

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF FLORIDA
OFFICE OF THE CLERK

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INFORMATION SHEET FOR ALL COUNSEL APPOINTED UNDER THE CRIMINAL JUSTICE ACT TO REPRESENT INDIGENT DEFENDANTS

Enclosed please find a CJA 20 form which is the order appointing you to represent a defendant pursuant to Title 18, U.S.C., Section 3006A and a CJA 24 form. Your CJA 20 claim for compensation must be submitted within forty-five (45) days after final disposition of this case in the District court. **Note:** Both the CJA 20 and CJA 24 are court generated forms with all of the pertinent case information already inserted. These forms must be used for payment in this case only. If you need more than one CJA 24 you may copy this form for that purpose.

The following information is covered by the Criminal Justice Act (CJA), Title 18, U.S.C., Section 3006A and should assist you in the completion of the CJA 20 form.

1. LIMITATIONS

- A. **Hourly Rates** The hourly panel attorney rate of \$125 applies to in-court and out-of-court work performed on or after January 1, 2010. Please see Appendix 1 for rates in effect which would apply to work prior to this date. Travel time is reimbursable only if the round trip exceeds one hour. **Time must be reported in 1/10 hours only.**
- B. **Maximum Compensation** Compensation (exclusive of allowable expenses) is limited as follows:
- (1) **Felonies:** \$9,700 for trial court level
\$6,900 for appeal
 - (2) **Misdemeanors:** \$2,800 for trial court level
\$6,900 for appeal
 - (3) **18 U.S.C. § 4106A** (commonly referred to as an International Parole proceeding):
\$2,100 for trial court level
\$6,900 for appeal

The mission of the Office of the Clerk of the Northern District of Florida is to provide superior service to the public and the Court.

Gainesville Division
401 SE 1st Avenue
Gainesville, Florida 32601
352.380.2400
352.380.2424 FAX

Pensacola Division
1 N. Palafox Street
Pensacola, Florida 32502-5658
850.435.8440
850.433.5972 FAX

Tallahassee Division
111 N. Adams Street
Tallahassee, Florida 32301-7717
850.521.3501
850.521.3656 FAX

Panama City Division
30 W. Government Street
Panama City, Florida 32401
850.769.4556
850.769.7528 FAX

- (4) **Other representations** (i.e., probation violation, supervised release hearings, parole proceedings, material witness in custody, contempt, and grand jury witness):
 - \$2,100 for trial court level
 - \$2,100 for appeal
- (5) **Non-capital habeas** (i.e., 28:2241, 2254, 2255, and non-death penalty cases):
 - \$9,700 for trial court level
 - \$6,900 for appeal

- C. **Compensation of Co-Counsel** Unless appointed in accordance with paragraphs 2.11B or 6.01A, co-counsel or associate attorneys may not be compensated under the Act. However, an appointed counsel may claim compensation for services furnished by a partner or associate or, with prior authorization by the court, counsel who is not a partner or associate, within the maximum compensation allowed by the Act, separately identifying the provider of each service.
- D. **Claims in Excess** Claims in excess of maximum amounts must be accompanied by a detailed memorandum, supporting and justifying that the representation given was in an extended or complex case and that excess payment is necessary to provide fair compensation.

2. **REIMBURSABLE OUT-OF-POCKET EXPENSES**

- A. **Transcripts** Court authorized transcripts may be claimed as a reimbursable expense; however, requests for and reimbursement of transcripts authorized by the Court must be submitted on a CJA 24 form. A CJA 24 form is attached.
- B. (1) **Travel Limitations** Appointed counsel may attend without prior authorization any scheduled court proceeding upon notice of such proceeding. Any travel requiring an overnight stay must be approved by the Court **prior to travel**.
- (2) **Travel Expenses** Travel by privately owned automobiles should be claimed at 50 cents per mile effective January 1, 2010, plus parking fees, ferry fees, etc. For mileage rates prior to January 1, 2010, please see Appendix 1. Per diem in lieu of subsistence is not authorized; therefore, expenses for meals and lodging incurred represent out-of-pocket expenses and are subject to the limitations placed upon federal judicial employees not to exceed a daily rate as follows. These rates were effective October 1, 2007. For maximum allowable rates prior to October 1, 2007, please see Appendix 1.

Gainesville	\$143.00
Pensacola	\$155.00
Tallahassee	\$136.00
Panama City	dependent on time of year - \$132.00 - \$178.00

Expenses for travel on the last day and where no overnight stay is required are limited to the following:

Gainesville	\$51.00
Pensacola	\$46.00
Tallahassee	\$46.00
Panama City	\$51.00

- C. **Supporting Documentation** All travel expenses must be supported by documentation. Furthermore, all miscellaneous expenses which exceed \$50 must be supported by documentation (receipts, canceled checks, etc.).
- D. **Record Keeping of Contemporaneous Time Records** Appointed counsel must maintain expense records and contemporaneous time and attendance records for all work performed, including work performed by associates, partners, and support staff. Such records, which may be subject to audit, must be retained for three years after approval of the final voucher for an appointment.
- E. **Computer Assisted Legal Research** The cost of computer assisted legal research equipment used by appointed counsel may be allowed as a reimbursable out-of-pocket expense, provided that the total amount approved for computer assisted legal research does not exceed the total amount of attorney compensation that reasonably would have been approved if counsel had performed the research manually. Whenever appointed counsel incurs charges for computer assisted legal research, the following should be attached to the compensation voucher:
- (1) a brief statement setting forth the issue or issues that were the subject matter of the research;
 - (2) an estimate of the number of hours of attorney time that would have been required to do the research manually; and
 - (3) a copy of the bill and receipt for the use of the equipment or an explanation of the precise basis of the charge (e.g., indicating the extent to which it was derived by proration of monthly charges, or by charges identifiable to the specific research).

3. INVESTIGATIVE, EXPERT, OTHER SERVICES

- A. **Request** Request for such services may be made *ex parte* and heard *in camera* unless consented to otherwise by the defendant. Requests should be submitted on a CJA 21 form. To acquire CJA 21 forms counsel must file a motion and proposed order with the court in advance of the service.
- B. **Interpreter Services** Requests for interpreter services should be approved by the court on a CJA 21 form prior to contacting and engaging the

services of an interpreter.

- C. **Limitations** With **prior approval**, \$2,400; without prior approval, \$800.
- D. **Excess Compensation** Claims in excess of \$2,400 may be approved for request for services authorized **prior** to the performance of such service. Advance approval should be obtained from the Court and the Chief Judge of the Circuit.

4. **WITNESS SUBPOENAS**

Request Witness subpoenas for indigent defendants are governed by **Rule 17(b)**, Federal Rules of Criminal Procedure. This rule should be reviewed and motions filed well in advance of hearings and/or trial.

5. **PUBLIC DISCLOSURE OF CJA ATTORNEY PAYMENT INFORMATION**

Please see the Fiscal Year 1998 Judiciary Appropriations Act, Public Law 105-119 which amended the provision of the Criminal Justice Act (CJA), 18 U.S.C. 3006A as it pertains to public disclosure of CJA attorney payment information.

Please call the Judge's courtroom deputy in the Clerk's Office regarding any questions you may have about your appointment.

Attachments

Worksheet Instructions

Worksheet Forms

General CJA 20 Instructions & CJA 20 Appointment Form

General CJA 24 Instructions & CJA 24 Transcript Order Form

(Revised November 1,2007)

APPENDIX 1

<u>Effective Date</u>	<u>In-Court Rate</u>	<u>Out-of-Court Rate</u>
1/1/1996	\$65.	\$45.
1/1/2000	\$70.	\$50.
11/12/2000	Increase of maximum allowable compensation limits without Circuit approval	
4/1/2001	\$75.	\$55.
5/1/2002	\$90.	\$90.
12/8/2004	Increase of maximum allowable compensation limits without Circuit approval	
1/1/2006	\$92	\$92
5/20/2007	\$94	\$94
1/1/2008	\$100	\$100
3/11/2009	\$110	\$110
1/1/2010	\$125	\$125

MILEAGE RATES

<u>Effective Date</u>	<u>Rates per Mile</u>
1/1/1997	30¢
1/1/1998	31¢
9/8/1998	32.5¢
4/1/1999	31¢
1/14/2000	32.5¢
1/2/2001	34.5¢
1/14/2002	36.5¢
1/1/2003	36¢
1/1/2004	37.5¢
2/4/2005	40.5¢

9/15/2005	48.5¢
1/1/2006	44.5¢
2/1/2007	48.5¢
3/19/2008	50.5¢
8/1/2008	58.5¢
2/1/2009	55¢
1/1/2010	50¢

TRAVEL EXPENSE MAXIMUMS

Gainesville	\$143.00
Pensacola	\$155.00
Tallahassee	\$136.00
Panama City	\$132.00 (10/1 through 2/28)
	\$164.00 (3/1 through 5/31)
	\$178.00 (6/1 through 7/31)
	\$132.00 (8/1 through 9/30)

INSTRUCTIONS FOR IN-COURT and OUT-OF-COURT HOURLY WORKSHEET (Rev. 10/1/2004)

These worksheets were devised to standardize the itemization and documentation of hourly totals for in-court and out-of-court services performed by court-appointed counsel in the defense of a client under the Criminal Justice Act (CJA). Each attorney should provide the following on each worksheet:

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

The time spent performing the services must be reported in 1/10 hours, using percentages; i.e., .2, .5, etc. In addition, the time reported will be listed under the appropriate in-court and out-of-court service categories; i.e., arraignment and/or plea, motions and requests, bail hearings, etc.

Once all in-court and out-of-court services have been documented, the hours column pertaining to each service category will be totaled. If more than one page is required they should be numbered as follows: page 1 of 3, page 2 of 3, etc., and a page total should be provided on each page. A grand total of all page totals should be provided on the final page. The grand total hours for each service category will then be transferred to items 15 (in-court) and 16 (out-of-court) of the CJA 20 in the box under column entitled "Hours Claimed." The in-court and out-of-court compensation should then be calculated, multiplying the applicable rate per hour by the total hours, and that figure placed in the "Total Amount Claimed" column.

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

INSTRUCTIONS FOR OTHER EXPENSE WORKSHEET

This worksheet was devised to standardize the itemization of other reimbursable expenses incurred by court-appointed counsel in the defense of a client under the Criminal Justice Act (CJA). Each attorney should provide the following on the worksheet:

1. The case number and CJA 20 defendant name pertaining to the claim
2. For each item of other expense incurred provide the following:
 - a. the date incurred
 - b. a brief explanation of the expense
 - c. the amount of expense incurred

Attach supporting documentation; i.e., receipts, canceled checks and invoices for all expenses in excess of \$50.00. Such expense items as mileage and copying should show the total miles and pages, respectively, multiplied by the applicable rate to arrive at the expense incurred. The expense incurred should then be listed under the appropriate other expense category; i.e., mileage, parking, meals, etc.

Once all other expenses have been itemized, total each column, listing the total amount. Transfer and list other expense categories and their applicable totals, using the spaces provided on items 17 and 18 of the CJA 20 in the box under column entitled "Total Amount Claimed." The other expense worksheet, along with any supporting documentation, must be attached to the CJA 20.

(CJA WorksheetsDec2005).wpd)