

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO**

CJA INFORMATION MANUAL



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Financial Services Division

Matthew J. Dykman, Clerk

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I. Introduction

This manual has been provided as a guide to the billing procedures for CJA panel attorneys in the United States District Court for the District of New Mexico. This manual is written in accordance with the CJA Guidelines as well as the CJA Plan adopted by this Court.

Attorneys wishing to become a member of this panel may obtain an application via the Court's website at www.nmcourt.fed.us. The application can be found by clicking the "Court Forms" button on the main page of the District Court's site. The processing of your application may take up to eight weeks. Please contact the Federal Public Defender's Office at (505)346-2489 for further details on becoming a member. Once a year the CJA Division provides a training for newly appointed attorneys and their staff.

II. CJA Process in Non-Death Penalty Cases

A. Appointment and Types of Representation

CJA panel attorneys are offered appointment to represent criminal defendants by the Magistrate Courtroom Deputies using a "rotating" list. Upon acceptance of appointment, a CJA20 form, *Appointment of and Authority to Pay Court Appointed Counsel*, is created with the presiding Judges signature and then scanned into the appropriate case. Las Cruces Appointments for Petty Offense¹ and Material Witness cases will only be made to CJA Attorneys whose place of business² is within 10 miles of the Las Cruces Courthouse. Once appointed, attorneys should attempt to hire service providers, such as interpreters (if needed), who would require the least amount of travel time.

There are various types of representation. Each type of representation has a maximum allowable billing rate which is set by the Federal Judicial Conference. The hourly rate for CJA panel attorneys is \$125.00³ per hour for non death penalty cases and \$178.00 per hour for death penalty cases. The following table shows the different types of representation along with a brief description and the maximum allowable amount for each:

¹ To include Misdemeanors Class B & Class C.

² As indicated by most recent W-9 form submitted by the attorney to the CJA Division.

³The current CJA compensation rates are for representation on or after January 1, 2010. Please contact the CJA Division for prior rates.

Representation Type/Code	Description	Maximum Rate (On or After January 1, 2010)¹
Bail Presentment (BP)	Representation for individuals for matters regarding presentment of bail.	\$2,100.00
Criminal Case (CC)	Representation for an individual that is facing criminal charges including felonies, misdemeanors and petty offenses.	<i>Felonies: \$9,700.00</i> <i>Misdemeanors: \$2,800.00</i> <i>Petty Offense: \$2,100.00</i>
Extradition (EX)	Representation for individuals who are facing extradition.	\$2,100.00
Extraordinary Writs (EW)	Representation for individuals in matters regarding Prohibition, Writs of Mandamus.	\$2,100.00
Material Witness (MW)	Representation for individuals who are named in a criminal case as material witness and are in custody.	\$2,100.00
Mental Competency Hearings (CH)	Please refer to Chapter 313 of the Title 18 U.S. Code.	\$2,100.00
Motion to Correct or Reduce Sentence (MC)	Please refer to Fed. R. Crim. P. 35.	\$2,100.00
Other	Miscellaneous criminal matters.	\$2,100.00
Parole Revocation (PA)	Representation for individuals who face revocation of parole.	\$2,100.00
Pretrial Diversion (PT)	Representation for individuals who have been offered to enter a pretrial diversion program.	\$2,100.00
Probation Revocation (PR)	Representation for individuals who face revocation of their probation due to violation of their conditions of probationary release.	\$2,100.00
Supervised Release (SR)	Representation for individuals who have violated their conditions of release.	\$2,100.00
Witnesses (WW)	Representation for individuals in any type of case where person is called as a witness.	\$2,100.00

¹The current CJA maximum amounts are for representation on or after January 1, 2010. Please contact the CJA Division for prior amounts.

B. Voucher Types and Uses

There are three different types of vouchers which are used for representation in non-death penalty cases. The following table lists and explains the uses.

Form Number	Form Title	Use
CJA20	Appointment and Authority to Pay Court Appointed Counsel	Payment of services by counsel.
CJA21	Voucher for payment for all experts.	Payment of services by experts.
CJA24	Voucher for payment of transcript.	For request and payment of Court transcripts.

These forms and complete instructions and the court approved worksheets are available through the Court's website.

You may contact the Financial Section with any questions you may have at (505)348-2145. Counsel may also seek assistance from an on-duty attorney at the Defender Services Division in Washington, D.C. at (202)502-3030.

C. Submitting Vouchers for Payment

1. Time Limits

Once the judgement is scanned into the case the attorney will be noticed via email with their 45 day deadline. All vouchers should be submitted for payment no later than the date given unless good cause is shown. (*Vol. 7, Part A, Chap. 2, Sec. 230.13 of the CJA Guidelines*). In cases where the voucher exceeds the time limit, counsel must attach a detailed letter addressed to the presiding Judicial Officer explaining the reason for the delay. This letter should be attached to the voucher. The CJA Division will then forward all the information to chambers for review. The presiding Judicial Officer will then determine whether or not to certify the late voucher for payment. They will have up to 90 days to review a voucher.

2. Termination and Substitution of Counsel

In cases where counsel has been terminated, the attorney may not bill their time or expenses until after the date of termination. If counsel is terminated as a result of a motion to withdraw or is substituted, new counsel will be appointed by the Court. When counsel is retained, the defendant may be required to reimburse some or all of the services provided by the CJA Panel attorney. This determination will be made by the presiding Judicial Officer.

3. Exceeding the Statutory Maximums

Once counsel determines that the cost of legal representation and the use of experts will exceed the statutory maximum (\$9,700.00 for attorneys and \$2,400.00 for experts) , an ex-parte motion to exceed the maximum must be filed with the Court. In this motion, it is highly recommended that a budget be set in place. The proposed budget should include the estimated hours that counsel expects to work on the case, and list the kind of experts they expect to use detailing their hourly rate and hours. Please note that claims from \$800.00, up to \$2,400.00, require prior approval by the presiding Judicial Officer. Cumulative compensation greater than \$2,400.00 requires approval by the presiding Judicial Officer and the Tenth Circuit Court of Appeals. Also the issue of interim billing should be addressed at this time. A copy of the order granting the motion must be attached to every single voucher submitted for payment.

Obtaining prior authorization for services may be approached in two different manners. The first is to submit a CJA21 form. This form must be submitted with the following information filled out: name of the provider, tax identification number, address, telephone number, hourly rate, and total requested amount along with a detailed explanation as to why the services are required. (Boxes 1 -14 &17) The second approach would be to file a motion and proposed order. The motion should contain the aforementioned information. If a CJA21 form is submitted, a motion is not required (unless otherwise directed by the Court) and, likewise, if a motion is filed the CJA21 form need not be submitted.

4. Motion for Interim Billing

Volume 7, Part A, Chapter 2, Section 230.73 of the CJA Guidelines provides information for interim billing in cases “*where it is considered necessary and appropriate*” in “*relieving court-appointed attorneys of financial hardships in extended and complex cases.*” The issue of interim billing should be addressed at the this same time as requesting to exceed the maximum amount. Counsel may request interim billing by filing a motion explaining the need for interim payments. It is recommended that a budget be established at this time. Should delegation of authority be sought by the Court, it must be granted by the Tenth Circuit Court of Appeals, only the final vouchers will be sent to receive approval by the Tenth Circuit Court of Appeals. Orders allowing interim billing or allowing the cost to exceed the statutory maximum amounts must be attached to every single voucher submitted for payment. If the order is not attached, the voucher will be returned to counsel and asked to submit a copy in order to properly process the voucher.

5. Travel Expenses

All CJA appointed attorneys and their experts are required to obtain government rates when traveling. Counsel may bill for travel expenses such as airfare, (**prior authorization must be obtained for air travel**) meals, lodging, car rental, parking, telephone calls, and mileage. (Mileage occurring before August 13, 2007, will be reimbursed so long as the distance traveled is greater than thirty miles one way.) All travel expenses must be reasonable and fully documented on the court approved “Other Expenses” worksheet and with itemized receipts attached to the voucher. Credit card slips or statements are not acceptable. Mileage must be properly documented and the appropriate rates billed for the date the travel took place. Reimbursement for meals does not include the purchase of meals for anyone other than counsel and it should never include **alcoholic beverages**. To be reimbursed for meals you must be on travel status for 10 hours or more. Per diem in lieu of subsistence is not allowable, since the CJA provides for reimbursement of expenses actually incurred. To determine whether actual expenses are “reasonable” travelers should be guided by the prevailing limitations placed upon travel subsistence expenses of federal judiciary employees in accordance with existing government travel regulations.

Effective Date	Rate Per Mile
01/01/2011	\$0.510
01/01/2010	\$0.500
02/01/2009	\$0.550
08/01/2008	\$0.585
03/19/2008	\$0.505
02/01/2007	\$0.485
01/01/2006	\$0.445
09/01/2005	\$0.485
01/01/2004	\$0.375
01/01/2003	\$0.360

6. Air Travel

If air travel is required to provide proper legal representation for the defendant, counsel must file a motion requesting authorization. The motion should specify the traveler's name(s), dates of travel, destination and reason for travel.

Once the motion is granted by the Judge, counsel must submit the order to the CJA division. Once they receive the order counsel may contact Omega Travel (866)450-0401 for their travel arrangements. Omega Travel is the current nationwide travel management contractor for the Judiciary. Omega Travel will bill the Court's CJA travel account directly and counsel will not need to seek reimbursement for the airfare on their voucher. The request should be made at least five days in advance to allow for adequate processing time.

NOTE:

COUNSEL IS RESPONSIBLE FOR NOTIFYING OMEGA TRAVEL (1-866-450-0401) OF ANY CANCELLATIONS. FAILURE TO DO SO WILL REQUIRE REIMBURSEMENT TO THE COURT BY THE TRAVELER.

7. Reimbursable Out of Pocket Expenses

Counsel and service providers may be reimbursed for any out of pocket expenses reasonably incurred. The following is a list of items which may be reimbursed:

- ◆ Copies
- ◆ Faxes
- ◆ Postage
- ◆ Long distance telephone calls.

These expenses must be specific to the representation, be fully documented on the court approved worksheets and must be supported with receipts and/or logs only if the expense is in excess of \$50.00.

Expense Item	Rate Per Page
Copies	\$0.15
Faxes	\$0.50

8. Non-Reimbursable Expenses:

Volume 7, Part A, Chapter 2, Sec. 230.66 of the CJA Guidelines states that the following may **NOT** be reimbursed and apply to counsel as well as service providers.

- ◆ *General office overhead* which includes any general office expenses which would normally be reflected in the fee charged to the client.
- ◆ *Items of a personal nature* purchased on behalf of the client. Such as clothing for the defendant or yourself.
- ◆ *Filing Fees* are waived for you when conducting CJA representation so your voucher should not include any amount in this category.
- ◆ *Printing of Briefs* Cannot be claimed regardless of the printing method used.
- ◆ *Service of Process* is the fee paid to process servers serving subpoenas.
- ◆ *Taxes* paid on attorney or expert compensation.
- ◆ *Time expended* refers to phone calls or email exchanges that you and the CJA Division share regarding any CJA issues.
- ◆ *Contract Help* refers to hiring a co-counsel or someone to do legal research on your behalf without prior approval by the Judge.

9. Transcripts

Counsel may purchase no more than one transcript from the court reporter on behalf of the court appointed attorneys. Accordingly, one of the attorneys will arrange for preparation of the transcript and will share the transcript with other defense counsel by having the transcript duplicated. The cost of duplication will be reimbursed to counsel on the CJA20 form. However, the transcription will be billed on a CJA24 form by the court reporter. If counsel has paid for the transcript as an out of pocket expense, the reimbursement must also be submitted on a CJA24 form.

Expedited transcripts require prior authorization by the presiding Judicial Officer. A memorandum explaining the necessity to incur this expense must be attached to the CJA24 form when submitting for authorization.

Description	Original ³	First Copy to Each Party	Each Add'l Copy to the Second Party
Ordinary Transcript A transcript to be delivered with 30 calendar days after receipt of an order.	\$3.65	\$.90	\$.60
14-Day Transcript A transcript to be delivered within 14 calendar days after receipt of an order.	\$4.25	\$.90	\$.60
Expedited Transcript A transcript to be delivered with 7 calendar days after receipt fo an order.	\$4.85	\$.90	\$.60
Daily Transcript A transcript to be delivered following adjournment and prior to the normal opening hour of the court on the following morning whether or not it actually is a court day.	\$6.05	\$1.20	\$.90
Hourly Transcript A transcript of proceedings ordered under unusual circumstances to be delivered within 2 hours.	\$7.25	\$1.20	\$.90
Realtime Transcript A draft unedited transcript produced by a certified realtime reporter as a byproduct of realtime to be delivered electronically during proceedings or immediately following adjournment.	\$3.05	\$1.20	

³Maximum Transcript Rates - All Parties Per Page

D. Review of Voucher

1. Responsibilities of Appointed Counsel

Appointed counsel must maintain contemporaneous time and attendance records for all work performed. This includes work performed by an associate counsel, paralegal or other court approved support staff. These records may be subject to audit and must be retained for three years after approval of the final voucher.

Counsel is responsible for submitting vouchers within the required time limit, which is 45 days after the date of final disposition, unless good cause is shown. Accuracy and proper documentation is another responsibility for appointed counsel. It is required that the attorney time is billed in tenths. Prompt payment is ensured when vouchers are accurate and properly documented. Vouchers which are inaccurate, or lack proper supporting documentation, will be returned to counsel requiring correction. Vouchers will not be processed until they are in full compliance.

Counsel is also responsible for vouchers submitted by the service provider as well. By signing any CJA forms, counsel certifies that the services were rendered and that the billing conforms with the CJA Guidelines. Please refer to *Attachment 1* in this manual for the recommended allowable hourly rates. Inaccuracies and lack of proper documentation for all services will be returned to the appointed counsel.

2. Compliance with the CJA Guidelines

All vouchers are reviewed by the CJA Division prior to being reviewed by the presiding Judicial Officer. The CJA Division reviews the voucher and court approved worksheets to check for compliance with the guidelines and mathematical accuracy. Any entries which do not appear to comply with the Guidelines are highlighted and pointed out to the presiding Judicial Officer, who will, in turn, determine whether or not these entries will be paid. In cases where the required documentation is not provided, the voucher will be returned to counsel for correction along with a Cure Defect letter requesting compliance. If the presiding Judicial Officer determines that a voucher will be reduced or denied (for anything other than mathematical and non-technical errors) counsel will be notified and given 10 days to respond. The Judges decision is final on such reductions or denial of payment.

E. Payment for Services

Once the voucher is finalized approved for payment by the presiding Judicial Officer, counsel will be noticed with “CJA Authorization to Pay” NEF. Counsel will then be able to download the reviewed voucher from the docket. Payments are mailed from the Administrative Office of the United States Courts in Washington, D.C.

III. CJA Process in Death Penalty Cases

For death penalty cases, the procedure is much the same as that for non-death penalty cases; however, there are some differences which should be pointed out. These differences are as follows:

- A budget must be set in place by all counsel and approved by the presiding Judicial Officer for all death penalty cases.

- At the outset of every capital case, courts may appoint two counsel for each defendant, at least one of whom is experienced and knowledgeable about the defense of death penalty cases. Appointed counsel may, with prior authorization, use the services of attorneys who work in association with them, provided that the employment of such additional counsel (at a reduced hourly rate) diminishes the total cost of representation or is required to meet time limits. (*CJA. Guidelines, Volume 7, Part A, Chapter 6, Sec 630.30.20*)

- The hourly rate for compensation for counsel ranges from \$178.00 p/h for hours worked to \$125.00 p/h for travel time and is set by the Judicial Conference and the presiding Judicial Officer.

- “There is neither a statutory case compensation maximum for appointed counsel nor provision for review and approval by the Chief Judge of the Circuit of the case compensation amount in capital cases.” (*CJA. Guidelines Volume 7, Part A, Chapter 6, Sec 630.10.20*)

- Counsel should obtain prior authorization for the contracting of services by experts. In instances where this process may hinder effective legal representation, counsel may procure services and the presiding Judicial Officer may approve the services on a *nunc pro tunc* basis.

- The statutory maximum amount for service providers in death penalty cases is \$7,500.00 as of April 24, 1996. Amounts which exceed this maximum and are approved by the presiding Judicial Officer must also be approved by the Tenth Circuit Court of Appeals.
- Consulting services may be authorized by the Court at an hourly rate which does not exceed the amount for appointed counsel.

There are three different types of vouchers which are used for representation in death penalty cases. The following table lists and explains the uses:

Form Number	Form Title	Use
CJA30	Death Penalty Proceedings: Appointment of and Authority to Pay Court Appointed Counsel	Payment of services by counsel.
CJA31	Death Penalty Proceedings: Voucher for experts and other service providers	Payment of services by experts/service providers.
CJA24	Payment of Transcripts	For request and payment of Court transcripts.

These forms and the related court approved worksheets are available through the Court's website. For detailed instructions on filling out these forms, please refer to *Attachments 7 to 12, and 13* in this manual, or you can contact the CJA Division with any questions you have.

IV. Conclusion

The information in this manual is not intended to be all inclusive. It is highly recommended that Chapter 2 of *The Guide to Judiciary Policies and Procedures, Vol. 7, Appointment of Counsel in Criminal Cases* be reviewed by the CJA Panel. This literature, along with the current CJA Attorney Manual for the District of New Mexico and the related Adopted CJA Plan, may be accessed via the Court's website.

In addition to this literature, counsel may contact the Financial Section at (505)348-2145, the Defender Services Division in Washington, D.C., at (202)502-3057, or the Federal Public Defender's Office at (505)346-2489 for questions or guidance.

This manual is effective immediately and will be revised on an as-needed basis.

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 May 1, 2002
 August 1, 2003
 June 3, 2005
 June 1, 2006
 August 17, 2007
 January 21, 2010
 February 29, 2012

Approved by:



Matthew J. Dykman, Clerk of Court

Attachment 1

CJA 21/31 VOUCHERS

CJA Allowable Hourly Rates for Service Providers

Type of Expert	Hourly Rate
<i>Accountant</i>	<i>\$85.00</i>
<i>Ballistics Expert</i>	<i>\$40.00</i>
<i>Certified Interpreter (Federal Certification)</i>	<i>\$60.00</i>
<i>Chemist</i>	<i>\$100.00</i>
<i>Interpreter</i>	<i>\$30.00</i>
<i>Investigator</i>	<i>\$50.00 - \$65.00</i>
<i>Jury Consultant</i>	<i>\$80.00</i>
<i>Law Clerk</i>	<i>\$35.00</i>
<i>Mitigation Expert</i>	<i>\$85.00</i>
<i>Neuropsychologist</i>	<i>\$150.00 - \$175.00</i>
<i>Paralegal</i>	<i>\$25.00</i>
<i>Physician</i>	<i>\$135.00</i>
<i>Polygraph Examiner</i>	<i>\$80.00 - \$110.00</i>
<i>Psychiatrist/Psychologist</i>	<i>\$150.00</i>
<i>Statistician</i>	<i>\$80.00 - \$100.00</i>

Attachment 2

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: The location code is the district office code of the court where the proceedings for the person represented are held.

NOTE: LOCATION CODE FOR NEW MEXICO IS **NMX**

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 (NNNNN), and the defendant number (DDD) as shown on the indictment

or charging document. Thus, the format of the docket number is YY-NNNNN-DDD, e.g., **05-00345-001**.

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

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. IN ADDITION, THE CLERK'S OFFICE MUST BE NOTIFIED IF THERE IS A CHANGE OF ADDRESS, SOCIAL SECURITY NUMBER, OR EIN.

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 must 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.

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 (in hours and tenths of an hour).

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's Office personnel 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 limited or emergency 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 2.31 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. See paragraph 3.13 of the *CJA Guidelines* for guidance on payment of witness fees generally.
5. Filing fees. These fees are waived for persons proceeding under the CJA.
6. The cost of allowable investigative, expert, or other services. (See Chapter III of the *CJA Guidelines*). 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.
8. Fees paid to process servers serving subpoenas.

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.

NOTE: DO NOT OVERLAP TIME PERIODS FOR INTERIM VOUCHERS.

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 number or letter code from the following table.

	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/ Supervised Release	Revoked	RV
	Restored	RS

	Type of Disposition	Code
Habeas/Petitions/ Writs	Granted	GR
	Denied	DE

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--COURT USE ONLY: 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) sign in Item 28, 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.

Items 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.

Attachment 3

☞ CJA 20 APPOINTMENT OF AND AUTHORITY TO PAY COURT APPOINTED COUNSEL (Rev. 5/99)

1. CIR./DIST./ DIV. CODE		2. PERSON REPRESENTED			VOUCHER NUMBER	
3. MAG. DKT./DEF. NUMBER		4. DIST. DKT./DEF. NUMBER		5. APPEALS DKT./DEF. NUMBER		6. OTHER DKT. NUMBER
7. IN CASE/MATTER OF (<i>Case Name</i>)		8. PAYMENT CATEGORY <input type="checkbox"/> Felony <input type="checkbox"/> Petty Offense <input type="checkbox"/> Misdemeanor <input type="checkbox"/> Other <input type="checkbox"/> Appeal		9. TYPE PERSON REPRESENTED <input type="checkbox"/> Adult Defendant <input type="checkbox"/> Appellant <input type="checkbox"/> Juvenile Defendant <input type="checkbox"/> Appellee <input type="checkbox"/> Other		10. REPRESENTATION TYPE <i>(See Instructions)</i>
11. OFFENSE(S) CHARGED (Cite U.S. Code, Title & Section) <i>If more than one offense, list (up to five) major offenses charged, according to severity of offense.</i>						
12. ATTORNEY'S NAME (<i>First Name, M.I., Last Name, including any suffix</i>), AND MAILING ADDRESS Telephone Number : _____				13. COURT ORDER <input type="checkbox"/> O Appointing Counsel <input type="checkbox"/> C Co-Counsel <input type="checkbox"/> F Subs For Federal Defender <input type="checkbox"/> R Subs For Retained Attorney <input type="checkbox"/> P Subs For Panel Attorney <input type="checkbox"/> Y Standby Counsel Prior Attorney's Appointment _____ <input type="checkbox"/> Because the above-named person represented has testified under oath or has otherwise satisfied this Court that he or she (1) is financially unable to employ counsel and (2) does not wish to waive counsel, and because the interests of justice so require, the attorney whose name appears in Item 12 is appointed to represent this person in this case, OR <input type="checkbox"/> Other (<i>See Instructions</i>) _____ _____ Signature of Presiding Judicial Officer or By Order of the Court _____ Date of Order Nunc Pro Tunc Date Repayment or partial repayment ordered from the person represented for this service at time appointment. <input type="checkbox"/> YES <input type="checkbox"/> NO		
14. NAME AND MAILING ADDRESS OF LAW FIRM (<i>Only provide per instructions</i>)						
CLAIM FOR SERVICES AND EXPENSES				FOR COURT USE ONLY		
CATEGORIES (<i>Attach itemization of services with dates</i>)		HOURS CLAIMED	TOTAL AMOUNT CLAIMED	MATH/TECH. ADJUSTED HOURS	MATH/TECH. ADJUSTED AMOUNT	ADDITIONAL REVIEW
In	15. a. Arraignment and/or Plea					
	b. Bail and Detention Hearings					
	c. Motion Hearings					
	d. Trial					
	e. Sentencing Hearings					
	f. Revocation Hearings					
	g. Appeals Court					
	h. Other (<i>Specify on additional sheets</i>)					
	(RATE PER HOUR = \$ _____) TOTALS:					
Out of	16. a. Interviews and Conferences					
	b. Obtaining and reviewing records					
	c. Legal research and brief writing					
	d. Travel time					
	e. Investigative and other work (<i>Specify on additional sheets</i>)					
(RATE PER HOUR = \$ _____) TOTALS:						
17. Travel Expenses (<i>lodging, parking, meals, mileage, etc.</i>)						
18. Other Expenses (<i>other than expert, transcripts, etc.</i>)						
GRAND TOTALS (CLAIMED AND ADJUSTED):						
19. CERTIFICATION OF ATTORNEY/PAYEE FOR THE PERIOD OF SERVICE FROM: _____ TO: _____				20. APPOINTMENT TERMINATION DATE IF OTHER THAN CASE COMPLETION		21. CASE DISPOSITION
22. CLAIM STATUS <input type="checkbox"/> Final Payment <input type="checkbox"/> Interim Payment Number _____ <input type="checkbox"/> Supplemental Payment Have you previously applied to the court for compensation and/or reimbursement for this representation? <input type="checkbox"/> YES <input type="checkbox"/> NO If yes, were you paid? <input type="checkbox"/> YES <input type="checkbox"/> NO Other than from the Court, have you, or to your knowledge has anyone else, received payment (<i>compensation or anything of value</i>) from any other source in connection with this representation? <input type="checkbox"/> YES <input type="checkbox"/> NO If yes, give details on additional sheets. I swear or affirm the truth or correctness of the above statements. Signature of Attorney _____ Date _____						
APPROVED FOR PAYMENT — COURT USE ONLY						
23. IN COURT COMP.		24. OUT OF COURT COMP.		25. TRAVEL EXPENSES		26. OTHER EXPENSES
28. SIGNATURE OF THE PRESIDING JUDICIAL OFFICER				DATE		28a. JUDGE/MAG. JUDGE CODE
29. IN COURT COMP.		30. OUT OF COURT COMP.		31. TRAVEL EXPENSES		32. OTHER EXPENSES
34. SIGNATURE OF CHIEF JUDGE, COURT OF APPEALS (OR DELEGATE) <i>Payment approved in excess of the statutory threshold amount.</i>				DATE		34a. JUDGE CODE
33. TOTAL AMT. APPROVED				33. TOTAL AMT. APPR./CERT.		

Attachment 4
INSTRUCTIONS FOR CJA FORM 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 \$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, FINDS THAT, IN THE INTEREST OF JUSTICE, TIMELY PROCUREMENT OF NECESSARY SERVICES COULD NOT AWAIT PRIOR AUTHORIZATION.

Compensation may not exceed \$1,600, 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:** The code is the district office code of the court where the proceedings for the person represented are held.

NOTE: LOCATION CODE FOR NEW MEXICO IS **NMX**

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 (NNNNN), and the defendant number (DDD), as shown on the indictment or charging document. Thus, the format of the docket number is YY-NNNNN-DDD, e.g., **05-00345-001**.

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

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 counsel for 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 current 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*.

- 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.

- 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.
- 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.
- 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. Clerk's Office personnel 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) or expenses for service of subpoenas as reimbursable expenses.

NOTE: 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 person to be paid (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.

NOTE: DO NOT OVERLAP TIME PERIODS FOR INTERIM VOUCHERS

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 \$1,600 statutory threshold, not including expenses, the presiding judicial officer will (1) 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 \$500, or prior authorization was obtained, or (2) approval of cost, excluding expenses, exceeding \$500 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 staff will provide the judge code. If the amount approved for compensation, excluding expenses, is less than or equal to the \$1,600 statutory limitation, the claim will be forwarded for payment processing.

Items 24-27 APPROVED FOR PAYMENT--COURT USE ONLY: 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.

Attachment 6

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

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:** The court location code is the district office code of the court where authorization is given to procure the transcript.

NOTE: LOCATION CODE FOR NEW MEXICO IS **NMX**

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 (NNNNN), and the defendant number (DDD) if applicable. Thus, the docket number format is YY-NNNNN-DDD, e.g., **05-00345-001**. 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 letter 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)
- Other (e.g., line ups, consultations, prisoner transfer, etc.)

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 SPECIAL AUTHORIZATIONS (services other than ordinary transcript): The following services are permitted only if the judicial officer gives special authorization (initialed by the judicial officer where required on the form).

- APPORTIONMENT OF TRANSCRIPT COST. The Judicial Conference has stated that the total cost of accelerated transcript services should not be routinely apportioned among parties.
- 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.
- **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.
 - **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 by CJA court appointed attorney 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).

NOTE: IF PROSE, SEE ITEM 16.

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 or the reporter.

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 or attorney's mailing address and telephone number, or TIN for law firm or corporate name).

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--COURT USE ONLY. The amount approved for payment.

Attachment 8

INSTRUCTIONS FOR CJA FORM 30 DEATH PENALTY PROCEEDINGS APPOINTMENT OF AND AUTHORITY TO PAY COURT APPOINTED COUNSEL

The CJA Form 30 should be used for all death eligible cases, regardless of whether the death penalty is authorized, not-authorized, or de-authorized.

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 generated from the automated system, Items 1-11 and 13 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, a description of, and the purpose for any expenses incurred. For additional guidance, refer to 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 (as amended), codified in part at 18 U.S.C. §3006A (CJA) and subsection (q)(9) and (10)(B) of the Anti Drug Abuse Act, 21 U.S.C. § 848. Prior authorization from the presiding judicial officer is required for all such services where the cost, excluding reimbursable out-of-pocket expenses, will exceed \$500. Failure to obtain prior authorization will result in the disallowance of any amount claimed 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 the CJA Form 31.

NOTE: 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:** The location code is the district office code for the court where the proceedings whom the person represented are held.

NOTE: LOCATION CODE FOR NEW MEXICO IS **NMX**

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 assigned by the court. Enter the number using the last two digits of the calendar year (YY), the sequential number assigned by the court (NNNNN), and the defendant number (DDD), as shown in the indictment or charging document. Thus, the format of the docket number is YY-NNNNN-DDD e.g., **05-345-001.**

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 THE SUPPORTING DOCUMENTATION, CROSS REFERENCE THE VOUCHER NUMBER OF 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 (e.g., *U.S. vs. Lead Defendant's Name, et al*). If this is a habeas corpus proceeding, enter the *Name of the Petitioner vs. the Name of the Respondent* and include the respondent's title.

Item 8 TYPE PERSON REPRESENTED: Check the box that defines the legal status of the person represented.

Item 9 REPRESENTATION TYPE: Check one of the following types of representations:

- D1 Habeas corpus (capital) petition pursuant to 28 U.S.C. § 2254, seeking to vacate or set aside a state death sentence;
- D2 Federal capital prosecution, either trial or direct appeal;
- D3 Habeas corpus (capital) petition pursuant to 28 U.S.C. § 2255 seeking to vacate or set aside a federal death sentence; or
- D4 Death penalty prosecution in federal court under a state statute or any authority other than the United States Code.

Item 10 OFFENSE(S) CHARGED: If the case is a capital prosecution in federal court, cite the U. S. Code, title and section, or other code citation of all charges up to five. List all death-eligible charges first. If the case is a direct appeal of a federal prosecution, list all offenses for which the defendant was convicted.

Item 11/13 ATTORNEY'S NAME AND MAILING ADDRESS AND NAME AND MAILING ADDRESS OF LAW FIRM: Complete Item 11 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 13. This information

will allow earnings to be reported to the Internal Revenue (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. IN ADDITION, THE CLERK'S OFFICE MUST BE NOTIFIED IF THERE IS A CHANGE OF ADDRESS, SOCIAL SECURITY NUMBER, OR EIN.

Item 12 **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," attach the court order establishing this type of appointment in accordance with paragraph 2.17 of the *CJA Guidelines*. Specific qualifications are required for all counsel appointed to provide representation in death penalty cases. See 21 U.S.C. § 848 (q)(5)- (7) and 18 U.S.C. § 3005. The remaining portion of the Item will be completed by the clerk of court or other court-designated person.

If the court approves interim payments because of the conditions stated in Box "D," the court should check this box. The presiding judicial officer or clerk of court must sign and date this court order to validate the appointment. Check statement "E," if full or partial repayment was ordered by the court from the person represented at the time of the appointment. If services were provided prior to court appointment, the presiding judicial officer can ratify the previous service by indicating a "nunc pro tunc" date that covers the services prior to appointment. No other court order is necessary.

Item 14 **STAGE OF PROCEEDING:** Check the box that corresponds to the stage of proceeding for services claimed in Item 15 even if it is anticipated that the work will be used in connection with a later stage of the proceeding. **CHECK ONLY ONE BOX.** Submit a separate voucher for each stage of proceeding.

NOTE: THE STAGE NOTED AS "OTHER" UNDER "OTHER PROCEEDING" SHOULD BE USED ONLY FOR A PETITION FOR PRESIDENTIAL PARDON OR CLEMENCY, OR OTHER PROCEEDING THAT CANNOT FIT WITHIN THE OTHER DESCRIBED CATEGORIES.

Item 15 **CLAIM FOR SERVICES--CATEGORIES FOR HOURS AND COMPENSATION:**
On the applicable lines "a" through "j" enter the actual time spent in hours and tenths of hours. Total the number of hours in out-of-court categories "b" - "j" and enter the total in the "HOURS CLAIMED" column where required. Multiply the total hours for in-court and out-of-court time by the allowable compensation rate. Enter the amount claimed in the "TOTAL AMOUNT CLAIMED" column for category "a", and for categories "b" - "j."

NOTE: INDICATE "OTHER DISPOSITIVE MOTIONS" ONLY FOR WORK RELATED TO A MOTION TO DISMISS, MOTION FOR SUMMARY JUDGMENT, OR SIMILAR MOTION TO END THE ENTIRE HABEAS CORPUS PROCEEDING. IF SERVICES INCLUDED IN-COURT HEARINGS OF ONE HOUR EACH ON SEPARATE DATES, ENTER TWO HOURS ON THE FORM AND ATTACH A SHEET

INDICATING ONE HOUR FOR EACH OF THE TWO DATES.

Any mathematical or technical adjustments to your claim during the judicial approval process or an additional review will be indicated in the columns provided on the form under the heading “**FOR COURT USE ONLY.**”

Item 16 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. Clerk's Office personnel can advise you on applicable rates and federal government travel regulations.

Item 17 OTHER EXPENSES: Itemize all reimbursable out-of-pocket expenses incidental to the representation. Provide dates and a brief description of the expense. Submit supporting documentation (a receipt, canceled check, etc.) for single item expenses in excess of \$50. Reimbursable expenses may include, in some circumstances, payments to a law student or law clerks for research and assistance, and the cost of computer assisted legal research (CALR) when conducted by counsel. See paragraph 2.31 and 3.15 of the *CJA Guidelines* for an explanation. Fees and expenses for expert attorney and other consultants in death penalty cases should be authorized and claimed on a CJA Form 31. The following are not reimbursable expenses, and should not be claimed.

- General office overhead, such as rent, telephone services, and secretarial services or expenses for service of subpoenas.
- Expenses for items of a personal nature for the client (e.g., clothes, haircuts).
- The cost of printing briefs. The cost of photocopying or similar copying service is reimbursable.
- 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. See paragraph 3.13 of the *CJA Guidelines* for guidance on payment of witness fees generally.
- Filing fees. These fees are waived for persons proceeding under the CJA.
- The cost of allowable investigative, expert, or other services. (See Chapters III and VI of the *CJA Guidelines*) such services should be requested using a CJA Form 31.
- Compensation taxes. Taxes paid on attorney compensation, whether based on income, sale, or gross receipts, are not reimbursable expenses.

Totals: Enter the “Grand Total” where required by adding the total amount claimed for “in-court,” “categories b - j,” “Travel Expenses,” and “Other Expenses.”

Item 18 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.

NOTE: DO NOT OVERLAP TIME PERIODS FOR INTERIM VOUCHERS.

Item 19 APPOINTMENT TERMINATION DATE, IF OTHER THAN CASE COMPLETION: If the appointment is discontinued by order of the court (i.e., substituted counsel or reasons other than disposition of the defendant’s case such as fugitive defendant, appointment of a public defender, or retention of counsel by defendant), give the effective date for termination of appointment.

Item 20 CASE DISPOSITION: Indicate case disposition for the person represented. Select applicable number/ letter code from the following table.

	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 ,etc)	X
Appeals	Affirmed	A
	Reversed	R
	Remanded	0
	Reversed in Part/Affirmed in Part	RA
	Affirmed in Part/Reversed in Part	AR

	Type of Disposition	Code
	Dismissed	1
Habeas/Petitions/Writs	Granted	GR
	Denied	DE

Item 21 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 payment number. Complete the remaining portion of Item 21, and sign and date the affirmation statement before submitting the claim for court approval.

Items 22-27a APPROVED FOR PAYMENT--COURT USE ONLY: The presiding judicial officer will indicate the amount approved for each major category. These amounts will reflect mathematical or technical adjustments to your claim. The total amount approved for payment of the claim, less any amounts withheld for interim payment, is reflected in the **“TOTAL AMOUNT APPROVED.”** The **“SIGNATURE OF THE PRESIDING JUDICIAL OFFICER”** is required to effect payment of the claim. The **JUDGE CODE** will be provided by the court staff.

Attachment 10

INSTRUCTIONS FOR CJA FORM 31

**DEATH PENALTY PROCEEDINGS: *EX PARTE* REQUEST FOR
AUTHORIZATION AND VOUCHER FOR EXPERT AND OTHER SERVICES**

The CJA Form 31 should be used to obtain investigative, expert and other services in all death eligible cases through disposition of the case, regardless whether the death penalty is authorized, not-authorized, or de-authorized.

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 generated by the automated system, Items 1 through 10 and 13 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 the service requested. Provide the dates for and a description of expenses incurred. For additional guidance, refer to 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; OVERPAYMENTS ARE SUBJECT TO COLLECTION, INCLUDING DEDUCTION OF AMOUNTS DUE FROM FUTURE VOUCHERS.

REFER TO 21 U.S.C. 848(q)(9) AND THE CJA GUIDELINES CONCERNING THE CONDITIONS FOR MAKING *EX PARTE* REQUESTS.

NOTE: PRIOR AUTHORIZATION FROM THE PRESIDING JUDICIAL OFFICER MUST BE SECURED FOR ALL INVESTIGATIVE, EXPERT OR OTHER SERVICES WHERE THE COST (EXCLUDING REIMBURSEMENT FOR REASONABLE 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 FINDS THAT, IN THE INTEREST OF JUSTICE, TIMELY PROCUREMENT OF NECESSARY SERVICES COULD NOT AWAIT PRIOR AUTHORIZATION.

If prior authorization is obtained for an investigative, expert or other service 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.

FOR CASES COMMENCED, AND APPELLATE PROCEEDINGS FOR WHICH AN APPEAL IS PERFECTED, ON OR AFTER APRIL 24, 1996, the presiding judicial officer's approval of payment in Item 28 may require additional approval by the chief judge of the court of appeals (or active circuit judge to whom the chief judge has delegated excess compensation approval authority) consistent with the \$7,500 statutory amount set forth in 21 U.S.C. § 848(q)(10)(B). Pursuant to that provision, if the aggregate amount of compensation and expenses for all investigative, expert, and other services exceeds \$7,500 in any case,

payment in excess of that amount must be certified by the presiding judicial officer as necessary to provide fair compensation for services of an unusual character or duration, and the amount of the excess payment must be approved by the chief judge of the court of appeals (or delegate).

Item 1 CIR./DIST./DIV. CODE: The location code is the district office code for the court where the proceedings for the person represented are held.

NOTE: LOCATION CODE FOR NEW MEXICO IS **NMX**

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 assigned by the court. Enter the number using the last two digits of the calendar year (YY), the sequential number assigned by the court (NNNN), and the defendant number (DDD), as shown in the indictment or charging document. Thus, the format of the docket numbers is YY-NNNN-DDD, e.g., **05-00345-001**. 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., for each 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 on the indictment (e.g., *U.S. vs. Lead Defendant's Name, et al*). If this is a habeas corpus proceeding, enter the *Name of the Petitioner vs. the Name of the Respondent* and include the respondent's title.

Item 8 TYPE PERSON REPRESENTED: Check the box that defines the legal status of the person represented.

Item 9 REPRESENTATION TYPE: Use the CJA Form 31 only if this is a death penalty representation. Check one of the following types of representation:

D1 Habeas corpus (capital) petition pursuant to 28 U.S.C. § 2254, seeking to vacate or set aside a state death sentence;

D2 Federal capital prosecution, either trial or direct appeal;

D3 Habeas corpus (capital) petition pursuant to 28 U.S.C. § 2255, seeking to vacate or set aside a federal death sentence; or

D4 Death penalty prosecution in federal court under a state statute or any authority other than the United States Code.

Item 10 OFFENSE(S) CHARGED: If the case is a capital prosecution in federal court, cite the U.S. Code (title and section) or other code citation of all charges, up to five. List all death-eligible offenses first. If this is a direct appeal of a federal prosecution, list all offenses for which the defendant was convicted.

Item 11 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. Include, for the services described in Item 12, the

total estimated dollar amount for compensation and expenses. Estimate the cost of the services (including expenses) requested, and show the amount where required on the form. Note the basis for compensation (e.g., number of hours of work at hourly rate, number of days at daily rate, or a fixed dollar fee). This statement must be signed and dated by counsel for the person represented (or by the person proceeding *pro se*). Check the appropriate box to designate the attorney status as an attorney from a legal organization (bar association, legal aid agency, or community defender organization not receiving a periodic sustaining grant under the Criminal Justice Act (CJA), a CJA panel attorney, a retained attorney whose client is unable to afford the cost of the service requested, or a person who qualifies for representation under the CJA but has chosen to proceed *pro se*.

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

For cases commenced, and appellate proceedings for which an appeal is perfected, on or after April 24, 1996, all totals for compensation and expenses authorized for investigative, expert, and other services will be included as a part of the statutory threshold. (Payments to counsel for representation is not a part of the statutory threshold.) The court may use this information to help determine whether advance approval should be obtained from the chief judge of the court of appeals (or delegate) in anticipation that the \$7,500 amount for compensation and expenses for investigative, expert, and other services will be exceeded. If the estimated amount has been authorized already, in whole or in part, through a case budgeting process by the court (and by the chief judge of the court of appeals (or delegate) if applicable), attach the appropriate documentation to the first payment voucher submitted.

Item 12 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 whether the purpose of the examination is to determine (1) the current mental state of the person represented, or (2) the mental state at the time of the person's alleged offense. Counsel may request authorization to obtain necessary psychiatric and related services when the purpose of an examination is to assist the defense and counsel wishes to control disclosure of the examination report (i.e., keep it confidential from the court and the prosecution) as well as to select the expert conducting the examination. If the examination is ordered pursuant to a statute, cite the statute (U.S. Code, title and section). See paragraph 3.11 of the *CJA Guidelines* and accompanying chart, "Responsibility for Payment of Psychiatric and Related Expert Services."

NOTE: SEE INSTRUCTIONS FOR CJA 21, ITEM 13 FOR FURTHER PROCEDURES.

- In habeas corpus proceedings, payment of fees and expenses of psychiatric examinations for purposes other than representation of the petitioner is not paid from Defender Services funds, but is determined by the RULES GOVERNING SECTION 2254 CASES IN THE UNITED STATES DISTRICT COURTS AND RULES GOVERNING 2255 CASES IN THE UNITED STATES COURTS. In order to avoid confusion and possible delays in payment, the order authorizing the services to be obtained should specify the statutory

authority and the agency responsible for payment.

Item 13 **TYPE OF SERVICE PROVIDER:** Check the box that 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 CJA.

Item 14 **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 12, or to authorize payment for services exceeding \$500 when prior authorization was not obtained (see Item 23). Indicate whether full or partial repayment was ordered by the court from the person represented by checking “Yes” or “No.”

Item 15 **STAGE OF PROCEEDING:** Check the box that corresponds to the stage of proceeding for services claimed in Item 16 even if it is anticipated that the work will be used in connection with a later stage of the proceeding. **CHECK ONLY ONE BOX.** Submit a separate voucher for each stage of proceeding. The stage noted as “Other” under “Other Proceeding” should be used only for a petition for presidential pardon or clemency, or other proceeding that does not relate to the other described categories.

Item 16 **CLAIM FOR SERVICES AND EXPENSES:**

- COMPENSATION (Item 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 (Item 16b). Travel related expenses that are incidental to providing services (e.g., transportation, lodging, meals, car rental, parking, etc.) must be itemized on a separate sheet, indicating dates the expense was incurred. Attach supporting documentation (receipts, canceled checks, etc.) for 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. Clerk's office personnel can advise you of applicable rates and federal government travel regulations.
- OTHER EXPENSES (Item 16c). Itemize all reimbursable out-of-pocket expenses incurred incidental to services provided. Enter the total claimed where required on the form. Submit supporting documentation (receipts, canceled checks, paid invoices, etc.) for all single item expenses in excess of \$50. Do not include general office overhead (e.g., rent, telephone services, secretarial services) or expenses for service of subpoenas as reimbursable expenses. Fees and expenses for consultants in death penalty cases should be claimed on this form.

NOTE: THE COLUMNS UNDER “**FOR COURT USE ONLY**” WILL REFLECT ANY MATHEMATICAL AND 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 PAYEE'S NAME AND MAILING ADDRESS, CLAIMANT'S CERTIFICATION OF SERVICE PERIOD AND CLAIM STATUS: Provide the complete name and address of the person to be paid (claimant). The claimant must certify the dates covered by indicating the date range for services rendered. Check the box to indicate whether this is (1) a final payment for services, (2) an interim payment, or (3) a supplemental payment (an additional claim submitted after a 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 the services were rendered and received. Provide the Taxpayer Identification Number (TIN) to report these earnings to the Internal Revenue Service (IRS).

NOTE: DO NOT OVERLAP TIME PERIODS FOR INTERIM VOUCHERS.

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 cost of the services requested, or by a person proceeding *pro se* under the CJA.

Items 19-22 APPROVED FOR PAYMENT -- COURT'S USE ONLY: The presiding judicial officer must review for reasonableness and compliance with the *CJA Guidelines* every claim for compensation and any reimbursement for expenses incurred. After review, the judicial officer will indicate the amount approved for payment in each of the payment categories. These amounts will reflect any mathematical and 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 withheld in accordance with an interim payment order. If the amount exceeds the statutory threshold, including expenses, the presiding judicial officer certifies the excess compensation for payment approval of the chief judge of the court of appeals (or delegate) and indicates the amount approved in Item 22).

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 \$500, or prior authorization was obtained; or (2) in the interest of justice, the court finds that timely procurement of the services could not await prior authorization, even though the cost, excluding expenses, exceeds \$500. The presiding judicial officer will sign and date Item 23, indicating approval/certification of the amount in Item 22. The court staff will provide the **JUDGE CODE**.

Items 24-27 PAYMENT APPROVED IN EXCESS OF THE STATUTORY THRESHOLD-- COURT USE ONLY: The chief judge of the court of appeals (or delegate) will indicate the amount approved for payment in each of the payment categories (Items 24 -26). This amount will reflect any adjustments of your claim resulting from the additional review of claims by the chief judge (or delegate) for amounts that exceed the statutory threshold for the payment category of the case. The chief judge (or delegate) will sign and date Item 28 for the total amount approved and entered in Item 27. The **JUDGE CODE** of the chief judge (or delegate) approving the excess compensation will be provided by the court staff.

Item 28 FOR CASES COMMENCED, AND APPELLATE PROCEEDINGS FOR WHICH AN APPEAL IS PERFECTED, ON OR AFTER APRIL 24, 1996. The presiding judicial officer should sign and date Item 28, indicating, in paragraph A of Item 28, the total amount paid for compensation and expenses for investigative, expert and other service providers on behalf of the person represented in this case, and that payment in

excess of the statutory threshold is approved.

Complete Item 28 only for cases commenced, and appellate proceedings for which an appeal is perfected, on or after April 24, 1996. If the amount approved for compensation and expenses for investigative, expert, and other services on behalf of the person represented in a case is less than or equal to \$7,500, the claim will be forwarded to the clerk of court for processing for payment. Upon preliminary approval of a claim in excess of \$7,500 (including other claims for investigative, expert, and other services on behalf of the person represented), the presiding judicial officer will (1) sign Block 22. If the chief judge (or delegate) approves the excess amount, the judge will enter the amount approved for payment in Item 27, sign and date Item 28. If approval is not granted, the claim will be returned to the presiding judicial officer for appropriate action.

Attachment 11

CJA 31 DEATH PENALTY PROCEEDINGS: EX PARTE REQUEST FOR AUTHORIZATION AND VOUCHER EXPERT AND OTHER SERVICES (Rev. 5/99)

1. CIR./DIST./ DIV. CODE	2. PERSON REPRESENTED	VOUCHER NUMBER
3. MAG. DKT./DEF. NUMBER	4. DIST. DKT./DEF. NUMBER	5. APPEALS DKT./DEF. NUMBER
6. OTHER DKT. NUMBER		
7. IN CASE/MATTER OF (<i>Case Name</i>)		9. REPRESENTATION TYPE
8. TYPE PERSON REPRESENTED <input type="checkbox"/> Adult Defendant <input type="checkbox"/> A <input type="checkbox"/> Other <input type="checkbox"/> Habeas Petitioner <input type="checkbox"/> Appellee		<input type="checkbox"/> D1 28 U.S.C. § 2254 Habeas <input type="checkbox"/> D3 28 U.S.C. § 2255 (Capital) <input type="checkbox"/> D2 Federal Capital Prosecution <input type="checkbox"/> D4 Other
10. OFFENSE(S) CHARGED (Cite U.S. Code, Title & Section) <i>If more than one offense, list (up to five) major offenses charged, according to severity of offense.</i>		

REQUEST AND AUTHORIZATION FOR EXPERT SERVICES

11. ATTORNEY'S STATEMENT
 As the attorney for the person represented, who is named above, I hereby affirm that the services requested are necessary for adequate representation. I hereby request:
 Authorization to obtain the service. Estimated Compensation and \$ _____ OR
 Approval of services already obtained to be paid for by the United States pursuant to the Criminal Justice Act. (*See Instructions*)

Signature of _____ Dat _____
 Panel Attorney Retained Attorney Pro-Se Legal Organization
 ATTORNEY'S NAME (*First Name, M.I., Last Name, including any suffix*), AND MAILING ADDRESS _____

Telephone _____

12. DESCRIPTION OF AND JUSTIFICATION FOR SERVICES (<i>See Instructions</i>)	13. TYPE OF SERVICE PROVIDER
14. COURT ORDER Financial eligibility of the person represented having been established to the Court's satisfaction, the authorization requested in Item 11 is hereby granted. Signature of Presiding Judicial Officer or By Order of the Court _____ Date of Order _____ Nunc Pro Tunc Date _____ Repayment or partial repayment ordered from the person represented for this service at time of <input type="checkbox"/> YES <input type="checkbox"/> NO	01 <input type="checkbox"/> Investigator 15 <input type="checkbox"/> Other Medical 02 <input type="checkbox"/> Interpreter/Translator 16 <input type="checkbox"/> Voice/Audio Analyst 03 <input type="checkbox"/> Psychologist 17 <input type="checkbox"/> Hair/Fiber Expert 04 <input type="checkbox"/> Psychiatrist 18 <input type="checkbox"/> Computer (Hardware/Software/Systems) 05 <input type="checkbox"/> Polygraph 19 <input type="checkbox"/> Paralegal Services 06 <input type="checkbox"/> Documents Examiner 20 <input type="checkbox"/> Legal Analyst/Consultant 07 <input type="checkbox"/> Fingerprint Analyst 21 <input type="checkbox"/> Jury Consultant 08 <input type="checkbox"/> Accountant 22 <input type="checkbox"/> Mitigation Specialist 09 <input type="checkbox"/> CALR (Westlaw/Lexis, etc.) 23 <input type="checkbox"/> Duplication Services 10 <input type="checkbox"/> Chemist/Toxicologist 24 <input type="checkbox"/> Other (<i>Specify</i>) 11 <input type="checkbox"/> Ballistics (<i>See Instructions</i>) 13 <input type="checkbox"/> Weapons/Firearms/Explosive Expert 14 <input type="checkbox"/> Pathologist/Medical Examiner

15. STAGE OF PROCEEDING Check the box which corresponds to the stage of the proceeding during which the work claimed at Item 16 was performed even if the work is intended to be used in connection with a later stage of the proceeding. CHECK NO MORE THAN ONE BOX. Submit a separate voucher for each stage of the proceeding.

CAPITAL PROSECUTION	HABEAS CORPUS	OTHER PROCEEDING
a <input type="checkbox"/> Pre-Trial e <input type="checkbox"/> Appeal g <input type="checkbox"/> Habeas Petition k <input type="checkbox"/> Petition for the U.S. Supreme Court b <input type="checkbox"/> Trial f <input type="checkbox"/> Petition for the U.S. Supreme Court l <input type="checkbox"/> Stay of Execution o <input type="checkbox"/> Other c <input type="checkbox"/> Sentencing i <input type="checkbox"/> Dispositive Motions m <input type="checkbox"/> Appeal of Denial of Stay d <input type="checkbox"/> Other Post Trial j <input type="checkbox"/> Appeal n <input type="checkbox"/> Petition for Writ of Certiorari to the U.S. Supreme Court Regarding Denial of Stay		

CLAIM FOR SERVICES AND EXPENSES

FOR COURT USE ONLY

16. SERVICES AND EXPENSES (<i>Attach itemization of services with dates</i>)	AMOUNT CLAIMED	MATH/TECHNICAL ADJUSTED AMOUNT	ADDITIONAL REVIEW
a. Compensation			
b. Travel Expenses (<i>lodging, parking, meals, mileage, etc.</i>)			
c. Other Expenses			
GRAND TOTALS (CLAIMED AND ADJUSTED):			

17. PAYEE'S NAME (*First Name, M.I., Last Name, including any suffix*), AND MAILING ADDRESS _____

TIN: _____
Telephone _____

CLAIMANT'S CERTIFICATION FOR PERIOD OF SERVICE _____ TO _____
 CLAIM STATUS Final Payment Interim Payment Supplemental Payment
 I hereby certify that the above claim is for services rendered and is correct, and that I have not sought or received payment (*compensation or anything of value*) from any other source for these services.

Signature of _____ Dat _____

18. CERTIFICATION OF ATTORNEY I hereby certify that the services were rendered for this case.
 Signature of _____ Dat _____

APPROVED FOR PAYMENT — COURT USE ONLY

19. TOTAL COMPENSATION	20. TRAVEL EXPENSES	21. OTHER EXPENSES	22. TOTAL AMOUNT APPROVED/CERTIFIED
23. <input type="checkbox"/> Either the cost (<i>excluding expenses</i>) of these services does not exceed \$500, or prior authorization was obtained; OR <input type="checkbox"/> In the interest of justice the Court finds that timely procurement of these necessary services could not await prior authorization, even though the cost (<i>excluding expenses</i>) _____			
Signature of Presiding Judicial Officer _____		Date _____	Judge/Mag. Judge Code _____
24. TOTAL COMPENSATION	25. TRAVEL EXPENSES	26. OTHER EXPENSES	27. TOTAL AMOUNT APPROVED

28. FOR REPRESENTATIONS COMMENCED AND APPELLATE PROCEEDINGS IN WHICH AN APPEAL IS PERFECTED ON OR AFTER APRIL 24, 1996,
 A. Total compensation and expense payments approved to date (include amounts withheld for interim payments) for investigative, expert and other services for this representation is _____
 B. Payment approved (compensation and expenses) in excess of the statutory threshold for investigative, expert and other services under 21 U.S.C. § 848(q)(10)(B). _____

Signature of Chief Judge, Court of Appeals (or Delegate) _____ Date _____ Judge Code _____

