

Instructions for Completing the CJA Form 20:

**APPOINTMENT OF AND AUTHORITY TO PAY
COURT APPOINTED COUNSEL**

*UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI*

March 22, 2006

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GENERAL INFORMATION

Appointment of Counsel

The Criminal Justice Act (CJA), 18 U.S.C. § 3006A, requires each district court to adopt a plan for furnishing legal representation for any person financially unable to retain adequate representation privately in accordance with the Act. The CJA states that private attorneys shall be appointed in a substantial proportion of cases. By their appointment, counsel fulfill their obligations as officers of the court and their professional responsibility to assist in providing pro bono publico services. The limited amount of compensation provided under the CJA does not diminish counsel's responsibility to provide competent representation to his or her client.

Personal Appointments

All CJA appointments are personal and individual, and neither the appointment nor the responsibility for representation may be transferred to another attorney. Payment on a CJA claim is made to the individual appointed rather than to a firm or organization with which the individual is associated. However, the Administrative Office of the United States Courts (AO) has made provisions for reporting CJA income as firm income rather than personal income of the attorney. The financial relationship of the attorney with the firm dictates how the income should be reported. See Item 12, ATTORNEY'S NAME AND MAILING ADDRESS, and Item 14, NAME AND MAILING ADDRESS OF LAW FIRM.

Completion of Representation

Counsel's representation before this court is generally completed upon conclusion of the case, or when the purpose of the representation has been fulfilled, or upon the termination of appointment by court order (i.e., substitution of 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).¹

¹The court notes that because counsel in any civil or criminal case has specific duties regarding appeal, see Local Rule 12.07, representation before this court will be completed when those requirements are met.

Statutory Maximum Fee Compensation Payments

Counsel appointed under the CJA are entitled to compensation for services rendered. The CJA provides that counsel may receive fees of \$92 per hour for time spent in court and out of court. The total amount counsel may claim (excluding expenses) is as follows:

(i)	representation of a person charged with committing a felony offense	\$7,000.00
(ii)	representation of a person in a non-capital habeas corpus proceeding (under 28 U.S.C. §§ 2241, 2254, and 2255)	\$7,000.00
(iii)	representation of a person charged with a misdemeanor offense	\$2,000.00
(iv)	representation of a person in other types of proceedings (supervised release revocation, grand jury witness, etc.)	\$1,500.00

Claim for Payment of Fee Compensation in Excess of Statutory Maximum

The compensation provided under the CJA lessens, but does not eliminate, the costs and expenses incurred by counsel in appointed cases. The CJA is not designed to pay counsel an amount equal to the amount counsel would receive if retained privately. Therefore, the amount of compensation approved by the court will usually be within the statutory maximum.

The court may waive the statutory maximum in an extended and complex case if such waiver is necessary to provide fair compensation. Counsel seeking a waiver of the statutory maximum must submit a statement justifying why such a waiver is appropriate. See Justification Statements, at page 3. The waiver of the statutory maximum is subject to the approval of the Chief Judge of the Circuit or his delegate.

Time Limits

Vouchers should be completed and submitted to the Clerk's Office as soon as possible after the completion of the representation. Vouchers shall be submitted no later than 45 days after the completion of the representation, unless good cause is shown. If counsel continues in the representation on appeal, then counsel must submit a voucher to the Clerk's Office no later than 45 days after the conclusion of proceedings before the district court. Claims submitted beyond the 45-day period should be accompanied by a separate statement outlining the reasons for the delay. Approval and payment of reimbursement requests beyond the 45-day payment period is discretionary. Appointed attorneys are advised to submit their CJA vouchers promptly.

Attachments and Number of Copies

Each original voucher submitted by appointed counsel must be accompanied by two copies of the following: justification statement (in appropriate cases), worksheets, and receipts.

Worksheets

Counsel shall submit worksheets detailing and describing the in-court time, out-of-court time, travel expenses, and other expenses. Time entries should apprise the court of the nature of the services rendered (e.g., telephone conference with client, negotiation with United States Attorney, researching search of automobile incident to stop for speeding). Each operation should be separately described and recorded. Do not lump different operations together in a single time entry.

Justification Statements

A justification statement must be attached to the voucher if the amount of compensation being claimed (excluding expenses) exceeds the statutory limits set forth in 18 U.S.C. § 3006A. The justification statement should address the reasons why the case was either extended or complex or both.

Review Process

Upon submission to the Clerk's Office, the voucher is audited to verify the amount of in-court time claimed, to check for

mathematical errors, to identify any non-reimbursable expenses, to check the completeness of attachments, and to determine eligibility for payment. If there are no problems with the voucher, it is submitted to the court for a substantive review. The award determination is made by the court and the voucher is returned to the Clerk's Office.² Once the voucher is verified and certified as complete and accurate, a check will be issued from the AO's Disbursing Office in Washington, D.C.

CJA FORM 20

The following are instructions for completing specific portions of the CJA Form 20 APPOINTMENT OF AND AUTHORITY TO PAY COURT APPOINTED COUNSEL.

Attorney's Name and Mailing Address/Name and Mailing Address of Law Firm (Items 12 and 14)

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 on a 1099 Statement as earnings of the law firm or corporation and not as the earnings of the attorney appointed.

Reporting of Time

Time must be reported in tenths of an hour.

1-6 minutes	.1	31-36 minutes	.6
7-12 minutes	.2	37-42 minutes	.7
13-18 minutes	.3	43-48 minutes	.8

²If the amount is in excess of the statutory maximum, the voucher will need to be approved by the Chief Judge of the United States Court of Appeals for the Eighth Circuit or his delegate before final processing by the district court. Upon preliminary approval of such claim by the presiding judicial officer, the court will furnish to the Chief Judge of the Circuit a memorandum containing its recommendation and a detailed statement of reasons.

19-24 minutes	.4	49-54 minutes	.9
25-30 minutes	.5	55-60 minutes	1.0

In-Court Time (Item 15, Lines 15a-15h)

In-court time directly related to the representation can be claimed in this portion of the form. Record time in hours and tenths of hours. Multiply total hours by the authorized hourly rate, and indicate the total claimed for in-court compensation on the appropriate line. See CJA Hourly Rate & Mileage at www.moed.uscourts.gov for a list the of current and past rates. Counsel must attach a separate worksheet of in-court time, listing the dates on which services were performed, the type of service, and the amount of time expended. See Worksheets.

Out-of-Court Time (Item 16, Lines 16a-16e)

Out-of-court time directly related to the representation can be claimed on lines 16a through 16e. Record time in hours and tenths of hours. Multiply total hours by the authorized hourly rate and indicate the total claimed for out-of-court compensation on the appropriate line. See CJA Hourly Rate & Mileage at www.moed.uscourts.gov for a list of the current and past rates. Counsel must attach a separate worksheet of out-of-court time, listing the dates on which services were performed, the type of service, and the amount of time expended. See Worksheets.

Expenses (Items 17 and 18)

All vouchers must be accompanied by an itemization of expenses that details the date incurred, type of expense, and amount.

Travel by personal automobile is currently reimbursable at the rate specified by the judiciary at the time of travel. See CJA Hourly Rate & Mileage at www.moed.uscourts.gov for a list the of the current and past mileage reimbursement rates. An indication of the rate and number of miles traveled by personal automobile is required (e.g., 100 miles at \$.XX per mile). See Worksheets.

Copies made "in-house" will be reimbursed in an amount up to and including 25 cents per page. An indication of the number of copies made and the cost per copy is required. See Worksheets.

Non-Reimbursable Expenses³

The following expenses are not reimbursable under the CJA:

1. General Office Overhead. This includes expenses which would normally be reflected in the fee charged to a paying client. Therefore, expenses such as personnel costs, rent, telephone service, and secretarial help (whether regularly or specially employed, performing normal, overtime, or supplemental work, and even if counsel has no regularly employed secretary) are not reimbursable.

2. Items and Services of a Personal Nature. The cost of items of a personal nature purchased for or on behalf of the person represented, such as new clothing or having clothing cleaned, a haircut, cigarettes, candy, or meals is not reimbursable. The cost of services such as assisting the defendant in the disposition of his or her personal property, arranging for the placement of minor children of the defendant, or assisting the defendant in executing the conditions of probation are not reimbursable.

3. Filing Fees. Attorneys should not be required to pay a filing fee in a CJA case. If a filing fee is paid by an attorney who is subsequently appointed in the case, he or she should petition the district court for a refund of that fee.

4. Printing of Briefs. The expense of commercially printing briefs, regardless of the printing method utilized, is not reimbursable; however, the cost of mimeographing, photocopying, or similar copying service is reimbursable.

Receipts for Reimbursable Expenses

A copy of a paid receipt or cancelled check is required for the following expenses:

1. Any expense in excess of \$50.
2. All photocopy charges incurred outside of appointed counsel's office.

³This information is adapted from Vol. VII, Section A, Chapter 2, ¶ 2.28 of the Guide to Judiciary Policies and Procedures.

3. All travel expenses, including hotel accommodations, meals, coach air fare, and ground transportation.

4. Expenses related to computer assisted legal research (Lexis or Westlaw) must be accompanied by receipts that show the method of billing and the total time spent using the computerized system. In addition, a statement of the issues researched and an estimate of the amount of time necessary to do the research manually must also be included.

5. Any other unusual expense, such as express mail or courier service.

Certification of Attorney/Payee (Items 19 and 22)

Indicate the dates between which services were performed by appointed counsel (Item 19), and check either Final or Interim payment (Item 22). Also please be sure to answer all applicable questions regarding whether you have previously applied for reimbursement and whether anyone else has received payment for their representation of this client. Finally, sign and date the voucher. Return the completed voucher to:

U. S. District Court, Eastern District of MO
Attn: Finance Department
111 South Tenth Street, Room 3.300
St. Louis, Missouri 63102.

Items 23 through 34a should be left blank as they are for the court's use. Any questions you might have about the preparation of the voucher or its attachments should be directed to the Finance Department of the Clerk's Office at (314) 244-7875.

MISCELLANEOUS

Interim Payments

Interim payments are granted on a limited basis only, and a request for interim payments in a non-death penalty case is not encouraged by the court. Upon counsel's motion, the court may authorize interim payments when necessary and appropriate to relieve counsel of financial hardships imposed by an extended and complex case. The motion should request a specific payment period for the filing of interim vouchers (sixty or ninety days).

Supplemental Payments

Occasionally, additional work is required in a case for which appointed counsel has already been compensated. In this situation, appointed counsel should request a supplemental CJA voucher from the Clerk's Office. Counsel should attach to the supplemental voucher a statement which explains why additional time was expended or expenses incurred as a result of the appointment.

Investigative, Expert and Other Services

Counsel may obtain investigative, expert, and other services necessary for adequate representation pursuant to the procedures set forth in subsection (e) of the CJA. Prior authorization from the court should be obtained for all such services where the cost, exclusive of reimbursement for 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 court, in the interest of justice, finds that timely procurement of necessary services could not await prior authorization. Compensation may not exceed \$1,600, exclusive of reasonable expenses, unless payment in excess of that amount is certified by the court 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 his delegate). Compensation for investigative, expert, and other services should be claimed directly by the service provider on the CJA Form 21, "Authorization and Voucher for Expert and Other Services."

Paralegals, Legal Assistants, and Law Students

Compensation for legal research and assistance performed by paralegals or legal assistants (including law students) should be claimed on CJA Form 21 and not claimed as an expense on CJA Form 20. Counsel shall include with the completed CJA Form 21 an explanation of the work performed, the number of hours expended, and the rate requested (less than that paid to appointed counsel). The procedures for obtaining investigative, expert, and other services, as well as the case maximum, also apply to these services. Counsel should indicate whether the reimbursement check should be made payable to counsel or the paralegal/legal assistant /law student and include the appropriate social security number.

Some services, such as fees and expenses of fact witnesses, and service of subpoenas, are not compensable under the CJA. It is

advisable to contact the Management Support Unit of the Clerk's Office before attempting to obtain special services to assure eligibility of reimbursement.

Federal Public Defender

The Office of the Federal Public Defender for the Eastern District of Missouri is located at 1010 Market Street, Suite 200, St. Louis, Missouri 63101 (phone number (314) 241-1255). To assist CJA counsel, the Defender's Office has advised the court that it offers its criminal law library, copies of the United States Court of Appeals for the Eighth Circuit Criminal Defense Manual, and a form motion file.