UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
US Courthouse and Federal Building
2110 First Street
Fort Myers, FL 33901

Sheryl L. Loesch
Clerk

Drew Heathcoat
Ft. Myers Division Manager
239/461-2002

INSTRUCTIONS FOR COMPLETION OF THE CJA FORM 20 "APPOINTMENT OF AND AUTHORITY TO PAY COURT APPOINTED COUNSEL"

Compensation and Expenses of Appointed Counsel: The CJA 20 is the voucher used by appointed counsel to claim **in court** and **out of court** compensation, as well as reimbursable out-of-pocket expenses. In addition, a copy of all supporting documents and/or worksheets which itemize or expand the amounts shown on the face of the CJA Form 20 must accompany the filing of the voucher to effect timely payment. Completed CJA20 and CJA21 forms with appropriate attachments should be submitted to:

US Courthouse & Federal Building
Attn: Dana M. Hand - Suite 2100
401 W Central Blvd
Orlando FL 32801-0210

Time Limits: Counsel are reminded that claims for compensation must be submitted to the Clerk's Office **not** later than 45 days after final disposition of the case in the district court.

Hourly Rates: Any attorney appointed under subsection (b) of the Criminal Justice Act may be compensated at rates not exceeding $125 per hour for time expended both in court and out of court. These hourly rates of compensation are designated and intended to be maximum rates and should be treated as such. A table showing the hourly rates and the applicable time periods, as well as the mileage rates and statutory caps, is included on the last page of this document.

Maximum Compensation:

1. **Preliminary Proceedings and Proceedings before a United States District Court**: Compensation (exclusive of allowable expenses) is limited to a statutory cap (see last page of document for limits) for each attorney in a case in which one or more felonies are charged, For any other representation required or authorized by the Criminal Justice Act, compensation is limited to (See last page) for each attorney in each case (see paragraphs 2.22B(1) and (3), Volume VII of the *Guide to Judiciary Policies and Procedures* for specific proceedings covered). If a case is disposed of at an offense level lower than the offense originally charged, the compensation maximum is determined by the higher offense. Additionally, in capital cases or in other difficult cases in which the court finds it necessary to appoint more than one attorney, the compensation limits outlined above apply to each attorney. If an attorney is substituted for an attorney previously appointed for a defendant 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.

2. **Proceedings in Courts of Appeal**: Compensation (exclusive of allowable expenses) is limited to (see last page of document) for each attorney in an appellate court, including the district court on appeals taken from a magistrate's judgment, but does not apply to appeals of matters subject to the limit for representation at the district court level. Appeals of these matters are subject to an additional limit for each attorney.

3. **Other Proceedings for which Representation is Required by Law**: Information regarding statutory compensation limits for other proceedings such as hearings pursuant to Chapter 313 of Title 18 USC; certain civil or criminal contempt charges; representation of a witness before a grand jury, etc.; pretrial diversion; international extradition; or other ancillary matters is available to counsel from the Clerk's Office.

Claims for more than the Case Compensation Maximums: In any case in which the total compensation claimed is in excess of the statutory case compensation maximum, counsel shall submit with the CJA Form 20 (and required worksheets) 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. **(DO NOT submit a motion to the judge under separate cover or by CM/ECF).** The United States district judge (or the United States magistrate judge if the representation was furnished exclusively before him/her) will then review the claim and, if warranted, certify that the amount of the excess payment is necessary to provide fair compensation. The payment must then be approved by the chief judge of the circuit (or an active circuit judge to whom excess compensation approval authority has been delegated).

In determining if excess payment is warranted, counsel may wish to review paragraph 2.22b(1), Volume VII of the Guide to Judiciary Policies and Procedures, which is available in the Clerk's Office.

Interim Payments to Counsel: Where it is considered necessary and appropriate in a specific case, the presiding trial judge may, upon written motion from counsel, arrange for periodic or interim payments to counsel. This motion may be filed as you file any other motion.

Reduction of CJA Compensation Vouchers by the reviewing Judicial Officer: The Act provides that the reviewing judicial officer shall fix the compensation and reimbursement to be paid to appointed counsel. In some cases, the amount approved may be less than that requested by counsel.

Payments by a Defendant under Subsection (f) of the Act: No appointed attorney shall accept a payment from or on behalf of the person represented without authorization by a United States district or circuit judge or magistrate on a CJA Form 7, Order Terminating Appointment of Counsel and/or Authorization for Distribution of Available Private Funds, which is available to counsel from the Clerk's Office.

Additionally, if at any time after appointment, counsel obtains information that a client is financially able to make payment, in whole or in part, for legal or other services in connection with his or her representation, and the source of the attorney's information is not protected as a privileged communication, counsel shall so advise the court.

Proration of Claims: When a defendant is charged in one indictment with severable counts, one voucher should be submitted and one maximum applied whether or not the courts are severed for trial. When a defendant is charged in two or more indictments (other than a superseding indictment or information) a separate voucher should be submitted, and a separate maximum applied for each indictment, whether or not the indictments are consolidated for trial.

Where single counsel is appointed to represent multiple defendants, separate vouchers should be submitted, and a separate maximum applied for each defendant represented. Whenever counsel submits separate vouchers, as provided above, time spent in common on more than one indictment or case must be prorated among the indictments or cases on which the time was spent; and each indictment or case may properly be charged on the voucher for that indictment or case.

Substitution of Counsel: If any attorney is substituted for an attorney previously appointed for a defendant in the same case, the total compensation which may be paid to 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 will not be approved by the judicial officer until the conclusion of the trial so that the reviewing judicial officer may make such apportionment between the attorneys as may be just.

Authorization and Voucher for Transcripts: Generally, court reporters or reporting services which furnish court authorized transcripts in CJA cases claim and receive compensation for their services on the CJA 24 "Authorization and Voucher for Payment of Transcript," which is available from the Clerk's Office.

However, counsel is responsible for initiating the request by completing items 1 through 15, and where appropriate, item 16 on the CJA Form 24, and submitting it directly to the Clerk's Office. The Clerk's Office will obtain the necessary court approval (item 12) and upon completion and delivery of the transcript, submit the court approved voucher directly to the Court for approval.

The cost of transcribing depositions in criminal cases is the responsibility of the Department of Justice pursuant to Rule 17(b) of the Fed.R.Crim.P., and such claims should be submitted directly to the local US Attorney's Office for payment. However, the costs for transcribing necessary depositions of expert witnesses should be claimed on a CJA Form 24.

Authorization and Voucher for Expert and Other Services: Requests for authority to obtain investigative, expert, and other services necessary for the adequate representation of eligible defendants are made on the CJA Form 21, "Authorization and Voucher for Expert and Other Services." A copy of the CJA Form 21 is enclosed, and additional CJA Form 21 copies can be obtained from the Clerk's Office.

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WORKSHEET INSTRUCTIONS

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In Court and Out of Court Hourly Worksheets: The attached worksheets (to include prepared samples) were developed to standardize the itemization and documentation of hourly totals of in court and out of court services performed in defense of a client. Accordingly, counsel is required to provide the following information on the worksheets provided:

1. The case number pertaining to the claim. (A voucher form number is not given until the voucher is received by the court - leave this space blank).

2. For each in court or out of court service rendered, provide the following information (please note that there are separate worksheets; on to record in court compensation and one to record out of court compensation data):

   a. the date the service was performed;
   b. a brief description of the services performed; and
   c. the time spent performing the service. The time spent performing the service must be reported in tenths-of-hours (one-tenth equals six minutes, i.e., .1 = 6 minutes) and listed under the appropriate category on the worksheets. For your information and assistance, the following is a guide for your use when completing CJA 20 vouchers:

6 minutes	>	.1 hour
12 minutes	>	.2 hour
18 minutes	>	.3 hour
24 minutes	>	.4 hour
30 minutes	>	.5 hour
36 minutes	>	.6 hour
42 minutes	>	.7 hour
48 minutes	>	.8 hour
54 minutes	>	.9 hour
60 minutes	>	1.0 hour

   Note Regarding Travel Time: Compensation may be approved for time spent in necessary and reasonable travel. Ordinarily, allowable time for travel includes only those hours actually spent in or awaiting transit. Compensation for travel time will be at a rate not to exceed the rate for “time reasonably expended out of court” and reported on the Out of Court Worksheet. Travel time to and from court (or the place where the service is rendered) can not be claimed if the round trip took less than an hour, or was less than 30 miles one-way.

3. Once all in court services and out of court services have been correctly documented on the proper worksheets, the hours column pertaining to each service category should be totaled. If more than one worksheet page is required, a page total must be annotated on each page. A grand total of all page totals should then be annotated on the last page of the applicable worksheets. Each page of the worksheet should also be numbered (i.e., page 1 of 2, page 2 of 2, etc.)

4. The grand total hours for each service category must then be transferred to the CJA Form 20 and listed in the hours column across from the applicable service category. The hours column should then be totaled to arrive at the total hours for all in court services and for all out of court services.

5. The in court compensation and out of court compensation should then be calculated by multiplying the statutory rate per hour (rate that applies to when services were provided - see last page for dates and rates) by the total number of hours.

Other Expense Worksheet: Counsel is also required to provide the following information on the Other Expense Worksheet (see attached sample worksheet):

1. The case number pertaining to the claim.

2. For each item of other expense incurred, provide the following:

   a. The date the expense occurred;
   b. A brief explanation of the expense; and
   c. The amount of expense incurred.

   Counsel is required to attach supporting documentation (i.e. receipts, invoices, etc) for any expense in excess of $50 (Parking - receipt for any one event that is over $25). The exception to this rule is meals, computer research and outside copying - these expenses require receipts regardless of the amount. Such expense items as mileage and copying should show the total miles and pages respectively, multiplied by the applicable rate to arrive at the expense incurred. The incurred expenses should then be listed under the appropriate expense category (i.e., mileage, parking, meal, etc) on the Other Expense Worksheet.

3. Once all expenses have been itemized, total each column. Counsel should then transfer and list other expense categories and their applicable totals. Travel expenses include: mileage, hotel, parking, tolls and meals. Other expenses include copying, phone and other expenses.

   When all required information has been completed on the appropriate worksheets and properly transferred to the CJA Form 20, the worksheets (along with any supporting documentation necessary for the Other Expense Worksheet) must be attached to the CJA Form 20 and submitted to Dana M. Hand of the Clerk's Office for payment.

Cautionary Notes Regarding Voucher Documentation: Frequently, payment of a voucher is delayed because of counsel's failure to itemize or supply sufficient documentation in support of expenses (i.e., receipts, canceled checks, invoices, etc.) In addition, delays are often caused when pertinent court orders authorizing payment are not submitted with the vouchers. Vouchers submitted by counsel under the Act must include a description of the services, a breakdown of how the hours were spent, and on what dates the services were performed. Travel expenses must also be adequately explained: vouchers should include date, number of miles, destination, and purpose of travel.

Reimbursable Out-of-Pocket Expenses: Out-of-pocket expenses reasonably incurred may be claimed on the CJA Form 20, but must be itemized and reasonably documented on the Other Expense Worksheet. Expenses for investigations, interpreters or other services under subsection (e) of the Act are not considered out-of-pocket expenses and should not be claimed on the CJA Form 20, but on the CJA Form 21.

OUT-OF-POCKET EXPENSES WOULD INCLUDE, BUT ARE NOT LIMITED TO:

Travel Expenses: Travel by a privately owned automobile should be claimed at the same rate prescribed for federal employees (currently 50¢ per mile) who use a private automobile for conducting official business, plus parking fees and tolls. Other means of transportation should be claimed on an actual expense basis. (Please see attached Rate Sheet for dates and mileage rates).

Per diem in lieu of subsistence is not allowable, since the Act provides for reimbursement of expenses actually incurred. Therefore, counsel's expenses for meals and lodging reasonably incurred in the representation of the defendant would constitute reimbursable out-of-pocket expenses and should be claimed on the CJA Form 20. Though *per diem* is not paid - charges will not be paid for expenses that exceed the *per diem* rate for the visited area.

In determining whether actual expenses are "reasonable" counsel should be guided by the prevailing limitations placed upon travel and subsistence expenses of federal employees in accordance with existing government travel regulations. These regulations presently limit lodging and meal expenses depending on the area. For specific details, counsel should contact the Clerk's Office or Dana M. Hand.

Computer Assisted Legal Research: The cost for use, **by appointed counsel**, of computer assisted legal research equipment may be allowable as a reimbursable out-of-pocket expense, provided that the total amount approved does not exceed the total amount of attorney compensation that reasonably would have approved if counsel had performed the research manually. Whenever appointed counsel incurs computer assisted legal research, counsel should attach to the CJA Form 20 the following:

1. a brief statement setting forth the issue or issues that were the subject matter of the research;

2. an estimate of the number of hours of attorney time that would have been required to do the research manually; and

3. A copy of the bill and receipt for the use of equipment or an explanation of the precise basis of the charge.

Counsel is advised that claims for compensation for computer assisted legal research services **performed by employees of commercial legal research firms or organizations** must be submitted for payment on the CJA Form 21.

Other Reimbursable Expenses: Expenses for such items as telephone toll calls, copying (except printing), and photographs may be reimbursable if reasonably incurred.

> In-house copying: actual costs up to 15¢ per page; indicate number of pages and costs per page.
>
> Commercial Copying: actual costs up to 25¢ per page; the invoice should show the number of pages and cost per page; commercial reproduction expenses are not reimbursable in excess of this limitation.

Non-Reimbursable Expenses: Those expenses that are reimbursable are outlined in the preprinted instructions attached to the CJA Form 20, and are further enumerated in paragraph 2.28, Volume VII of the *Guide to Judiciary Policies and Procedures*. Some specific items which are commonly claimed for payment, but are **not** reimbursable are Express Mail, Federal Express, courier, facsimile, and cell phone charges. Additionally, copy fees claimed for reproducing additional copies of discovery or court files for the client are **not** reimbursable.

Services of Process: Witness fees, travel costs, and expenses for services of subpoena on fact witness are not payable out of CJA appropriation, but are governed by Rule 17, Fed.R.Crim.P. and 28 USC § 1825.

Reference Material and Clerk's Office Assistance: Should counsel require additional information or assistance concerning compensation and reimbursable expenses, or information relative to specific procedures and limitations, he/she may wish to review Volume VII of the *Guide to Judiciary Policies and Procedures*. If further information is required, contact Dana M. Hand of the Clerk's Office.

HOURLY Rates for CJA Attorneys

Attorney :	5/1/02 - 12/31/05:	$90 per hour
Criminal	1/1/06 - 5/19/07:	$92 per hour
Case	5/20/07 - 12/31/07:	$94 per hour
	1/1/08 - 3/10/09:	$100 per hour
	3/11/09 - 12/31/09:	$110 per hour
	1/1/10 - current	$125 per hour
Attorney:	5/1/02 - 12/31/05:	$160 per hour
Capital	1/1/06 - 5/19/07:	$163 per hour
Case	5/20/07 - 12/31/07:	$166 per hour
	1/1/08 - 3/10/09:	$170 per hour
	3/11/09 - 12/31/09:	$175 per hour
	1/1/10 - current	$178 per hour
Mileage :	1/1/04 - 2/3/05:	37.5¢ per mile
	2/4/05 - 8/31/05:	40.5¢ per mile
	9/1/05 - 12/31/05:	48.5¢ per mile
	1/1/06 - 1/31/07:	44.5¢ per mile
	2/1/07 - 3/18/08:	48.5¢ per mile
	3/19/08 - 7/31/08:	50.5¢ per mile
	8/01/08 - 1/31/09:	58.5¢ per mile
	2/01/09 - 12/31/09:	55¢ per mile
	1/01/10 - current:	50¢ per mile

Copies : In-house - not more than 15¢ per page / Service 25¢
(Exception: state or county agency may charge more - receipt is required)

Statutory: Caps	1/1/10 - current	3/11/09 - 12/31/09	10/13/08 - 03/10/09	12/08/04- 10/12/08	pre 12/07/04
Felony:	$9700	$8600	$7800	$7000	$5200
Misdemeanor	$2800	$2400	$2200	$2000	$1500
Appellant	$6900	$6100	$5600	$5000	$3700
Other	$2100	$1800	$1700	$1500	$1200