

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

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WILLIAM T. WALSH
CLERK

REPLY TO: _____

March 17, 2004

Dear CJA Panel Member,

Please be advised that your acceptance of an appointment and representation of a defendant in a case is considered by the Court to be an obligation on your part to represent a defendant at every stage of the proceedings, from initial appearance before the Magistrate or the District Judge through appeal, including appropriate ancillary matters. ***It is also your responsibility to comply with applicable procedures and guidelines with respect to the following information, which you should carefully review.***

The enclosed information is governed by the Criminal Justice Act (CJA), Title 18, U.S.C. 3006A, and should assist you in the completion of your CJA 20 claim for compensation. Should you have additional CJA guideline questions the Defender Services Division in Washington has developed a web site that contains *Volume VII of the Guide to Judiciary Policies and Procedures*. You may access that web site at www.fd.org, or you may contact the undersigned if you have any additional questions. Also, there is additional information and ***forms*** on our ***website at http://pacer.njd.uscourts.gov/***.

1. LIMITATIONS : (Attorney Services - CJA Form 20)

A. Hourly Rates - Prior to May 1, 2002, the hourly rate for both in and out of court services was \$75.00. On or after May 1, 2002, the hourly rate is \$90.00 for both in and out of court services. Please contact the undersigned for instructions on split-rate billing. **Time must be reported in 1/10 hours only.**

B. Maximum Compensation

_____ (1)	<u>Felonies:</u>	\$5,200 for trial court level \$3,700 for appeal
(2)	<u>Misdemeanors:</u>	\$1,500 for trial court level \$3,700 for appeal

- (3) **Other representations:** (i.e., probation violations, supervised release hearings, parole proceedings, material witness in custody, and grand jury witness):

\$1,200 for trial court level
\$1,200 for each level of appeal

- (4) **Non-capital habeas:** (i.e., 28:2241, 2254, 2255)

\$5,200 for trial court level
\$3,700 for appeal

- C. **CLAIMS IN EXCESS** - Claims for *services of court appointed counsel* in excess of the maximum amounts must be accompanied by a detailed memorandum, supporting and justifying that the representation given was in an extended or complex case and that excess payment is warranted to provide fair compensation.

2. REIMBURSABLE OUT-OF-POCKET EXPENSES

A. **Travel Expenses**

Travel by privately owned automobiles should be claimed at the mileage rates below plus parking fees, tolls, etc.

31 cents per mile up to January 13, 2000;
32.5 cents per mile up to January 21, 2001;
34.5 cents per mile up to January 14, 2002;
36.5 cents per mile up to January 1, 2003;
36 cents per mile on or after January 1, 2003
37.5 cents per mile on or after January 1, 2004

B. **Travel outside the District**

If travel outside the District is deemed necessary, arrangements can be made and Government rates obtained through the National Travel Center. You must complete and submit a Travel Authorization Form, which you can obtain from our web site, to the CJA Administrator in the vicinage in which you were appointed. You will be notified when travel has been authorized and may then proceed to make your travel arrangements by following the instructions in the Travel Authorization Form.

C. **Supporting Documentation**

All travel expenses and miscellaneous expenses which exceed \$50.00 must be supported by documentation (receipts, canceled checks, etc.).

3. **INVESTIGATIVE, EXPERT AND OTHER SERVICES :** (CJA Form 21)
 - (a) **Excess Compensation:** Prior court approval is required for these services if anticipated to exceed \$300.
 - (b) **Interpreter Services:** Requests for interpreter services should be approved **prior** to contacting and engaging the services of an interpreter.

4. **SERVICE OF PROCESS** - Witness fees, travel costs, and expenses for service of subpoenas on witnesses, are **not payable** out of the CJA appropriation (see Volume VII of the Guide to Judiciary Policies and Procedures for Counsel Appointed under the Criminal Justice Act, Section 2.28(E)), but are governed by Rule 17, Fed. R. Crim. P. and 28 U.S.C. §1825.

5. **PUBLIC DISCLOSURE OF CJA ATTORNEY PAYMENT INFORMATION**
The Criminal Justice Act (CJA), 18 U.S.C. § 3006A, was amended in 1998 to require that the amounts paid to court-appointed attorneys be made publicly available upon the court's approval of the payments (see the Notice of Public Disclosure on our website).

6. **EXEMPTION FROM ELECTRONIC PUBLIC ACCESS FEES** - Attorneys appointed under the Criminal Justice Act (CJA) are exempt from payment of electronic public access (EPA) fees for work that is performed pursuant to such appointment in **all** federal courts. Please contact the PACER Service Center at (800) 676-6865 to establish your exempt account.

7. **FORMS** - You will find the following forms, which you may be required to submit, on the USDC, NJ web site at **http://pacер.njd.uscourts.gov/**
 - a) **Panel Attorney Information Sheet** with tax reporting information. If at any time your information changes, please notify your CJA Administrator immediately, by letter, together with an updated Panel Attorney Information Sheet.
 - b) **Worksheets** for reporting services and allowable expenses to be submitted with the CJA 20 voucher at the conclusion of the case. Counsel may substitute their in-house billing statements for the worksheets. **Totals** from the worksheets should be carried over to the appropriate boxes on the CJA 20 voucher. (Note : Receipts must be provided for all travel expenses and for any other single expense item in excess of \$50.00).
 - c) **Procedure and Order to obtain Interim Payments** - When it is considered necessary and appropriate in a specific case, the presiding trial judge may arrange for monthly payments to counsel. Once permission of the court has been obtained, counsel should prepare an order outlining payment procedures and

specifically addressing payment for actual expenses, travel and compensation. This order is submitted to the CJA Administrator in the vicinage in which you were appointed for submission to the trial judge, who in turn submits it to the chief judge of the circuit or his/her designee for final approval.

- d) **Travel Authorization Form** - (See 2B of this letter).
- e) **Guidelines and Order for obtaining Computer hardware/software** -Pursuant to the Volume VII of the Guide to Judiciary Policies and Procedures, paragraph 3.16, counsel may make an application to the Court, for an Order authorizing the acquisition of computer hardware or software. **PRIOR TO MAKING THAT APPLICATION**, counsel **must** consult with the Defender Services Division of the Administrative Office of the United States Courts (202) 502-3030.
- f) **CJA Form 20** - Appointment of and Authority to Pay Court Appointed Counsel and instructions.
- g) **CJA Form 21** - Authorization and Voucher for Expert and Other Services and instructions.
- h) **CJA Form 24** - Authorization and Voucher for Payment of Transcript and instructions.

A motion to be relieved as the assigned counsel for a defendant after sentencing by this Court is to be filed with the Clerk of the United States Court of Appeals and the motion will be disposed of by the United States Court of Appeals.

Very truly yours,

WILLIAM T. WALSH, CLERK