **Appendix A-44-45** for information regarding eligibility and

registration, as well as hardware and software requirements. For additional information, please visit the Court's web site at www.mied.uscourts.gov. In addition, the Court has established a CM/ECF Help Desk at (313) 234-5042 for questions and problems concerning e-filing.

New panel members and/or their staff who require special training on CM/ECF should contact Kim Grimes at (313) 234-5043 for training info.

CJA FORMS

CJA Forms may be downloaded from the FDO's website at www.miefdo.org, or the Defender Services Training Branch website at www.fd.org. CJA Forms may also be obtained from the Clerk's Office of the U.S. District Court. When services are completed, the forms are submitted to the presiding judge or magistrate for payment. Please see "*Obtaining Services for CJA Defendants*", at pp-6-7.

OTHER AVAILABLE RESOURCES

FDO libraries at both the Detroit and Flint offices are available to CJA attorneys. In addition, CJA attorneys whose primary offices are not in Detroit or Flint may use an FDO conference room or spare office, subject to availability, for CJA client meetings. Please contact either office at least 24 hours in advance to ensure that space is available:

Detroit:

Carol McGuire: (313) 967-5833

Terri King: (313) 967-5858

Flint:

Sheila Farr: (810) 232-3600

The Detroit FDO Office is located at 613 Abbott Street, 5th Floor, Detroit, Michigan 48226. The Flint office is located at 653 S. Saginaw, Suite 105, Flint, Michigan 48502.

OBTAINING ADDITIONAL CJA INFORMATION

CJA panel attorneys may contact the following individuals for more information regarding CJA administrative or legal matters. Panel members should contact either the Case Manager of the district court judge or the Financial Services Division of the U.S. District Court for the status of payment of CJA vouchers:

1. **CJA ADMINISTRATIVE PROCEDURES** (i.e., vouchers, travel, transcripts, etc.):

Carol J. McGuire

Administrative Officer, Federal Defender Office
(313) 967-5833

Kim Grimes

Supervisor, Courtroom Deputy Services, U.S. District Court
(313) 234-5043

Terri King

Administrative Assistant, Federal Defender Office
(313) 967-5858

John Purdy

U.S. District Court

Court Reporter Supervisor

(313) 234-5132

(Transcripts)

(Contact John Purdy for Magistrate Judge hearings or audio transcriptions. For all other transcripts, contact the Court Reporter for the District Judge or go to www.transcriptorders.com)

Roy Nelson

U.S. District Court

Procurement Specialist

(Interpreters)

(313) 234-5056

Yasmeen Henry

Financial Technician, U.S. District Court

(Processing/Payment of CJA Vouchers)

(313) 234-5075

2. **FEDERAL COURT PRACTICE AND PROCEDURES** (sample motions, briefs, case law, sentencing guidelines, etc.).

Miriam L. Siefer

Chief Federal Defender, Federal Defender Office

(313) 967-5868

Kenneth R. Sasse

Senior Litigator, Federal Defender Office-Flint Branch

(810) 232-3600

FDO Duty Attorney

[Duty Attorney changes on a daily basis]

Federal Defender Office

(313) 967-5542

FDO Research & Writing Specialists

Todd S. Shanker: (313) 967-5859

Loren Khogali: (313) 967-5843

Bradley Hall: (313) 967-5832

NOTICE AND DISCLAIMER: FDO attorneys and staff are not permitted to provide research, investigative or secretarial services to the CJA panel. Panel members are welcome to discuss case law and strategy with any FDO attorney, as well as view and adopt samples of previously-filed motions and briefs in the representation of their CJA clients. However, panel members are solely responsible for the accuracy of any court pleadings or representations made in the U.S. District Court.

3. **CJA NEWSLETTER:**

Miriam L. Siefer

Chief Federal Defender, Federal Defender Office

(313) 967-5868

Carol J. McGuire

Administrative Officer, Federal Defender Office

(313) 967-5833

4. **FDO WEBSITE** (*passwords, CJA site, error messages, etc.*):

Alaine Whitaker
Computer Systems Administrator
(313) 967-5837

Gregory Marshall
Assistant Computer Systems Administrator
(313) 967-5836

5. **COMPLAINTS, COMMENTS, SUGGESTIONS:**

Miriam L. Siefer
Chief Federal Defender, Federal Defender Office
(313) 967-5868

Richard M. Helfrick
Supervising Attorney, Federal Defender Office
(313) 967-5867

Leroy T. Soles
Supervising Attorney, Federal Defender Office
(313) 967-5866

Rev. 9/2011



APPENDIX

CJA PANEL ATTORNEY PROGRAM
EASTERN DISTRICT OF MICHIGAN

APPLICATION

To be completed by attorneys seeking appointments to represent indigent defendants under the Criminal Justice Act (18 U.S.C. 3006A) in the U.S. District Court for the Eastern District of Michigan. Applicant must be a member in good standing of the State Bar of Michigan and admitted to practice in the U.S. District Court for the Eastern District of Michigan.

Name: _____ SS# or EIN # _____
(For Income Tax Purposes)

Firm (if applicable): _____

Mailing Address: _____

City: _____ State: _____ Zip: _____ Telephone No.: () _____ Cell No. () _____

Fax No.: () _____ E-Mail Address: _____

1. **Dates of Admission:**
(a) Michigan State Bar: _____ Bar No. _____
(b) Federal District Court, Eastern District of Michigan: _____

2. **For which CJA Panel(s) do you wish to be considered:** *Detroit Flint Bay City
* [Detroit Panel includes Ann Arbor and Port Huron]

3. **What is the nature of your current law practice:**
_____ % Civil _____ % Criminal
_____ % Trial (Criminal) _____ % Appeal (Criminal)
_____ % Adult _____ % Juvenile
_____ % Felony _____ % Misdemeanor

4. **List any positions held within the Criminal Justice System:**
(a) Served as a *Defender*: County State Federal From: _____ To: _____
(b) Served as a *Prosecutor*: County State Federal From: _____ To: _____
(c) Law School Criminal Clinical Experience: From: _____ To: _____
School: _____
(d) Judicial Clerkship: From: _____ To: _____
Judge: _____ Court: _____

5. **Criminal Practice Experience:**
(a) *As a defense attorney, please provide:*
Number of Federal criminal case representations: _____ Date/Most Recent Case _____
Number of Federal criminal trials: (Jury) _____ (Non-Jury) _____ Date/Most Recent Trial _____
Number of State criminal trials: (Jury) _____ (Non-Jury) _____ Date/Most Recent Trial _____

(b) *As a prosecutor, please provide:*
Number of Federal criminal case representations: _____ Date/Most Recent Case _____
Number of Federal criminal trials: (Jury) _____ (Non-Jury) _____ Date/Most Recent Trial _____
Number of State criminal trials: (Jury) _____ (Non-Jury) _____ Date/Most Recent Trial _____

6. **Federal Civil Practice Experience (explain briefly, numbers & types of cases):** _____

7. Have you ever been disciplined by the bar of any state or by any court? Yes No (If yes, please explain on an attached sheet.)
8. During the five years preceding this application, have you been arrested, summoned, charged or convicted of any criminal offense (excluding minor traffic violations)? Yes No (If yes, please explain on an attached sheet.)
9. List any Federal Judge before whom you have tried a criminal case. If less than three, list up to three State Judges before whom you have tried a case: _____

10. List any other Federal Judges before whom you have practiced: _____

11. List any seminars or workshops on criminal law, procedure, or evidence you have attended in the last year: _____

12. Are you fluent in any foreign language (read/write)? If so, please indicate: _____

13. Do you have any specialized legal training or experience? If so, please list (e.g., appellate, immigration, accounting, tax, etc.): _____

14. Have you had any experience with lengthy conspiracy trials: Yes No
15. Do you have any experience with death penalty cases? Yes No State Federal
16. Are you available, on occasion, for on-the-spot arraignments on thirty (30) minutes notice? Yes No
17. Would you be willing to handle appeals of cases tried by others or other post-conviction matters, such as Habeas and 2255 Petitions? Yes No
18. If appointed to the Panel, do you agree to accept at least two (2) cases per year to remain an active member of the Panel? Yes No
19. Please provide the names of three (3) defense attorneys who are familiar with your work as co-counsel for a defendant, or as the attorney for a co-defendant:
 (1) _____
 (2) _____
 (3) _____

I recognize that acceptance of a criminal assignment means that my representation continues through the appeal to the Petition for Certiorari, if the client so desires and there is a meritorious issue. If appointed to the Panel, I personally, and not another member of my firm, will represent my client at all Federal Court proceedings. Further, I agree to attend annual CJA programs on Federal Court Criminal Practice sponsored by the Federal Defender Office as a prerequisite to receiving case assignments.

I hereby certify that the above information is true.

 Applicant's Signature

 Type or Print Name

Date: _____

[Please return completed application to: Federal Defender Office, Attn: CJA Panel, 613 Abbott Street, 5th Floor, Detroit, MI 48226]

GUIDANCE TO ATTORNEYS IN DRAFTING THE MEMORANDUM REQUIRED FOR A COMPENSATION CLAIM IN EXCESS OF THE CASE COMPENSATION MAXIMUM: DISTRICT COURT

Paragraph 2.22C(2) of the *Guidelines for the Administration of the Criminal Justice Act (CJA Guidelines)*, Volume VII, *Guide to Judiciary Policies and Procedures*, provides:

In any case in which the total compensation claimed is in excess of the statutory case compensation maximum, counsel shall submit with the voucher 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.

Paragraph 2.22B(3) of the *CJA Guidelines* states that a case is complex if the "legal or factual issues. . . are unusual, thus requiring the expenditure of more time, skill and effort by the lawyer than would normally be required in an average case," and that a case is extended if "more time is reasonably required for total processing than the average case". Paragraph 2.22B(3) lists the following criteria as useful in determining fair compensation in extended or complex cases: responsibilities involved measured by the magnitude and importance of the case; manner in which duties were performed; knowledge, skill, efficiency, professionalism, and judgment required of and used by counsel; nature of counsel's practice and injury thereto; any extraordinary pressure of time or other factors under which services were rendered; and any other circumstances relevant and material to a determination of a fair and reasonable fee.

To assist counsel in writing 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," the following topics are provided for counsel's consideration. Some of these issues may not apply to a particular case or may not be noteworthy for this memorandum. Counsel, of course, may address topics other than those listed below.

Length of appointment to case; total number of in-court hours, specifying pre-trial hearings, trial, sentencing hearings, and other; and total number of out-of-court hours.

Offense(s) charged; number of counts charged; and other pending cases of defendant during the representation.

Number of co-defendants.

The sentencing guideline range found by the court and whether a mandatory minimum was found or at issue at sentencing.

Discovery materials (nature and volume) and/or discovery practices.

Motions, legal memoranda, jury instructions, and sentencing documents, or legal research not resulting in such, which were drafted originally for this case (do not include standardized motions, etc., unless content was modified significantly).

Investigation and case preparation (e.g., number and accessibility of witnesses interviewed, record collection, document organization).

Use of investigative, expert, or other services (CJA 21 voucher).

The following client considerations: communication with client/family, language difference, accessibility of client, other.

Any expense (see Items 17 and 18 of the CJA 20 voucher) greater than \$500.

Any other noteworthy circumstances regarding the case and the representation provided to support this compensation request. Include, if applicable: negotiations with the U.S. Attorney's office or law enforcement agency; complexity or novelty of legal issues and factual complexity; responsibilities involved measured by the magnitude and importance of the case; manner in which duties were performed and knowledge, skill, efficiency, professionalism, and judgment required of and used by counsel; nature of counsel's practice and hardship or injury resulting from the representation; any extraordinary pressure of time or other factors under which services were rendered.

**SUPPLEMENTAL INFORMATION STATEMENT FOR A COMPENSATION CLAIM IN EXCESS OF THE
STATUTORY CASE COMPENSATION MAXIMUM: DISTRICT COURT**

THIS FORM PROVIDES INFORMATION TO SUPPORT 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. PARAGRAPH 2.22 B(3) OF THE *GUIDELINES FOR THE ADMINISTRATION OF THE CRIMINAL JUSTICE ACT*, VOLUME VII, *GUIDE TO JUDICIARY POLICIES AND PROCEDURES*, DEFINES THE TERMS "EXTENDED" AND "COMPLEX," AND SUGGESTS CRITERIA FOR DETERMINING "FAIR COMPENSATION." THIS FORM SERVES AS COUNSEL'S MEMORANDUM REQUIRED BY PARAGRAPH 2.22 C(2) OF THOSE *GUIDELINES*, AND DOES NOT REPLACE ANY OTHER DOCUMENTATION REQUIRED TO SUPPORT THE PAYMENT REQUEST. IF EXTRA SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS OF PAPER.

ATTORNEY NAME: _____

CASE NAME: _____

DOCKET NUMBER: _____

DEFENDANT NUMBER: _____

VOUCHER NUMBER: _____

1 PERIOD OF APPOINTMENT (DATES): _____ TO _____

TOTAL NUMBER OF IN-COURT HOURS: _____ SPECIFYING: PRETRIAL HEARINGS _____ TRIAL _____
 SENTENCING HEARINGS _____ ALL OTHER IN-COURT _____
 TOTAL NUMBER OF OUT-OF-COURT HOURS: _____

2 OFFENSES CHARGED: _____

NUMBER OF COUNTS CHARGED: _____

NUMBER OF CO-DEFENDANTS: _____

OTHER PENDING CASES (DOCKET NUMBERS) OF DEFENDANT DURING REPRESENTATION: _____

IF APPLICABLE, SENTENCING GUIDELINE RANGE FOUND BY THE COURT FOR SENTENCING: _____

WAS A MANDATORY MINIMUM FOUND OR AT ISSUE AT SENTENCING? YES _____ NO _____

3 DESCRIBE DISCOVERY MATERIALS (NATURE AND VOLUME) AND/OR DISCOVERY PRACTICES WHICH ARE A NOTEWORTHY FACTOR IN THE NUMBER OF HOURS CLAIMED: _____

4 LIST AND DESCRIBE MOTIONS, LEGAL MEMORANDA, JURY INSTRUCTIONS, AND SENTENCING DOCUMENTS, OR LEGAL RESEARCH NOT RESULTING IN SUCH, WHICH ARE A NOTEWORTHY FACTOR IN THE NUMBER OF HOURS CLAIMED AND WHICH WERE DRAFTED ORIGINALLY FOR THIS CASE (DO NOT INCLUDE STANDARDIZED MOTIONS, ETC., UNLESS CONTENT WAS MODIFIED SIGNIFICANTLY): _____

5 SUMMARIZE INVESTIGATION AND CASE PREPARATION (E.G., NUMBER AND ACCESSIBILITY OF WITNESSES INTERVIEWED, RECORD COLLECTION, DOCUMENT ORGANIZATION) WHICH ARE A NOTEWORTHY FACTOR IN THE NUMBER OF HOURS CLAIMED: _____

6	EXPLAIN, IF NOTEWORTHY, IMPACT ON THE NUMBER OF HOURS CLAIMED OF INVESTIGATIVE, EXPERT, OR OTHER SERVICES USED (CJA 21 VOUCHER):
7	CHECK WHETHER ANY OF THE FOLLOWING CLIENT CONSIDERATIONS ARE A NOTEWORTHY FACTOR IN THE NUMBER OF HOURS CLAIMED AND EXPLAIN EACH: COMMUNICATION WITH CLIENT/FAMILY _____ LANGUAGE DIFFERENCE _____ ACCESSIBILITY OF CLIENT _____ OTHER _____
8	EXPLAIN ANY EXPENSE (ITEMS 17 AND 18 OF THE CJA 20 VOUCHER) GREATER THAN \$500:
9	EXPLAIN ANY OTHER NOTEWORTHY CIRCUMSTANCES REGARDING THE CASE AND THE REPRESENTATION PROVIDED TO SUPPORT THIS COMPENSATION REQUEST:
INCLUDE, IF APPLICABLE: (A) NEGOTIATIONS WITH U.S. ATTORNEY'S OFFICE OR LAW ENFORCEMENT AGENCY; (B) COMPLEXITY OR NOVELTY OF LEGAL ISSUES AND FACTUAL COMPLEXITY; (C) RESPONSIBILITIES INVOLVED MEASURED BY THE MAGNITUDE AND IMPORTANCE OF THE CASE; (D) MANNER IN WHICH DUTIES WERE PERFORMED AND KNOWLEDGE, SKILL EFFICIENCY, PROFESSIONALISM, AND JUDGMENT REQUIRED OF AND USED BY COUNSEL; (E) NATURE OF COUNSEL'S PRACTICE AND HARDSHIP OR INJURY RESULTING FROM THE REPRESENTATION; AND (F) ANY EXTRAORDINARY PRESSURE OF TIME OR OTHER FACTORS UNDER WHICH SERVICES WERE RENDERED.	
SIGNATURE OF APPOINTED ATTORNEY:	DATE:

INSTRUCTIONS FOR CJA FORM 20

APPOINTMENT AND AUTHORITY TO PAY COURT-APPOINTED COUNSEL

Read these instructions carefully before completing the form. Accuracy and thoroughness will aid in the prompt payment of the claim. If possible, use a typewriter to complete the form; otherwise, write legibly with a ball point pen (preferably black or dark blue ink). If the form is system generated, Items 1 through 12 and 14 will be preprinted on the form. Attach an itemized statement of the services provided and expenses incurred. Give the date and the number of hours claimed for each service provided. Provide dates for and a description of the expenses incurred. For additional guidance, see the *Guidelines for the Administration of the Criminal Justice Act and Related Statutes (CJA Guidelines)*, Volume VII, *Guide to Judiciary Policies and Procedures*, which is available for reference in the Clerk's office.

Appointed counsel may obtain investigative, expert, and other services necessary for adequate representation in accordance with the procedures set forth in subsection(e) of the Criminal Justice Act (CJA), 18 U.S.C. §3006A. Prior authorization from the presiding judicial officer is required for all such services where the cost, excluding expenses, will exceed \$500. Failure to obtain prior authorization will result in the disallowance of any amount claimed for compensation in excess of \$500, unless the presiding judicial officer, in the interest of justice, finds that timely procurement of necessary services could not await prior authorization. Payment for these services should be claimed directly by the service provider on a CJA Form 21, "Authorization and Voucher for Expert and Other Services."

Vouchers shall be submitted no later than 45 days after the final disposition of the case, unless good cause is shown (Paragraph 2.21A, CJA guidelines). All payments made pursuant to this claim are subject to post-audit; contemporaneous time and attendance records as well as expense records must be maintained for three years after approval of the final voucher (paragraph 2.32, CJA guidelines). Any overpayments are subject to collection, including deduction of amounts due from future vouchers

- Item 1. CIR./DIST./DIV. CODE:** This four-character location code is the circuit or district, and divisional office codes of the court where the proceedings for the person represented are held.
- Item 2. PERSON REPRESENTED:** Give the full name of the person whom you were appointed to represent.
- Items 3-6. DOCKET NUMBERS:** Provide the case file or miscellaneous number assigned by the court. Enter the number using the last two digits of the calendar year (YY), the sequential number assigned by the court (NNNNNN), and the defendant number (DDD) as shown on the indictment or charging document. Thus, the format of the docket number is YY-NNNNNN-DDD. **Note:** If two or more cases are heard or tried together for the person represented, complete a separate voucher for each case in which representation is provided (i.e., for each docket number listed). Prorate the total time among the cases. On supporting documentation, cross reference all related claims for which costs are prorated.
- Item 7. IN CASE/MATTER OF (CASE NAME):** In criminal cases, enter *U.S. vs. Defendant's Name*. If it is a multiple defendant case, give the case cite as provided on the indictment or information (e.g., *U. S. vs. Lead Defendant's Name, et al*). If the person represented is not a defendant (e.g., material witness), enter the first named defendant in the court's recording of the case. If this is a civil case (e.g.,

habeas corpus), enter the *Name of the Petitioner vs. the Name of the Respondent* and include the respondent's title. If other than a civil or criminal case (i.e., miscellaneous matters), enter "*In the Matter of*" followed by the *Name of the Person Represented*.

Item 8. PAYMENT CATEGORY: Check the appropriate box that establishes the statutory threshold for representation in this case type. If "Other" payment category is checked, specify the category within the scope of the CJA. See paragraph 2.22 B(2) of the *CJA Guidelines*.

Item 9. TYPE PERSON REPRESENTED: Check the box that defines the legal status of the person represented.

Item 10. REPRESENTATION TYPE: From the list below, select the code that describes the type of representation:

CC A defendant charged in a criminal case with an offense(s) that is a felony, misdemeanor, or petty offense under the United States Code, or an assimilated crime under a state code including ancillary matters.

NT A new trial either directed from the court of appeals on remand or as a result of a mistrial

MA Motion attacking a sentence (28 U.S.C. § 2255)

MC Motion to correct or reduce sentence (Fed. R. Crim. P. 35)

HC Habeas corpus, non-capital (28 U.S.C. § 2254)

BP Bail Presentment

WI Material Witness (in custody)

WW Witnesses (Grand Jury, a Court, the Congress, a Federal Agency, etc.)

PR Probation Revocation

PA Parole Revocation

SR Supervised Release Hearing

EW Extraordinary Writs (Prohibition, Mandamus)

CH Mental Competency Hearings (see Chapter 313 of Title 18 U.S. Code)

PT Pretrial Diversion

EX Extradition Cases (Foreign)

OT Other types (e.g., line ups, consultations, prisoner transfer, etc.)

TD Appeal of a Trial Disposition

CA Other Types of Appeals

AP Appeal From Magistrate's Decision

CF Civil Asset Forfeiture

AF Appeal of Civil Asset Forfeiture

FOR DEATH PENALTY CASES, USE THE CJA FORM 31 AND APPLICABLE TYPE OF REPRESENTATION CODES

Item 11. OFFENSE(S) CHARGED: Cite the U.S. Code, with title and section, or other code citation of the offense or offenses (list up to five) with which the person represented is charged. If other than a federal code is cited, state the statutory maximum period of confinement authorized for the offense. If a civil matter, such as a habeas corpus representation or a motion attacking sentence, cite 28 U.S.C. § 2254 or 28 U.S.C. § 2255, respectively. For direct appeals from a case disposition, cite the major offense (U.S. Code, title and section) for which the defendant was convicted.

Items 12/14 ATTORNEY'S NAME AND MAILING ADDRESS and NAME AND MAILING ADDRESS OF LAW FIRM: Complete Item 12 with the legal name and address of the attorney appointed to represent the person whose name is shown in Item 2. If prior to your appointment for representation, you had a pre-existing agreement with a law firm or corporation, including a professional corporation, indicating that CJA earnings belong to the law firm or corporation, rather than to the court-appointed attorney/payee, provide the name and mailing address of that law firm or corporation in Item 14. This information will allow earnings to be reported to the Internal Revenue Service (IRS) on a 1099 Statement as earnings of the law firm or corporation and not as the earnings of the attorney appointed. *(Note: Information about a pre-existing agreement, including the Taxpayer Identification Number (TIN) of the law firm or corporation, should be provided to the court staff when the attorney is admitted to the panel or at initial appointment to a case.)*

Item 13. COURT ORDER: Check the box that describes the type of counsel appointed. If appointed as a substitute counsel, give the name of the previous counsel and the appointment date. If appointed as a "Standby Counsel," check "Other" and attach a court order establishing this type of appointment in accordance with paragraph 2.17 of the *CJA Guidelines*. Also check "Other" if counsel is appointed pursuant to 28 U.S.C. § 1875(d)(1) to protect a juror's employment rights, and attach the court order appointing counsel for this purpose. The remaining portion of this item will be completed by the clerk of court or other court-designated person. The presiding judicial officer or clerk of court must sign and date this court order to validate the appointment. If services were provided prior to court appointment, the presiding judicial officer may wish to ratify the previous service by indicating a "nunc pro tunc" date that covers the services prior to appointment. No other court order is necessary. Indicate whether the court orders full or partial repayment of the cost for representation from the person represented at the time of appointment by checking "Yes" or "No."

Item 15. IN-COURT SERVICES: Enter the total number of hours claimed (in hours and tenths of an hour) for each applicable in-court service category. To support the totals entered in each category, attach to the voucher an itemization of services, by date, and indicate the number of hours for each service. Enter the total in-court hours where required on the form, and multiply the total number of in-court hours claimed by the hourly rate in effect for the place of holding court in which the representation is provided or the attorney maintains his or her principal office. If the case is an appeal to the court of appeals, enter the higher of the rates per hour in effect for the place of holding court in which the attorney maintains his or her principal office or the place of holding court out of which the case arose. Enter the total amount claimed in the appropriate box on the form.

Item 16. OUT-OF-COURT SERVICES: Complete according to the instructions above for in-court time, using the applicable out-of-court hourly rate of compensation.

NOTE: The "FOR COURT USE ONLY" column will reflect any mathematical or technical adjustments to the claim during the judicial approval process or changes during a required additional review of the chief judge of the court of appeals (or delegate).

Item 17. TRAVEL EXPENSES: Travel related expenses that are incidental to the representation (e.g., transportation, lodging, meals, car rental, parking, bridge, road and tunnel tolls, etc.) must be itemized on a separate sheet, indicating dates

the expense was incurred. Attach supporting documentation (receipts, canceled checks, etc.) for all travel expenses. Travel expenses by privately owned automobile, motorcycle, or aircraft should be claimed at the rate in effect for federal employees at the time of travel. For overnight travel, reasonable expenses for lodging and meals will be reimbursed on an actual expense basis; per diem is not allowed. Counsel should be guided by prevailing limitations for travel and subsistence expenses of federal employees. The clerk of court can advise you of applicable rates and federal government travel regulations.

Item 18. OTHER EXPENSES: Itemize all reimbursable out-of-pocket expenses incidental to representation. Provide dates and a brief description of the expense. Enter the total claimed where required on the form. Submit supporting documentation (receipts, canceled checks, etc.) for single item expenses in excess of \$50. Reimbursable expenses may include, in some circumstances, payments to law students or law clerks for legal research and assistance and the cost of computer assisted legal research (CALR) when conducted by counsel. See paragraphs 2.27 B and 3.15 of the *CJA Guidelines* for an explanation. The following are not reimbursable expenses, and should not be claimed:

1. General office overhead, such as rent, telephone services, and secretarial services.
2. Expenses for items of a personal nature for the client (e.g., clothes, haircuts).
3. The cost of printing briefs. However, the cost of photocopying or similar copying service is reimbursable.
4. *Fact witness fees, witness travel costs, and expenses for service of subpoenas. These expenses are not paid out of the CJA appropriation, but instead are paid by the Department of Justice pursuant to Fed. R. Crim. P. 17, and 28 U.S.C. § 1825. Contact the United States Marshal for payment procedures.*
5. Filing fees. These fees are waived for persons proceeding under the CJA.
6. The cost of allowable investigative, expert, or other services. Such services should be requested using a CJA Form 21.
7. Compensation taxes. Taxes paid on attorney compensation, whether based on income, sales or gross receipts are not reimbursable expenses.

Totals. Enter the Grand Totals where required by adding "in-court" and "out-of-court" totals, "travel" and "other expenses."

Item 19. CERTIFICATION OF ATTORNEY/PAYEE FOR PERIOD OF SERVICE: The person appointed by the court must certify dates of service for the representation. Indicate, where required, the date range for the services claimed on the voucher.

Item 20. APPOINTMENT TERMINATION DATE, IF OTHER THAN CASE COMPLETION: If the appointment is discontinued by order of the court (i.e., substitute counsel or reasons other than disposition of the defendant's case, such as fugitive defendant, appointment of federal defender, or retention of counsel by a defendant), give the effective date for termination of appointment.

Item 21. CASE DISPOSITION: Indicate case disposition for the person represented (e.g., dismissed, convicted/final plea guilty, probation revoked, other, etc.). Select a code from the table below.

	Type of Disposition	Code
District Court Criminal and Other Proceedings	Dismissed	1
	Acquitted by court, or government motion for judgment of acquittal granted	2
	Acquitted by jury	3
	Convicted/final plea guilty	4
	Convicted/final plea nolo	5
	Convicted/court trial	8
	Convicted/jury trial	9
	Mistrial	C
	Not Guilty/insane/court trial	E
	Guilty/insane/court trial	F
	Not guilty/insane/jury trial	G
	Guilty/insane/jury trial	H
	Other (PTD matters, other reps. Transfers)	X
Appeals	Affirmed	A
	Reversed	R
	Remanded	0
	Reversed in Part/Affirmed in Part	RA
	Affirmed in Part/Reversed in Part	AR
	Dismissed	1
Probation/Parole/	Revoked	RV
	Restored	RS
Supervised Release		
Habeas/Petitions/Writs	Granted	GR

Item 22. CLAIM STATUS: Indicate, by checking the appropriate box, whether the voucher is (1) the final payment for the services, (2) an interim payment, or (3) a supplemental payment (an additional claim submitted after a final payment is made). If an interim payment, indicate the interim payment number. Complete the remaining portion of Item 22, and sign and date the affirmation statement before submitting the claim for court approval.

Items 23-28a. APPROVED FOR PAYMENT: The presiding judicial officer will indicate the amount approved for payment in each category (Items 23 - 26). These amounts will reflect any mathematical and technical adjustments to your claim. The "**TOTAL AMOUNT APPROVED/CERTIFIED**" for payment equals the amount approved in the major categories, less any amounts withheld for an interim payment.

SIGNATURE OF THE PRESIDING JUDICIAL OFFICER: If the total amount approved for payment (both in-court and out-of-court), not including expenses, is less than or equal to the statutory limitation, the claim will be processed for payment. The presiding judicial officer will sign and date the voucher indicating approval of the amount to be paid in Item 27. If compensation exceeds the statutory threshold for the representation, submit a detailed memorandum, supporting and justifying that the representation was provided in a complex or extended case and that the claim for the excess amount is necessary to provide

fair compensation. Upon preliminary approval of the claim, the presiding judicial officer will (1) signify approval by circling the word "cert" (for word certified) in Item 27 and (2) forward the voucher to the chief judge of the court of appeals (or delegate) for approval of the excess amount. The **JUDGE CODE** will be provided by the court staff.

Item 29-33. APPROVED FOR PAYMENT: For payments in excess of the statutory limitation, the chief judge for the court of appeals (or delegate) will indicate the amount approved for payment in Items 29 - 32. This amount will reflect any adjustments in your claim resulting from additional technical or mathematical review by the chief judge (or delegate). The chief judge of the court of appeals (or delegate) will indicate the **TOTAL AMOUNT APPROVED** for payment of the claim, less any amounts withheld for an interim payment in Item 33.

Item 34. SIGNATURE OF CHIEF JUDGE, COURT OF APPEALS (OR DELEGATE): Before the claim is paid for the excess amount, the chief judge of the appeals court (or delegate) must sign and date Item 34, approving payment for compensation that exceeds the statutory threshold. If approval is not granted, compensation will be limited to the statutory maximum for the representation and expenses as approved. The **JUDGE CODE** will be provided by the court staff.

CJA 20

INFORMATION FOR USE IN COMPLETING IN-COURT HOURLY WORKSHEET

This worksheet was devised to standardize the itemization and documentation of hourly totals and in-court services performed by court-appointed counsel. Each attorney should provide the following on the worksheet:

1. The case number and CJA 20 voucher number pertaining to the claim.
2. For each in-court service rendered, provide the following:
 - a.) the date service was performed
 - b.) a brief description of the service performed
 - c.) the time spent performing the service

The time spent performing the service shall be reported in **no less than tenths of hours**. In addition, the time reported will be listed under the appropriate in-court service category -- *Arraignment and/or Plea, Motion Hearings, Trial* and so forth.

Once all in-court services have been documented on the worksheets, enter the total number of hours claimed for each applicable in-court service category on the CJA 20, and multiply the total number of in-court hours claimed by the hourly rate.

Worksheet pages should be numbered - page 1 of 2, page 2 of 2 and so forth.

NOTE: Once all necessary information has been completed and transferred to the CJA 20, the in-court hourly worksheet must be attached to the CJA 20.

CJA 20

INFORMATION FOR USE IN COMPLETING THE OUT-OF-COURT HOURLY WORKSHEET

This worksheet was devised to standardize the itemization and documentation of hourly totals and out-of-court services performed by court-appointed counsel. Each attorney should provide the following on the worksheet:

1. The case number and CJA 20 form voucher number pertaining to the claim.
2. For each out-of-court service rendered, provide the following:
 - a.) the date service was performed
 - b.) a brief description of the service performed
 - c.) the time spent performing the service

The time spent performing the service will be reported in **no less than tenths of hours**. In addition, the time reported will be listed under the appropriate out-of-court service category -- *Interviews and Conferences, Obtaining and Reviewing Records* and so forth.

NOTE: Compensation for reasonable and necessary travel is allowed to include only those hours actually spent in or awaiting transit. If a trip required overnight lodging, travel time from counsel's office/home to the destination is allowed but terminated upon arrival and check-in at the hotel. Travel time for counsel to return to his office after overnight lodging is also allowed.

Travel time of less than one hour **MAY BE CLAIMED**.

The procedure followed for in-court services rendered and the calculation is the same as for the out-of-court services. Please refer to that informational sheet.

NOTE: Once all necessary information has been completed and transferred to the CJA 20, the out-of-court hourly worksheet must be attached to the CJA 20.

CJA 20

INFORMATION FOR USE IN COMPLETING
OTHER EXPENSE WORKSHEET

This worksheet is devised to standardize the itemization and documentation of other reimbursable expenses incurred by court appointed counsel. Each attorney should provide the following on the worksheet:

1. The case number pertaining to the claim.
2. For each item of other expense incurred, provide the following:
 - a) the date expense was incurred
 - b) a brief explanation of the expense
 - c) the amount of expense incurred

Attach supporting documentation - receipts, cancelled checks and invoices – **for all expenses in excess of \$50.00**. Such expense items as mileage and copying should show the total miles and pages at the applicable rate (i.e., 200 miles at .51 and 200 copies at \$.10 per page). [If copies are made in-house, state on the worksheet and indicate the number and price per copy.]

The expenses incurred should then be listed under the appropriate category; Travel Expenses, including mileage, parking, meals and so forth, and Other Expenses.

MILEAGE:	1/1/11	-	\$.51
	1/1/10	-	\$.50
	2/1/09	-	\$.55
	8/1/08	-	\$.585
	3/19/08	-	\$.505
	2/01/07	-	\$.485
	1/01/06	-	\$.445
	9/01/05	-	\$.485
	2/04/05	-	\$.405
	1/01/04	-	\$.375
	1/01/03	-	\$.36
	1/21/02	-	\$.365
	1/22/01	-	\$.345

Expenses for Travel: Reasonable expenses for transportation, lodging, meals, car rentals, etc. will be reimbursed on an actual expense basis and must be supported by receipts. Geographical rates for lodging can be obtained through the financial section of the Clerk's Office.

Mileage for counsel, investigative and expert witnesses is limited to the rate for government employees. Parking fees, ferry fares, and bridge, road and tunnel tolls also may be claimed and must be support by receipts. Taxis or public transit from office to airport and from airport to courthouse is authorized; receipts must be provided.

Photocopies: Counsel should indicate number of photocopies made (if made in their office) and the rate charged per copy. If copies are procured out of the office, a receipt must be attached to the voucher.

Telephone Calls: An itemized listing, together with a copy of the billing (designating calls pertinent to the case) must be attached to the voucher indicating the date, number and to whom a long distance call was placed, as well as the cost of each call.

Any miscellaneous expenses such as photographs, postage, should be documented by receipts.

NOTE: Once all necessary information has been completed and transferred to the CJA 20, the other expense worksheet must be attached to the CJA 20.

Date	Brief Description of Services	Arraignment and/or Plea	Motions and Requests	Sentence Hearings	Trial	Appeals Court	Other
07/22/98	arraignment	0.5					
07/28/99	pretrial conference						0.3
09/22/98	plea	1.0					
03/22/99	sentence			0.5			
	Page Total						
	Grand Total	1.5		0.5			0.3

Sample

Date	Brief Description of Services	Interviews and Conferences	Obtaining and reviewing records	Legal research and brief writing	Travel Time	Investigative and other work
10/28/97	t.c. to FDO returning call	0.1				
10/28/97	t.c. from FDO	0.1				
10/29/97	t.c. from FDO	0.1				
11/02/97	letter to client	0.2				
11/02/97	review mail from FDO		0.3			
11/03/97	t.c. from client	0.1				
11/04/97	t.c. to client/left message	0.2				
11/05/97	t.c. from client	0.1				
11/05/97	t.c. to client	0.4				
11/14/97	t.c. from AUSA	0.3				
11/14/97	t.c. from client	0.3				
11/14/97	t.c. to AUSA	0.1				
11/14/97	t.c. to client/left message	0.1				
11/20/97	t.c. to client/left message	0.1				
12/02/97	letter to client	0.5				
07/22/98	t.c. from AUSA	0.1				
07/22/98	t.c. to AUSA (226-9122)	0.1				
07/22/98	t.c. from AUSA re: indictment	0.1				
07/22/98	t.c. to FDO	0.1				
07/22/98	travel time				1.0	
07/28/98	travel time				1.0	
08/1/0/98	read discovery		0.3			
08/1/0/98	t.c. to FDO re: case	0.2				
08/19/98	t.c. to AUSA/left message	0.2				
	Page Total	3.5	0.6		2.0	

STONIS

Date	Brief Description of Services	Interviews and Conferences	Obtaining and reviewing records	Legal research and brief writing	Travel Time	Investigative and other work
08/26/98	review of Rule 11 document		0.3			
08/26/98	t.c. to client	0.1				
08/28/98	letter to client	0.6				
09/03/98	t.c. to AUSA re: going out of town	0.1				
09/03/98	t.c. to pretrial services	0.1				
09/08/98	delivered plea to AUSA		0.3			
09/08/98	met w/client to get plea agreement		0.2			
09/08/98	travel time				1.0	
09/11/98	read plea (signed)		0.3			
09/14/98	letter to client	0.4				
09/14/98	t.c. to client	0.1				
09/22/98	travel time				1.0	
09/23/98	t.c. from probation officer	0.1				
09/23/98	t.c. to probation officer 313 234 5411	0.1				
09/23/98	t.c. to client 885 5863	0.1				
09/28/98	presentence interview	0.3				
09/28/98	t.c. from probation officer	0.1				
09/28/98	travel time				1.0	
11/10/98	t.c. from AUSA	0.1				
11/11/98	t.c. from AUSA	0.2				
11/11/98	t.c. to AUSA	0.1				
11/12/98	t.c. from probation officer	0.1				
11/12/98	t.c. to probation officer	0.2				
11/12/98	t.c. to probation officer	0.2				
11/12/98	t.c. to probation officer	0.2				
	Page Total	3.0	1.1		3.0	

SAMPLE

Date	Brief Description of Services	Interviews and Conferences	Obtaining and reviewing records	Legal research and brief writing	Travel Time	Investigative and other work
11/13/98	review case law			1.0		
11/16/98	letter to client	0.7				
11/19/98	t.c. from AUSA	0.3				
11/23/98	t.c. to probation officer	0.1				
11/24/98	research			2.0		
11/25/98	research			2.0		
11/28/98	research			2.0		
11/29/98	research			2.0		
11/30/98	letter			3.0		
11/30/98	t.c. to probation officer	0.1				
12/09/98	letter from probation		0.5			
12/14/98	letter to client	0.2				
01/28/99	letter from probation		0.4			
02/03/99	letter to client	0.4				
03/05/99	letter from probation		0.3			
03/05/99	letter to client	0.3				
03/05/99	t.c. from ct re: sentence date	0.3				
03/22/99	travel time					
03/27/99	letter to client	0.4				1.0
	Page Total	2.8	1.2	12.0	1.0	
	Grand Total	9.3	2.9	12.0	6.0	

SAMPLE

Date	Brief Description of Services	Amount Per Item								
		Mileage	Parking	Meals	Lodging	Copying	Postage	Toll Calls	Telegrams	Other
10/28/97	toll call to FDO									
11/02/97	postage: letter to client						\$0.32	\$0.44		
11/04/97	toll call to client							\$0.22		
11/05/97	toll call to client							\$1.69		
11/14/97	toll call to client							\$0.09		
11/14/97	toll call to AUSA							\$0.22		
11/20/97	toll call to client							\$0.09		
12/02/97	postage: letter to client						\$0.32			
07/22/98	mileage: 56 @ \$.31	\$17.36								
07/22/98	toll call to AUSA							\$0.14		
07/22/98	toll call to FDO							\$0.30		
07/28/98	mileage 56 @ \$.31	\$17.36								
08/10/98	toll call to FDO							\$0.30		
08/19/98	toll call							\$0.11		
08/26/98	toll call to client							\$0.53		
08/28/98	postage						\$0.55			
09/03/98	toll call to AUSA							\$1.51		
09/03/98	toll call pretrial services							\$0.55		
09/08/98	mileage 56 @ \$.31	\$17.36								
09/14/98	postage						\$0.64			
09/14/98	toll call to client (313)883-5863							\$0.51		
09/22/98	mileage 56 @ \$.31	\$17.36								
09/23/98	toll call to client							\$0.51		
09/23/98	toll call to pretrial services							\$1.00		
	Page Total	\$69.44					\$1.83	\$8.21		

SAMPLE

CJA 20

ALLOWABLE EXPENSES

Actual expenses reasonably incurred by counsel may be claimed on the CJA 20 form voucher and must be itemized and reasonably documented. Actual expenses would include:

1. Expenses for photocopies, telephone calls, mileage, transportation, lodging, meals, car rentals and so forth will be reimbursed on an actual expense basis when supported by receipts. REFER TO INFORMATIONAL SHEET ON OTHER EXPENSES FOR FURTHER DISCUSSION REGARDING THIS ITEM.
2. Law Students: In some districts and circuits, arrangements have been made for the use of qualified law students to assist assigned counsel in trial preparation and in drafting briefs and arguments on appeal. Payment under the CJA in such instances may be made to assigned counsel only for compensable time spent by counsel plus allowable expenses. Allowable expenses for the attorney may include compensation paid to law students for legal research but do not include reimbursement for expenses incurred by a law student in assisting appointed counsel.
3. Computer assisted legal research: The cost of use by appointed counsel of computer assisted legal research equipment may be allowed as a reimbursable out-of-pocket expense provided that the total amount approved for computer assisted legal research does not exceed the total amount of attorney compensation that reasonably would have been approved if counsel had performed the research manually. Whenever appointed counsel incurs charges for computer assisted legal research, counsel should attach to the compensation voucher the following:
 - a.) a brief statement on the issue or issues that were the subject matter of the research; and
 - b.) an estimate of the number of hours of attorney time that would have been required to do the research manually; and
 - c.) a copy of the bill and receipt for the use of equipment or an explanation of the precise basis of the charge. For example, indicating the extent to which it was derived by proration of monthly charges or by charges identifiable to the specific research.

CJA 20

NON-REIMBURSABLE EXPENSES

The following are NOT reimbursable expenses and should NOT be included on the CJA 20:

1. General office overhead such as rent, telephone services, secretarial services and so forth. Telephone toll calls and telegrams are reimbursable.
2. Personal items and services for the defendant represented such as clothing, haircut, meals or assisting the defendant in any personal way.
3. The cost of printing briefs.
4. Fact witness fees, witness travel costs and expenses for service of subpoenas. These expenses are not paid out of CJA appropriation but instead are paid by the Department of Justice. Contact the Assistant United States Attorney.
5. Filing fees. These fees are waived for persons proceeding under the CJA.
6. The cost of investigative, expert or other services allowable under 18 U.S.C. § 3006A(e). The organization or person providing the service should file a claim on the CJA 21 or 24 (for transcripts).
7. Expenses for transcripts and electronic court recorder tapes. Reimbursement for transcript/ECR tapes are to be made on the CJA 24.

Note: CJA 21's and 24's are available from the courtroom deputy or the Clerk's Office.

**INSTRUCTIONS FOR CJA 21
AUTHORIZATION AND VOUCHER FOR EXPERT AND OTHER SERVICES**

Read these instructions carefully before completing the form. Accuracy and thoroughness will aid in the prompt payment of the claim. Use a typewriter if possible to complete the form; otherwise, write legibly with a ball point pen (preferably black or dark blue ink). If the form is system generated, Items 1 through 10 and 14 will be preprinted on the form. Attach an itemized statement of the services provided and expenses incurred. Give the date and the number of hours claimed for each service provided. Provide the dates for, and a description of expenses incurred. For additional guidance, see the *Guidelines for the Administration of the Criminal Justice Act and Related Statutes (CJA Guidelines)*, Volume VII, *Guide to Judiciary Policies and Procedures*, which is available for reference in the Clerk's Office.

All payments made pursuant to this claim are subject to post-audit. any overpayments are subject to collection, including deduction of amounts due from future vouchers.

Refer to 18 U.S.C. § 3006A(e)(1) and the CJA Guidelines on making Ex Parte applications for services other than counsel.

NOTE: Prior authorization from the presiding judicial officer should be obtained for all investigative, expert, or other services where the cost (excluding reimbursement for reasonable expenses) will exceed \$800. Failure to obtain prior authorization will result in the disallowance of any amount claimed for compensation in excess of \$800, unless the presiding judicial officer, finds that, in the interest of justice, timely procurement of necessary services could not await prior authorization.

Compensation may not exceed \$2,400 excluding reasonable expenses, unless the excess amount is certified by the presiding judicial officer as necessary to provide fair compensation for services of an unusual character or duration, and the amount exceeding the statutory limit is approved by the chief judge of the court of appeals (or active appeals court judge to whom the chief judge has delegated excess compensation authority).

If prior authorization is obtained for investigative, expert or other services and later it is determined that the cost of the service will exceed the initial estimate by a significant amount, you should seek, from the presiding judicial officer, further prior authorization for the additional amount.

Item 1. CIR./DIST./DIV. CODE: This four-character location code is the circuit or district and divisional office codes of the court where the proceedings for the person represented are held.

Item 2. PERSON REPRESENTED: Give the full name of the person whom you were appointed to represent.

Items 3-6. DOCKET NUMBERS: Provide the case number or miscellaneous number assigned by the court. Enter the number using the last two digits of the calendar year (YY), the sequential number assigned by the court (NNNNNN), and the defendant number (DDD), as shown on the indictment or charging document. Thus, the format of the docket number is YY-NNNNNN-DDD.

Note: If two or more cases are heard or tried together for the person represented, complete a separate voucher for each case in which services are provided (i.e., docket number listed). Prorate the total time among the cases. On the supporting documentation, cross reference all related claims for which costs are prorated.

Item 7. IN CASE/MATTER OF (CASE NAME): In criminal cases, enter *U.S. vs. Defendant's Name*. If it is a multiple defendant case, give the case cite as provided on the indictment or information (e.g., *U. S. vs. Lead Defendant's Name, et al*). If the person represented is not a defendant (e.g., material witness), enter the first named defendant in the court's recording of the case. If this is a civil case (e.g., habeas corpus), enter the *Name of the Petitioner vs. the Name of the Respondent* and include the respondent's title. If other than a criminal or civil case (i.e., miscellaneous matters), enter "*In the matter of*" followed by the "*Name of the Person Represented*."

Item 8. PAYMENT CATEGORY: Check the appropriate box that identifies the offense class for the representation in which the expert or other services are requested. If "Other" payment category is checked, specify the category within the scope of the CJA.

Item 9. TYPE PERSON REPRESENTED: Check the box that defines the legal status of the person represented.

Item 10. REPRESENTATION TYPE: From the list below, select the code that describes the type of representation:

CC A defendant charged in a criminal case with an offense(s) that is a felony, misdemeanor, or petty offense

under the U.S. Code, or an assimilated crime under a state code.

NT A new trial either directed from the court of appeals on remand or as a result of a mistrial

MA Motion attacking a sentence (28 U.S.C. § 2255)

MC Motion to correct or reduce sentence (Fed. R. Crim. P. 35)

HC Habeas Corpus, non-capital (28 U.S.C. § 2254)

BP Bail Presentment

WI Material Witness (in custody)

WW Witnesses (Grand Jury, a Court, the Congress, a Federal Agency, etc.)

PR Probation Revocation

PA Parole Revocation

SR Supervised Release Hearing

EW Extraordinary Writs (Prohibition, Mandamus)

CH Mental Competency Hearings (See Chapter 313 of Title 18 U.S.Code)

PT Pretrial Diversion

EX Extradition Cases (Foreign)

OT Other types (e.g., line ups, consultations, prisoner transfer, etc.)

TD Appeal of a trial disposition

CA Other Types of Appeals

AP Appeal From a Magistrate Case to District Court

FOR DEATH PENALTY CASES, USE THE CJA FORM 31 AND THE APPLICABLE TYPE OF REPRESENTATION CODE.

Item 11. OFFENSE(S) CHARGED: Cite the U. S. Code, title and section, or other code citation of the offense or offenses (list up to five) with which the person represented is charged. If other than a federal code is cited, state the maximum period of confinement authorized for the offense. If a civil matter, such as a habeas corpus representation or a motion attacking sentence, cite 28 U.S.C. § 2254 or 28 U.S.C. § 2255, respectively. For direct appeals from a trial disposition, cite the major offense (U.S. Code, title and section) at case disposition.

Item 12. ATTORNEY'S STATEMENT, NAME AND MAILING ADDRESS: Check the appropriate box to indicate whether the request is for authorization to obtain services, or approval of services already provided. (Note that prior authorization is required for compensation of all services in excess of \$500.) Indicate the estimated cost of the services requested. Note the basis for compensation (e.g., hourly rates, daily rates, fixed fee, etc.). This statement must be signed and dated by the person represented (or by the person proceeding *pro se*). Check the appropriate box to designate attorney status as a panel attorney, retained attorney, attorney for a legal organization (bar association, legal aid agency, or community defender organization not receiving a periodic sustaining grant under the CJA), or as a person who qualifies for representation under the CJA but has chosen to proceed *pro se*.

Give the complete legal name of the attorney appointed to represent the person whose name is shown in Item 2. Provide the mailing address and telephone number of the attorney.

Item 13. DESCRIPTION OF AND JUSTIFICATION FOR SERVICES: Briefly, describe the nature of the services requested and the reason services are necessary to provide adequate representation.

Procedures for Requesting Psychiatric and Psychological Services.

If this is a request for an examination by a psychiatrist or psychologist, state specifically the purpose of the examination. If the examination is ordered pursuant to a statute, cite the statute (U.S. Code, title and section).

The payment procedures for psychiatric and psychological examinations are outlined below. For further information, refer to paragraph 3.11 of the *CJA Guidelines*.

1. If this is a court-ordered examination to determine, exclusively, the mental condition as set forth in 18 U.S.C. §§ 4241-4246, DO NOT USE THIS FORM, regardless of who requested the examination. Examinations conducted pursuant to these statutes are considered "non-defense" purpose examinations. The costs are paid by the Department of Justice, and claims for these examinations should be submitted to the U.S. Attorney.

2. If this is an examination exclusively for a "defense" purpose (where the person represented selects the expert and controls disclosure of the report), USE THIS FORM. The court order executed in Item 15 is sufficient for this purpose.

3. If this is a dual purpose examination for a "non-defense" and a "defense"

purpose, USE THIS FORM. For the convenience of the expert, the Administrative Office will pay the expert the total amount approved and obtain reimbursement from the Department of Justice for one-half of the total amount approved. In order for the Administrative Office to obtain this reimbursement, a separate court order authorizing the examination must be attached to the voucher when it is submitted for payment. This order should indicate (1) who requested the examination, (2) the specific purpose(s) of the examination, (3) to whom the report of the examination is directed, and (4) to whom copies of the report are to be given. This separate order is in addition to the court order at Item 15, which also must be signed and dated by the presiding judicial officer.

4. If this is a dual purpose examination for two "non-defense" purposes (e.g., evaluation of competency to stand trial under 18 U.S.C. § 4241 and evaluation of sanity at the time of the offense under 18 U.S.C. § 4242), DO NOT USE THIS FORM. Submit the entire claim to the U. S. Attorney for payment.

Item 14. TYPE OF SERVICE PROVIDER: Check the box which identifies the type of service provider requested. If you check the box "Other," be sure to specify the type of service or service provider. If computer assisted legal research (CALR) is checked, refer to paragraph 3.15 of the *CJA Guidelines* for an explanation of the criteria and procedures for approval of CALR as a necessary service under the CJA.

Item 15. COURT ORDER: This court order must be signed and dated by the presiding judicial officer. An additional court order is not necessary except for certain psychiatric and psychological examinations as explained in the instructions for Item 13, or to authorize payment for services exceeding \$500 when prior authorization was not obtained (see Item 23). Indicate whether full or partial repayment of the cost for these services was ordered by the court from the person represented by checking "Yes" or "No."

Item 16. CLAIM FOR SERVICES AND EXPENSES:

COMPENSATION (16a): Enter the total amount claimed for professional services rendered. On an attachment to the voucher, describe in detail the services provided, including dates of service and the amount of time spent (in hours and tenths of hours). State the basis for the fee claimed (e.g., hourly rate, daily rate, fixed fee).

TRAVEL EXPENSES (16b): Travel related expenses that are incidental to the representation (e.g., transportation, lodging, meals, car rental, parking, bridge, road and tunnel tolls, etc.) must be itemized on a separate sheet, indicating dates the expense was incurred. Attach supporting documentation (receipts, canceled checks, etc.) for all travel expenses. Travel expenses by privately owned automobile, motorcycle, or aircraft should be claimed at the rate in effect for federal employees at the time of travel. For overnight travel, reasonable expenses for lodging and meals will be reimbursed on an actual expense basis; per diem is not allowed. Service providers are limited to the travel and subsistence expenses of federal employees. The clerk of court can advise you of applicable rates and federal government travel regulations.

OTHER EXPENSES (Item 16c): Itemize all reimbursable out-of-pocket

expenses incidental to the services provided. Provide dates and a brief description of the expense. Submit supporting documentation (receipts, canceled checks, paid invoice, etc.) for single item expenses of \$50 or more. Do not include general office overhead (e.g., rent, telephone services, secretarial services) as reimbursable expenses.

The columns provided "FOR COURT USE ONLY" will reflect any mathematical or technical adjustments to the claim during judicial approval or required additional review of the chief judge of the court of appeals (or delegate).

Item 17. PAYEE'S NAME AND MAILING ADDRESS, TAXPAYER IDENTIFICATION NUMBER (TIN), CLAIMANT'S CERTIFICATION AND CLAIM STATUS: Provide the complete name and address of the payee (claimant). The claimant must certify dates covered in the claim for payment by indicating the date range for services rendered. Check the box to indicate the status of the claim as: (1) final payment for the services, (2) an interim payment, or (3) a supplemental payment (an additional claim submitted after a the final payment). If this is an interim payment, indicate the interim payment number. The claimant or payee must sign and date the payment certification statement prior to submitting the claim to the attorney for certification that services were rendered and received. Provide the Taxpayer Identification Number (TIN) to report these earnings to the IRS.

Item 18. CERTIFICATION OF ATTORNEY: This section must be completed by the attorney appointed to provide representation, a retained attorney whose client is unable to afford the cost of service requested, or by a person proceeding *pro se* under the CJA.

Items 19-22. APPROVED FOR PAYMENT: The court will review, for reasonableness and compliance with the *CJA Guidelines*, every claim for compensation of services rendered and any claim for reimbursement of expenses incurred. The presiding judicial officer will indicate the amount approved for payment in each of the payment categories (Items 19-21). These amounts will reflect any mathematical or technical adjustments made to the claim.

The "TOTAL AMOUNT APPROVED/CERTIFIED" (Item 22) is the amount approved for payment of the claim, less any amounts to be withheld in accordance with an interim payment order. Upon preliminary approval of a claim for more than the \$2,400 statutory threshold, not including expenses, the presiding judicial officer will (1) signify approval by circling the word "cert" (for word certified) and indicate the amount approved in Item 22, and (2) forward the claim to the chief judge of the court of appeals (or delegate) for additional review and approval of the excess amount.

Item 23. SIGNATURE OF THE PRESIDING JUDICIAL OFFICER: The presiding judicial officer must check the appropriate box to indicate (1) either the cost, excluding expenses, does not exceed \$800; or prior authorization was obtained, or (2) approval of cost, excluding expenses, exceeding \$800 when prior authorization was not obtained but in the interest of justice the court finds that timely procurement of these services could not await prior authorization. The presiding judicial officer must sign and date Item 23, indicating approval/certification of the amount indicated in Item 22. The court will provide

the judge code.

If the amount approved for compensation, excluding expenses, is less than or equal to the \$2,400 statutory limitation, the claim will be forwarded for payment processing.

Items 24- APPROVED FOR PAYMENT: If the chief judge (or delegate) approves the excess compensation, the judge will indicate the amounts approved in each of the payment categories, Items 24-26, and the total amount approved for payment in Item 27.

Item 28. SIGNATURE OF CHIEF JUDGE, COURT OF APPEALS (OR DELEGATE): Before a claim is paid for the excess amount certified, the chief judge of the appeals court (or delegate) must sign and date Item 28, approving payment for compensation that exceeds the statutory threshold. If approval is not granted, compensation will be limited to the statutory maximum for the representation and expenses approved. The **JUDGE CODE** will be provided by court staff.

NOTICE TO CJA PANEL ATTORNEYS REGARDING AVAILABILITY OF INVESTIGATIVE, EXPERT AND OTHER SERVICES

All attorneys appointed to provide representation under the Criminal Justice Act (CJA), 18 U.S.C. § 3006A, may request, under subsection (e) of the Act, authorization to obtain investigative, expert, and other services necessary for adequate representation to be paid from funds appropriated for the administration of the CJA. In death penalty cases (federal capital prosecutions and capital post-conviction proceedings), 18 U.S.C. § 3599 provides additional statutory authority to appoint counsel (also see 18 U.S.C. § 3005) and authorize investigative, expert, and other services (referred to as “subsection (e) services,” below).

In addition to investigators, psychiatrists, psychologists, and reporters, services other than counsel may include, but not necessarily be limited to, interpreters, computer systems and automation litigation support personnel and experts, paralegals and legal assistants, including law students, neurologists, and laboratory experts in the areas of ballistics, fingerprinting, and handwriting.

Requests for authority to obtain subsection (e) services should be made to the presiding judge or magistrate judge (see cautionary note below). In order to prevent the possibility that an open hearing concerning a request for subsection (e) services may cause a defendant to reveal his or her defense, these requests should be made by *ex parte* application. The Guidelines for Administering the CJA and Related Statutes (CJA Guidelines), Volume 7A, *Guide to Judiciary Policy*, provide that the *ex parte* applications must be heard *in camera* and must not be revealed without the consent of the defendant. The CJA Guidelines further state that such applications must be placed under seal until the final disposition of the case in the trial court, subject to final order of the court. In death penalty cases, 18 U.S.C. § 3599 provides that counsel must make a proper showing concerning the need for confidentiality.

CAUTIONARY NOTE

There are, however, limitations that apply to the obtaining of these services. **PRIOR AUTHORIZATION SHOULD BE SECURED** from the presiding judicial officer for all subsection (e) services, in a non-death or death penalty representation, where the cost (exclusive of reimbursement for expenses) of a type of service will exceed \$800. In addition to prior authorization, once the services have been provided, the claims for compensation must be approved by the presiding judicial officer. The limitation of \$800 may be waived if the presiding judicial officer, in the interest of justice, finds that timely procurement of necessary services could not await prior authorization.

In addition, in non-death penalty proceedings, claims for compensation by a service provider in a representation in excess of \$2,400 (excluding reimbursement for expenses) may be paid when the presiding judicial officer certifies that payment in excess of the amount is necessary to provide fair compensation for services of an unusual character or duration, and the amount of the excess payment is approved by the chief judge of the circuit (or the active or senior circuit judge to whom the chief judge has delegated excess compensation approval authority). In death penalty cases, there is a different waivable limit of \$7,500 (the \$2,400 amount does not apply). The \$7,500 limit applies to the total payments (including expenses) for all investigative, expert, and other services combined in a representation, not to each type of service or service provider individually. For payments in excess of \$7,500, the presiding judicial officer must certify the payments as necessary to provide fair compensation for services of an unusual character or duration.

Payment for subsection (e) services should be claimed directly by the service provider on the CJA Form 21, “Authorization and Voucher for Expert and Other Services,” or, in death penalty proceedings, on the CJA Form 31, “Death Penalty Proceedings: *Ex Parte* Request for Authorization and Voucher for Expert and Other Services.”

Counsel should review both the Criminal Justice Act and the CJA Guidelines, which are accessible through www.uscourts.gov.

**INSTRUCTIONS
AUTHORIZATION AND VOUCHER FOR PAYMENT OF TRANSCRIPT
CJA FORM 24**

Read these instructions carefully before completing the form. Accuracy and thoroughness will aid in prompt payment of the claim. If possible, use a typewriter to complete the form; otherwise, write legibly with a ballpoint pen (preferably black or dark blue ink). If the form is system generated, Items 1 through 11 will be preprinted on the form. If additional space is needed to complete an item, attach a continuation sheet to the form.

- Item** **1. CIR./DIST./DIV. CODE:** This four-character court location code is the circuit or district, and divisional office codes of the court where authorization is given to procure the transcript.
- Item 2.** **PERSON REPRESENTED:** Give the full name of the person whom representation is being provided (i.e., the person whom transcript services are requested). Only one name should be entered in Item 2 "Person Represented."
- Items 3-6.** **DOCKET NUMBERS:** Provide the case file number or the miscellaneous number of the case for which representation is provided. Enter the number using the last two digits of the calendar year (YY), the sequential number assigned by the court (NNNNNN), and the defendant number (DDD) if applicable. Thus, the docket number format is YY-NNNNNN-DDD. Complete a separate voucher for each transcript requested. Prorate the total transcript cost among the cases when costs are shared or apportioned. Cross reference all related claims for which costs are prorated or apportioned.
- Item 7.** **IN CASE/MATTER OF (CASE NAME):** In criminal cases, enter *U.S. vs Defendant's Name*. If it is a multiple defendant case, give the case cite as provided on the information or indictment (e.g., *U.S. vs. Lead Defendant's Name, et al.*) If the person represented is not a defendant (e.g. material witness), enter the first named defendant in the court's recording of the case. If this is a civil case (e.g., habeas corpus), enter the *Name of the Petitioner vs. the Name of the Respondent* and include the respondent's title. If other than a criminal or civil case (i.e., miscellaneous matters), enter "*In the Matter of*" followed by *the Name of the Person Represented*.
- Item 8.** **PAYMENT CATEGORY:** Check the appropriate box that defines the statutory threshold for this representation type. If "Other" payment category is checked, specify the category within the scope of the Criminal Justice Act (CJA). See paragraph 2.22 B(2), of the *Guidelines for the Administration of the CJA and Related Statutes (CJA Guidelines)*, Volume VII, *Guide to Judiciary Policies and Procedures*.
- Item 9.** **TYPE PERSON REPRESENTED:** Check the box that categorizes the legal status of the person represented.
- Item 10.** **REPRESENTATION TYPE:** From the list below, select the code that describes the type of representation:

CC A defendant charged in a criminal case with an offense(s) that is a felony, misdemeanor, or petty offense under the U.S. Code, or an assimilated crime under a state code.

NT A new trial either directed from the court of appeals on remand or as a result of a mistrial

MA Motion attacking a sentence (28 U.S.C. § 2255)

MC Motion to correct or reduce sentence (Fed. R. Crim. P. 35)

HC Habeas Corpus, non-capital (28 U.S.C. § 2254)

BP Bail Presentment

WI Material Witness

WW Witnesses (Grand Jury, a Court, the Congress, a Federal Agency, etc.)

PR Probation Revocation

PA Parole Revocation

SR Supervised Release Hearing

EW Extraordinary Writs (Prohibition, Mandamus)

CH Mental Competency Hearings (see Chapter 313 of Title 18 U.S. Code)

PT Pretrial Diversion

EX Extradition Cases (Foreign)

OT Other Types (e.g., line ups, consultations, prisoner transfer, etc.)

TD Appeal of Trial Disposition

CA Other Types of Appeals

AP Appeal From Magistrate's Decision

Item 11. **OFFENSE(S) CHARGED:** Cite the U.S. Code, title and section, of the offense or offenses for which the person represented is charged. If a death penalty case, cite the charge for which the death penalty is being sought. If a civil matter, such as a capital habeas representation or motion attacking sentence, cite 28 U.S.C. § 2254 or 28 U.S.C. § 2255, respectively.

Item 12. **PROCEEDINGS IN WHICH TRANSCRIPT IS TO BE USED:** Describe briefly the nature of the proceeding or other purpose for which the transcript is required (e.g., motion hearing, trial preparation, trial, appeal).

Item 13. **PROCEEDINGS TO BE TRANSCRIBED:** Describe specifically the type of proceedings to be transcribed (e.g., preliminary hearing, arraignment, plea, sentencing, trial, motions, parole or probation proceedings, state court proceedings, deposition). For restrictions on trial transcripts, see Item 14.

Item 14.

B. Types of Transcripts:

Note: All but ordinary transcript services, to be delivered within 30 days after receipt of an order, require special prior judicial authorization.

(1) **Expedited** -- to be delivered within 7 calendar days after receipt of an order.

(2) **Daily** -- to be delivered following adjournment and prior to the normal opening hour of the court on the following morning, whether or not it is an actual court day.

(3) **Hourly** -- ordered under unusual circumstances to be delivered within 2 hours.

(4) **Realtime Unedited Transcript** -- to be delivered electronically during the proceedings or immediately following adjournment.

C. Trial Transcripts -- In the absence of special prior authorization, trial transcripts shall exclude the prosecution opening statement, the defense opening statement, the prosecution argument, the defense argument, the prosecution rebuttal, the voir dire and jury instructions.

D. Multi-defendant Cases -- According to Judicial Conference policy, no more than one transcript should be purchased from the court reporter on behalf of CJA defendants in multi-defendant cases. Arrangements should be made for duplication of enough transcript copies, at commercially competitive rates, for each CJA defendant for whom a transcript has been approved. The cost will be paid from CJA funds. This policy does not preclude the court reporter from providing copies at the commercially competitive rate. In addition, the court may grant an exception to this policy based upon a finding that application of the policy will unreasonably impede the delivery of accelerated transcripts to persons proceeding under the CJA. See paragraph 3.12C of the *CJA Guidelines*.

Item 15. **ATTORNEY'S STATEMENT:** The court-appointed counsel or the person proceeding *pro se* under the CJA must sign and date the affirmation statement, and print or type the signatory's name. Check the appropriate box to designate your status as a CJA panel attorney, a retained attorney whose client is unable to afford the cost of the transcript service, a person who qualifies for representation under the CJA but who has chosen to proceed *pro se*, or an attorney from a legal organization (bar association, legal aid agency, or community defender organization not receiving a periodic sustaining grant under the CJA).

Item 16. **COURT ORDER:** This order must be signed and dated by the presiding judicial officer, indicating eligibility under the CJA. An additional court order is not necessary to authorize procurement and payment for this

service.

- Item 17. COURT REPORTER/TRANSCRIBER STATUS:** Check the appropriate box that indicates the reporter's status. Generally, this information will be provided by the court, the reporter, or the clerk.
- Item 18. PAYEE'S NAME, MAILING ADDRESS AND TELEPHONE NUMBER:** Print or type the full name and mailing address of the payee. Provide the payee's telephone number, including the area code.
- Item 19. SOCIAL SECURITY NUMBER OR EMPLOYER ID NUMBER OF PAYEE:** Provide your Social Security Number (SSN) or your Employer Identification Number (EIN) that you use to report earnings to the Internal Revenue Service (IRS).
- Item 20. TRANSCRIPT COSTS:** Cost per page for transcripts prepared by official court reporters, contract court reporters, and transcribers of taped proceedings may not exceed the rates in effect at the time the authorization. Generally, persons proceeding under the CJA may receive only the original or a copy of the transcript. Two lines for transcript costs have been provided on the form to reflect that the page rate will vary depending upon whether the party received the original or a copy, and that certain portions may be provided at a higher rate for accelerated service. (If more lines are needed to reflect these factors, attach an additional sheet and record the information in the same format as on the form.) A page of transcript shall consist of 25 lines typed on 8 -1/2 x 11 inch paper, prepared for binding on the left side, with 1-3/4 inch margin on the left side and a 3/8 inch margin on the right side. Typing shall be 10 letters per inch. Provide the page numbers for each segment of the transcript.
- Note:** Claim reimbursement for only the following expenses: (1) Travel and subsistence of assistants who aid in preparation of daily or hourly transcript, if authorized in advance by the presiding judicial officer; and (2) Extraordinary delivery costs, such as courier services or express mail (regular postage is not reimbursable). Specify and attach receipts or other supporting documentation for expenses.
- Item 21. CLAIMANT'S CERTIFICATION:** Generally, the person providing the transcript services will sign this certification. However, if the transcript has been paid for, the attorney can request reimbursement for the cost on this form by signing the claimant's certification. In that event, the attorney also must be listed as the payee in Item 18, and the information required in Items 18 and 19 (SSN, payee's mailing address and telephone number) should relate to the attorney. If the 1099 should be sent to the attorney's Law Firm, indicate the TIN of the Law Firm or corporation and the Law Firm or corporate name in Item 19.
- Items 22. CERTIFICATION OF ATTORNEY OR CLERK.** The attorney's signature in Item 22 verifies that the transcript was received. Clerks of court may verify receipt on behalf of persons proceeding *pro se*, and on behalf of all CJA parties in districts if the practice is authorized by local rule of the court.

- Item 23.** **APPROVED FOR PAYMENT:** After reviewing for reasonableness and compliance with the *CJA Guidelines*, the presiding judicial officer must sign and date the voucher.
- Item 24.** **AMOUNT APPROVED.** The amount approved for payment.

REQUEST FOR PAYMENT OF WITNESS FEES

Witness Name: _____ **Social Security No.:** _____

Case Name: US v _____ **Case Number:** _____

Address: _____

City _____ **State** _____ **Zip** _____ **Telephone No. ()** _____

Court Location: _____ **District:** _____

Attendance Certification:

Deposition Dates	_____	No. of Days	_____
Grand Jury/Trial Attendance Dates	_____	No. of Days	_____
Pretrial Attendance Dates	_____	No. of Days	_____
Detained Dates - Citizen/Visitor In Custody	_____	No. of Days	_____
Detained Dates - Deportable Alien in Custody	_____	No. of Days	_____

Attendance Attestation: I attest that the witness named above attended in the case or matter indicated and is entitled to the statutory allowance for attendance and travel.

Signature of CJA Panel Attorney

Print or Type Name

Date

[Please return completed form to Federal Defender Office, 613 Abbott Street, Detroit, MI 48226. ATTN: Carol McGuire]

THIS IS A 4-PART FORM. FILL OUT FORM AND PRINT 4 COPIES. SIGN AS NEEDED AND ROUTE AS SPECIFIED BELOW.

Check One (was) (was not) a United States citizen at the time of attendance
 (was) (was not) a Federal Government employee at the time of attendance
 (Did) (did not) receive a cash or check advance. Total advance issued: \$ _____ From: _____

Witness Name:	Court Doc. No:
Social Security Number:	Case Name:
Address:	District:
City: State: Zip:	Court Location:
Telephone No. (including area code):	GTA <input type="checkbox"/> Transportation <input type="checkbox"/> Lodging

PART I - Attendance Certification (by Government Official) (Retention of these fees is considered taxable income and reportable to IRS)	Object Class	Amounts (Dollars) (To Be completed by US Marshals)
A. Attendance Fees		
Deposition Dates _____ \$40 @ ____ days	1126	
Grand Jury/Trial Attendance Date (Including Travel) _____ \$40 @ ____ days	1156	
Pretrial Attendance Dates (Including Travel) _____ \$40 @ ____ days	1194	
Detained Dates - Citizen/Visitor In Custody _____ \$40 @ ____ days	1193	
Detained Dates - Deportable Alien in Custody _____ \$1 @ ____ days	1195	
	Total Fees	0
B. Attendance Attestation: I attest that the witness named above attended in the case or matter indicated and is entitled to the statutory allowance for attendance and travel. In proceedings before U.S. Magistrate Judges where more than four witnesses were called, the Magistrate also attests that the approval and certificate of the Litigating Trial Office were first obtained.		
_____	_____	_____
Signature	Title of Authorized Government Official	Date

This form is continued on Page 2

Original - USMS Trial District Office
 Copy 1 - Paying Office
 Copy 2 - DOJ Litigating Trial Office
 Copy 3 - Witness

Previous Editions are Obsolete

Form OBD-3 (Revised 4-2005)

PART II - Allowances				
C. Travel by Carrier (Receipts required if paid by witness) (DO NOT claim if paid by Government) Check one <input type="checkbox"/> Train <input type="checkbox"/> Bus <input type="checkbox"/> Airplane	2191			
D. Travel by Privately Owned Vehicle: <input type="checkbox"/> Auto/Truck/Van <input type="checkbox"/> Motorcycle <input type="checkbox"/> Airplane Round trip mileage _____ @ \$____ Per mile Total no. of trips _____ Less advance received \$_____	2192			
E. Local Transportation & Other Expenses: (e.g., subway, bus, taxi, tolls, all parking, etc.) <i>(Receipts required for parking and expenses over \$25.00) (Gratuities are limited to taxi and shuttle services up to 15%)</i> <i>List (item and amount)</i> _____ _____ _____	2193			
F. Meals and Lodging: 1. Travel days (½ day's M&IE per day) @ \$_____ x _____ Day(s) = \$_____ 2. Days away from home (full day's M&IE per day) @ \$_____ x _____ Day(s) = \$_____ 3. Actual cost of lodging, not to exceed \$_____ @ \$_____ x _____ Day(s) = \$_____ <i>(DO NOT claim if paid by Government) (Receipts are required if paid by witness)</i> Less advance received \$_____	2194			
G. Witness Certification: I certify that this voucher is true and correct to the best of my knowledge and belief, and that payment or credit has not been received by me. (If not a citizen, present your Alien Registration Record with this form) _____ <div style="display: flex; justify-content: space-between;"> Witness Signature Date Alien Registration Record No. </div>				
H. Claim Verification: Based upon the above information and receipts furnished by the witness, I verify the above information is true and correct to the best of my knowledge. _____ <div style="display: flex; justify-content: space-between;"> Signature Title of Authorized Government Official Date </div>			Net Amount Paid	
PART III - Certification				
THIS VOUCHER IS CERTIFIED CORRECT AND PROPER FOR PAYMENT				
_____	_____	_____		
Signature	Title of Authorized Certifying Officer	Date		
PART IV - Disbursement (For Finance Office use only)				
Accounting Classification _____				
Check/Draft No. _____ Voucher No. _____				
_____	_____	_____		
Signature	Title of Disbursing Officer	Date		

The Privacy Act Statement and instructions for completion of this form are contained on Page 3 of this form

INSTRUCTIONS FOR COMPLETING THIS FORM

To be completed by the witness

1. At the top of the form, check the appropriate word(s) to indicate if:

You were or were not a United States citizen at the time you appeared to testify. If you are not a citizen, you will be required to show proof of your resident or visitor status.

You were or were not a federal employee at the time you appeared to testify. The fees and allowances on this form do not apply to federal employees. If you are a federal employee, please request instructions for obtaining reimbursement.

You (DID) or (DID NOT) receive a check or cash advance for your expenses in traveling to court. If you received an advance, enter the amount and issuing office here.

Indicate and/or verify your name, Social Security Number, address, and telephone number to ensure that they are correct. This will be the address to which any reimbursement to you for fees or allowances will be mailed. Correct any erroneous information and enter any missing information.

SOCIAL SECURITY NUMBER/PRIVACY ACT NOTICE: Disclosure of your social security number is mandatory for Federal income tax reporting purposes under the authority of 26 CFR Section 301-6109-1, in order to ensure the accuracy of income computation by the Internal Revenue Service. This information will be used to identify an individual who is compensated by funds of the Department of Justice. Failure to provide this information may result in delay of your compensation, and the Department of Justice will be required to notify the Internal Revenue Service that your number is unknown. This information is being provided on Form 1099 to the Internal Revenue Service.

2. **PART II - Allowances**

Receipts are required for travel by train, bus or air, **ALL PARKING**, and other single items over \$25.00. If you parked at an airport or have not yet paid your hotel/motel bill or other item requiring a receipt, it will be necessary for you to mail your receipts to the trial office. Your claim for reimbursement cannot be processed until you furnish all receipts for expenses that you are claiming on this Fact Witness Voucher.

Please note: EXPENSES ASSOCIATED WITH YOUR TRAVEL BY YOUR PRIVATELY OWNED VEHICLE ARE LIMITED TO NO GREATER THAN THE COST OF COACH AIRFARE.

The remaining portion of Part II will be completed for you by the Federal government employee assigned to assist you, with the exception of the Witness Certification.

- G. **Witness Certification:** Verify that all items under Part II are correct. Any changes to Part II must be effected and signed by the Federal government employee assigned to assist you. Sign your full legal name and the date. If you are not a United States citizen, you will be requested to show proof of your resident or visitor status.

Falsification of an item may constitute a forfeiture of claim (28 U.S.C., Section 2514) and may result in a fine of not more than \$10,000 or imprisonment of not more than 5 years or both (18 U.S.C. 287).

Section B of Part I must be signed by an employee of the office that requested the appearance of the witness. Additionally, Section H of Part II must be signed by an employee of the requesting office attesting to the accuracy and completeness of the expenses claimed by the witness before the form is transmitted to the U.S. Marshals Service for payment. The U.S. Marshals Service will process the Fact Witness Voucher and MAIL payment to you at the address indicated on the first page of this form. If you require funds to return home, you must bring this fact to the attention of the individual assigned to assist you.

INSTRUCTIONS TO COMPLETING OFFICE

Section H of Part II must be signed by an employee of the office who requested the appearance of this witness, before the form is transmitted to the United States Marshals Service. Any revisions to Part II must be initiated by a Federal government employee. Changes made to Part II by the witness will not be honored.

All receipts for claims made in Part II must be attached to the Form OBD-3 before it is transmitted to the United States Marshals Service for payment.

Distribution of the Form OBD-3 shall be as follows: The ORIGINAL signed, completed form is retained by the U.S. Marshals Service. One COPY of the signed, completed form is provided to the Paying Office; one COPY is provided to the DOJ Litigating Trial Office; and one COPY is provided to the witness.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

CR. NO. (INSERT)

v.

HONORABLE (INSERT)

(INSERT),

Defendant.

_____ /

**MOTION FOR TRAVEL AND
SUBSISTENCE AT GOVERNMENT EXPENSE**

NOW COMES Defendant, (INSERT), by his/her counsel, (INSERT), panel attorney, and moves this Honorable Court pursuant to 18 U.S.C. §4285, for an Order directing the U.S. Marshal to furnish the Defendant fare for transportation to the Eastern District of Michigan. The Defendant files a supporting Brief and further states as follows:

1. The Defendant is charged by way of Indictment with (INSERT)
- **** 2. The Defendant and the Assistant United States Attorney will be entering into a Rule 11 Plea Agreement. Defendant is scheduled to appear on (INSERT) to appear before the Court to enter into the Rule 11 Plea Agreement.
3. (INSERT) was appointed to represent the Defendant on the previous Indictment.
4. Defendant resides in (INSERT).

****[Revise & Insert Proper Nature of Proceedings and Purpose of Travel]

5. The Defendant is financially unable to provide the necessary transportation to appear in the Eastern District of Michigan.

6. The interests of justice would be served by ordering the U.S. Marshal to pay for transportation and subsistence expenses.

7. The Assistant United States Attorney, (INSERT), concurs in the requested relief.

WHEREFORE, the Defendant respectfully requests this Honorable Court to enter an Order to that effect.

Respectfully submitted,

(INSERT)
Attorney for Defendant
(INSERT)

Dated: (INSERT)

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

CR. NO. (INSERT)

v.

HONORABLE (INSERT)

(INSERT),

Defendant.

_____ /

**BRIEF IN SUPPORT OF
MOTION FOR TRAVEL
AND SUBSISTENCE EXPENSES**

This court has authority to order that Defendant's fare and subsistence expenses be paid pursuant to 18 U.S.C. §4285. That section provides:

Any judge or magistrate of the United States, when ordering a person released under chapter 207 on a condition of his subsequent appearance before that court, any division of that court, or any court of the United States in another judicial district in which criminal proceedings are pending, may when the interests of justice would be served thereby and the United States judge or magistrate is satisfied, after appropriate inquiry, that the Defendant is financially unable to provide the necessary transportation to appear before the required court on his own, direct the United States marshal to arrange for that person's means of noncustodial transportation or furnish the fare for such transportation to the place where his appearance is required, and in addition may direct the United State marshal to furnish that person with an amount of money for subsistence expenses to his destination, not to exceed the amount authorizes as a per diem allowance for travel under section 5702(a) of title 5, Unites States Code. When so ordered, such expenses shall be paid by the marshal out of funds authorized by the Attorney General for such expenses.

Respectfully submitted,

(INSERT)
Attorney for Defendant
(INSERT)

Dated: (INSERT)

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

CR. NO. (INSERT)

v.

HONORABLE (INSERT)

(INSERT),

Defendant.

_____ /

ORDER FOR NON-CUSTODIAL TRAVEL EXPENSES

Upon the application of Defendant, (INSERT), for Travel Expenses, pursuant to 18 U.S.C. § 4285, and the Court being apprised of Defendant's indigence and the Government having no objections;

IT IS HEREBY ORDERED that the U.S. Marshal furnish Defendant (INSERT) with one-way, non-custodial transportation from Detroit, Michigan to (INSERT), for purposes of satisfying his reporting date of (INSERT), before 2:00 p.m.

SO ORDERED.

HONORABLE
United States District Judge

Entered: _____

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

CR. NO. (INSERT)

v.

HONORABLE (INSERT)

(INSERT),

Defendant.

_____ /

ORDER FOR TRAVEL EXPENSES

Upon the application of Defendant, (INSERT), for Travel Expenses, pursuant to 18 U.S.C. § 4285, and the Court being apprised of Defendant's indigence, and the Government having no objection;

IT IS HEREBY ORDERED that the U.S. Marshal furnish Defendant (INSERT) with non-custodial transportation from (INSERT) to (INSERT) for purposes of appearing in Court for (INSERT) before the Honorable (INSERT) on (INSERT)

UNITED STATES DISTRICT JUDGE

Entered: _____

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

CR. NO. (INSERT)

v.

HONORABLE (INSERT)

(INSERT),

Defendant.

_____ /

**STIPULATION AND ORDER
FOR TRAVEL AND SUBSISTENCE EXPENSES**

The Court having been advised of Defendant's indigency and his need for travel and subsistence expenses in order that he may prepare for trial, which is scheduled for (INSERT);

IT IS HEREBY ORDERED that the U.S. Marshal furnish Defendant (INSERT) with round-trip transportation and subsistence expenses from (INSERT) to (INSERT) on (INSERT).

(INSERT)
Assistant U.S. Attorney
211 W. Fort, Ste. 2300
Detroit, Michigan 48226

Date: _____

(INSERT)
Attorney for Defendant
(INSERT)
(INSERT)

Date: _____

(INSERT)
UNITED STATES DISTRICT JUDGE

Entered: _____

CM/ECF

ELIGIBILITY AND REGISTRATION

A filing user in ECF must be an attorney admitted to practice in the Eastern District of Michigan or be an attorney authorized to represent the United States Government. The attorney must also be a member in good standing. For information about attorney admissions, visit the Court Web site, www.mied.uscourts.gov.

Filing users must have a PACER account. Contact the PACER Service Center to establish an account and for more information about billing. Register for PACER online at <http://pacer.psc.uscourts.gov> or call (800) 676-6856 or (210) 301-6440.

To register to use the ECF system, a filing user must complete an Attorney Registration Form. Obtain the form on-line, at the Court's Web site, www.mied.uscourts.gov. By completing the form, the filing user is consenting to electronic service of all papers through the Court's transmission facilities in accordance with the federal rules of civil procedure and the federal rules of criminal procedure. (See Electronic Service)

If any information provided in the On-line Attorney Registration Form changes, a filing user has an ongoing responsibility to notify the Court by completing a Notice of Change of Attorney Information Form. (See Appendix A) The filing user must promptly file any such change with the Court and serve a notice on all other parties in that filing user's open cases. **Service upon an obsolete e-mail address will constitute valid service if the user has not notified the Court of a new address.**

Once a filing user has completed the On-line Attorney Registration Form, the Clerk will issue a login and password.

An electronic case filing tutorial introducing filing users to the CM/ECF system is available on the Court's Web site, www.mied.uscourts.gov.

REQUIREMENTS FOR ELECTRONIC FILING

The ECF Policies & Procedures are required reading before using the ECF system. For a copy of the Policies & Procedures, visit the following Web site: <http://www.mied.uscourts.gov/CMECF>. The rules contained in the Policies & Procedures will be referred to throughout the User Manual. The Policies & Procedures will be revised from time to time and it is advisable to periodically check the web site for the most current materials.

The hardware and software needed to electronically file, view and retrieve case documents are:

- A personal computer running a standard platform such as Windows® or Macintosh®
- Electronic PDF conversion software, such as Adobe Acrobat Writer® to convert documents from a word processor format to portable document format (PDF) and Adobe Acrobat Reader®
- A PDF-compatible word processor application like Microsoft Word® or Corel WordPerfect®
- Internet access, preferably cable modem or DSL
- Internet service with Internet Explorer® or Firefox (more current versions advised)
- A scanner or access to a scanner for the creation of electronic papers from documents that are non-computerized

The user should also be familiar with PACER (Public Access to Court Electronic Records) and have access to an active PACER account. More information is available on PACER's web site, <http://pacer.uscourts.gov/>.

