

UNITED STATES DISTRICT COURT

District of New Mexico CJA Information Manual



Prepared by

Financial Services Division

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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 [District of New Mexico CJA Plan](#) adopted by this Court.

II. CJA SUPPORT

CJA support is available from the Financial Services Division within the Clerk's Office Monday through Friday (excluding federal holidays) from 8:30 AM – 12:00 PM and 1:00 PM – 4:30 PM (Mountain Time), by phone at (505) 348-2145, or by email to financial@nmcourt.fed.us.

III. EVOUCHER

CJA eVoucher is the Court's electronic CJA voucher system. It provides for the creation, submission and tracking of all CJA vouchers and funding requests submitted to the Court. As of July 20, 2015, the Court will only process CJA vouchers and funding requests through this system and paper vouchers will no longer be accepted. Detailed instructions are available by opening the *Quick Link* for eVoucher on the Court's website (www.nmd.uscourts.gov).

IV. NON-DEATH PENALTY CASES

A. Appointment Process

Appointments to CJA Panel Attorneys for criminal defendant representations are proposed on a randomized basis through the eVoucher application. Once proposed, the attorney is notified via email and has a limited time to respond (either through the eVoucher system, email or phone call) to either accept or reject the appointment. If no

response is received within the designated time frame, another attorney is randomly proposed. Upon acceptance of appointment, a representation is created in the eVoucher application and an entry is made into the respective case within CM/ECF. In an effort to reduce costs, for some lower level cases and material witness appointments, a single attorney may be appointed to several defendants (in separate cases) or multiple material witnesses within a case. In these situations, the randomly proposed attorney is notified via email of the multiple proposed appointments. The grouping of assignments utilize factors including, but not limited to, the charges, the detention facility housing the defendants, and the proximity of attorney's office to the courthouse. In time sensitive situations, Clerk's Office staff may follow up immediately, usually via a phone call, to ascertain the attorney's availability and willingness to accept the appointment or appointments in an effort to expedite the process. Once appointed, attorneys should attempt to hire service providers, such as interpreters (if needed), who would require the least amount of travel time.

If counsel is terminated as a result of a motion to withdraw or is substituted, new counsel will be appointed by the Court.

B. Permissible Hourly Rate

The hourly rate for CJA Panel Attorneys can be found at <http://www.nmd.uscourts.gov/cja-general-information>.)

C. Types of Representations and Compensation Maximums

There are various types of CJA representations and compensation maximums. The current attorney case compensation maximums can be found at <http://www.uscourts.gov/rules-policies/judiciary-policies/cja-guidelines/chapter-2-ss-230-compensation-and-expenses#a230> 23.

D. Exceeding the Compensation Maximum

Payments in excess of CJA compensation maximums may be made to provide fair compensation in cases involving extended **or** complex representation.¹ Once counsel determines that the cost of legal representation will exceed the applicable statutory maximum, counsel must submit a CJA 26 within eVoucher to request permission to exceed that maximum. Counsel should attach a memorandum to the CJA 26 that (1) sets forth sufficient facts upon which the Court can base a finding the representation is “complex” or “extended,” and (2) provides an estimate of the total amount of anticipated fees and a basis for that estimate. Counsel may bill *up to* 1 hour for preparing this memorandum.

If it appears likely that a representation in which attorney hours are expected to exceed 300 hours or total expenditures are expected to exceed 300 times the prevailing CJA panel attorney non-capital hourly rate, rounded up to the nearest thousand, for appointed counsel and services other than counsel for an individual CJA defendant, appointed counsel must submit a detailed budget proposal, addressing attorney and provider funds, for the Court’s review and approval. For example, 300 times \$132 would be \$40,000 rounded up to the nearest thousand. See Section IX for information on case budgeting.

E. Request for Interim Billing

A request for interim billing is separate from a request to exceed the statutory maximum. (See Section IV D). The presiding judge may approve interim payments where it is considered necessary and appropriate in relieving court-appointed attorneys of financial hardships in extended or complex cases.

¹ A representation is “extended” if it requires more time for total processing than the average case, including pretrial and post-trial hearings. A representation is “complex” if the legal or factual issues are unusual, thus requiring the expenditure of more time, skill, and effort by the lawyer than would otherwise be required in the average case.

Upon approval to exceed the statutory maximum, counsel may request interim billing by filing an ex parte motion and proposed order explaining the need for interim payments, and an estimate of the cost of the representation, if possible.

Orders allowing interim billing 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. Interim payments for counsel and service providers, once approved by the Court, must be submitted on a monthly basis. Payments for partial months are not permissible unless it is the first or the final voucher.

F. 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. These forms are listed on each representation within eVoucher.

Form Number	Purpose
CJA20	Payment of services by counsel
CJA21	Payment of services by experts (see Section VIII)
CJA24	For request and payment of Court transcripts (see Section VIII B)

V. DEATH PENALTY CASES

A. General Information

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:

- CJA attorneys appointed in all death-eligible prosecutions, including as co-counsel with a Federal Public Defender, must budget CJA case costs (see Section IX for information on case budgeting).
- At the outset of every capital case, courts shall appoint two attorneys 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](#))
- If the government subsequently notifies the Court that it will no longer seek the death penalty in a case with lead and learned counsel, the Court will likely request that one attorney withdraw from the representation following a reasonable transition period.
- The hourly rates for compensation for counsel can be found at <http://www.nmd.uscourts.gov/cja-general-information>.
- 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 all service providers combined 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 Chief Judge of the Tenth Circuit Court of Appeals(or delegate Judge).

- Counsel may obtain investigative, expert, and other services, without prior authorization but subject to later review, providing the aggregate cost of the services in the representation does not exceed the amount set forth in [CJA Guidelines § 310.20.30](#), plus expenses reasonably incurred. The compensation amount with prior authorization per individual service providers in [CJA Guidelines § 310.20.10](#) is not applicable in capital representations.
- Consulting services may be authorized by the Court at an hourly rate which does not exceed the amount for appointed counsel.

B. Voucher Types and Uses

There are three different types of vouchers which are used for representation in death penalty cases. The following table lists and explains the uses. These forms are listed on each representation within eVoucher.

Form Number	Purpose
CJA30	Payment of services by counsel
CJA31	Payment of services by experts/service providers
CJA24	For request and payment of Court transcripts (see Section VIII B)

VI. CREATING AND SUBMITTING VOUCHERS

A. Instructions

Written instructions and electronic learning modules are available by clicking on the *Quick Link* for eVoucher on the home page of the Court's website (www.nmd.uscourts.gov).

B. Compliance with the CJA Guidelines

All vouchers are reviewed by the Financial Services Division prior to being reviewed by the presiding Judicial Officer. The Financial Services Division reviews the voucher to check for compliance with the guidelines and mathematical accuracy. Any entries which do not appear to comply with the *Guidelines* are pointed out to the presiding Judicial Officer, who will, in turn, determine whether or not these entries will be paid.

C. Contemporaneous Time

Attorney time is billed in tenths. 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 staff. These records may be subject to audit and must be retained for three years after approval of the final voucher.

D. Level of Detail

Counsel is responsible for submitting detailed, accurate and properly documented vouchers within the required time limit. Please comply with the guidelines contained on *Tips for Preventing Voucher Payment Reductions and Delays* ([Attachment 1](#)).

Absent extraordinary circumstances, reviewing judges will endeavor to review and approve complete, detailed, accurate and properly documented vouchers within 30 days. Inadequate or incomplete vouchers will be returned to counsel with instructions from the Court, which causes unnecessary delays in payment. Judges will have up to 90 days to review a re-submitted voucher.

E. Voucher Submission Deadline

Once the judgment is entered into the case, the attorney will have 45 days to submit their final attorney and service provider vouchers. 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 Financial Services 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.

F. Voucher Reductions

If the presiding Judicial Officer determines that a voucher will be reduced or denied (for anything other than mathematical and technical errors) counsel will be notified and given 10 business days to respond. Attorneys and service providers must keep in mind that the presiding judge has discretion to reduce or deny a voucher. Examples for reductions and/or denial of payment would be (1) non-compliance with the *CJA Guidelines*; (2) mathematical errors; and (3) a determination that the services claimed are unreasonable either in terms of the work performed or the amount of the time and costs submitted. The Judge's decision is final on such reductions or denial of payment.

G. Effects of 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 case termination. As with any representation, the attorney will have 45 days to submit their final attorney voucher. If the case is particularly extended and waiting until case termination would create a significant financial hardship, counsel may submit an ex parte motion with the presiding judge requesting permission to submit the final voucher before case termination. 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.

In cases where counsel has been substituted, the attorney may bill their time and expenses before the completion of the case.

VII. EXPENSES

A. 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. The number of pages must be fully documented on the Expenses tab within eVoucher and must be supported with receipts and/or logs only if the expense is in excess of \$50.00. Current fax and copy rates can be found at <http://www.nmd.uscourts.gov/cja-general-information>.

B. 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.** This includes any general office expenses which would normally be reflected in the fee charged to the client. Time spent downloading, opening, emailing, faxing, renaming, saving, filing, printing, and/or forwarding a Notice of Electronic Filing (NEF) is considered to be clerical/secretarial functions performed in an office. Preparing your voucher or performing other administrative tasks unrelated to the disposition of the case are not compensable. The statutory fee is intended to include compensation for these types of expenses and they are therefore not compensable.

- **Items of a Personal Nature** purchased on behalf of the client and/or extended family. Charges for clothing for the defendant or yourself, shipping costs of personal property, time spent making and taking to doctor appointments, meals and travel expenses, etc. are not reimbursable.
- **Filing Fees.** Filing fees are waived for you when conducting CJA representation so your voucher should not include any amount in this category.
- **Printing of Briefs.** The expense of printing briefs, regardless of the printing method used is not reimbursable.
- **Service of Process.** Service of Process is the fee paid to process servers serving subpoenas. Service of Subpoena(s) and payment of fact witness fees are not reimbursable through the CJA system (see rule 17b and information provided regarding Fact Witness Vouchers).
- **Taxes paid on attorney or expert compensation** are not reimbursable.
- **Time expended** for the following activities is not reimbursable: receiving NEF's, phone calls and/or email exchanges that you and the Financial Services Division/ Court staff share regarding any CJA issues, and time for acceptance of your CJA appointment.

C. Travel Expenses

CJA appointed attorneys and their experts are **required** to obtain government rates when traveling.² Counsel may seek reimbursement for travel expenses such as airfare, lodging (**prior authorization must be obtained for both air travel and overnight stays**) meals, car rental, parking, and mileage. All travel expenses must be reasonable and fully documented on the Expenses tab, with legible itemized receipts attached to the voucher. Credit card slips or statements are not acceptable.

² Government rates can be found at <https://www.gsa.gov> under the Travel tab

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 12 hours or more. Per diem in lieu of subsistence is not allowable, since 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.

Mileage must be properly documented and the appropriate rates billed for the date the travel took place. Current mileage rates can be found at <http://www.nmd.uscourts.gov/cja-general-information>.

VIII. REQUESTS FOR FUNDING AND PAYMENT FOR SERVICES

A. Travel

Appointed counsel will be compensated for travel time and expenses reasonably incurred, subject to the prevailing limitations placed upon travel and subsistence expenses of federal judiciary employees in accordance with existing government travel regulations. Prior approval by the Court, via a Travel AUTH in eVoucher, is required in two circumstances: (1) out-of-district travel, and (2) overnight travel. When feasible, counsel are expected to perform case-related work while traveling.

If air travel is required to provide proper legal representation for the defendant, counsel must file a Travel AUTH requesting prior authorization in eVoucher. The Travel AUTH should specify the travelers name(s), dates of travel, estimated expenses, destination and the purpose for travel. Counsel should contact National Travel (the current nationwide travel management contractor for the Judiciary) to enquire about flight and hotel costs at (800) 445-0668. These details form the basis for the estimated travel expenses to be included in the Travel AUTH.

Once the Travel AUTH is granted by the Judge, counsel will receive an email notification via eVoucher. Once counsel receives the notification, counsel may contact National Travel to finalize their travel arrangements. National Travel will bill the Court's CJA travel account directly for airfare only and counsel will not need to seek reimbursement for the airfare on their voucher. The request should be made at least ten business days in advance to allow for adequate processing time.

Counsel is responsible for notifying National Travel of any cancellations. Failure to do so will require reimbursement to the Court by the traveler.

B. Request and Payment for Transcripts

In multi-defendant cases, when requesting transcripts and transcript copies of court proceedings³, counsel will need to do so through the AUTH 24/CJA 24 process. This functionality is available through eVoucher. To start, counsel will need to submit the transcript request via an "AUTH 24". After review by the Clerk's Office, the AUTH 24 is presented to the presiding judge for pre-approval. If production of the transcript is approved by the Court, the AUTH 24 is converted into a CJA24. The CJA24 is routed to the court reporter who will produce, deliver and file the transcript. The court reporter will then submit his or her charges and expenses through eVoucher, and send the CJA24 back to the Court for final payment approval. At each step, the Clerk's Office monitors and audits this process.

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

³ It should be noted that the Auth 24/CJA24 process should only be used when ordering transcripts of court proceedings. When requesting transcripts of other than court proceedings (e.g. discovery material, witness interviews, inmate phone calls, etc.,) counsel should do so through the CJA21 process.

on the CJA20 form. However, the transcript will be billed by the court reporter through the AUTH 24/ CJA24 process. If counsel has paid for the transcript as an out of pocket expense, the reimbursement request must be submitted through the AUTH 24/CJA24 process.

Expedited transcripts require the prior authorization of the presiding Judicial Officer. An explanation of the need to incur the expense should be set forth in the "Public/Attorney Notes" field located within the Confirmation tab of the AUTH 24. Current transcript rates can be found at <http://www.nmd.uscourts.gov/cja-general-information>.

C. Expert or Other Services

When necessary to an adequate representation as described above, the Court may authorize funds for experts or other service providers (e.g., investigators, paralegals, interpreters, etc.). Please refer to [Attachment 2](#) in this manual for the recommended allowable hourly rates.

1. Without Prior Authorization

Counsel may obtain investigative, expert, and other services, without prior authorization but subject to subsequent review, providing the aggregate compensation, \$800 plus expenses reasonably incurred. See [CJA Guidelines § 310.20.30](#)

2. With Prior Authorization

Prior authorization from the presiding judge is required for investigative, expert or other services that exceed \$800 plus expenses reasonably incurred. See [CJA Guidelines § 310.20.10\(b\)](#). The presiding judge may approve up to \$2,500, plus expenses reasonably incurred, per provider type in non-capital cases and up to

\$7,500, plus expenses reasonably incurred, for all service providers combined in capital cases. Funding requests that exceed these amounts must also be approved by the Chief Judge of the Tenth Circuit Court of Appeals(or delegate Judge).

3. Process for Requesting Funds for Expert or Other Services

To request funds for expert/other services, counsel must submit an AUTH within the eVoucher payment system. Detailed instructions are available by clicking on the eVoucher Quick Link on the home page of the Court's website (www.nmd.uscourts.gov). **Do not file a motion on the docket.**

For routine providers such as interpreters, paralegals, law clerks, and investigators, counsel should include the total amount requested (e.g., \$2,400), then provide a brief basis for the amount requested (e.g., *Investigator Services – 40 hours at \$60/hour for in and out of state witness interviews; meetings with client; scene investigation; travel to meet with witnesses, etc.*). For expert services, counsel should attach the expert's Curriculum Vitae (CV) and a detailed memorandum to the AUTH that explains the following: a) the total amount requested; b) the hourly rate requested (if the hourly rate exceeds the permissible rate contained on [Attachment 2](#), counsel must explain why it is necessary to pay the expert more than is ordinarily permissible in this district); c) justification for the expert type; and d) the scope of work to be performed by the expert, in order to justify the hours requested. Counsel may bill *up to* one hour for preparing this memorandum.

4. Additional Considerations

a. Geographical Considerations

To minimize travel costs, counsel must make a reasonable effort to retain qualified experts, investigators, or other service providers from the locale where the proposed services are to be performed, if such providers are available.

b. Request for Supplemental Funding

Once funding for investigators, experts or other specialized services have been approved, counsel is responsible for communicating with the service provider to ensure compliance with specific terms of the court order and to ensure that charges do not exceed the amount authorized.

If counsel obtains prior approval for expert, investigative, or other services and it later becomes apparent that the cost will exceed the initial approved amount, requests for additional compensation should be requested by counsel and authorized by the Court *before* any further service is provided. *Nunc pro tunc* requests will be considered only upon a showing of good cause, such as when a task not previously contemplated required immediate action. The Court will no longer consider docketed requests for funds. All funding requests for expert or other services MUST be made through eVoucher.

c. Engagement Letters

Counsel should use written engagement letters for experts or other specialized services setting forth the details of their engagement, including the hourly rate, the maximum number of authorized hours or compensation amount, and the requirement of contemporaneous time record-keeping (see [Attachment 3](#), *Sample Engagement Letter*).

Retained counsel should also use written engagement letters when they seek to use CJA funds to engage service providers. For service providers being shared by

multiple defendants in one case, the engagement letter should identify all the defendants' attorneys and not just the liaison attorney.

In addition, the Court's Financial Services Division should be notified if a liaison attorney withdraws from the case.

5. Payments for Experts and Other Providers (CJA 21 AND 31 Vouchers)

Counsel are responsible for vouchers submitted by the expert or service provider. Once funding has been authorized, unless prior authorization is unnecessary, counsel may submit a CJA 21 (non-capital) or CJA 31 (capital) for services rendered. Instructions are available by clicking on the eVoucher *Quick Link* on the home page of the Court's website (www.nmd.uscourts.gov). Counsel should also refer to Volume 1, Issue 1 of the *CJA Quarterly Newsletter*, which can be found at <http://www.nmd.uscourts.gov/cja-quarterly-newsletter>.

Vouchers containing inaccuracies, inadequate detail, and/or lack of proper documentation for all service providers/experts will be returned to the appointed counsel. Examples of adequate detail include service dates and the scope of work performed on each date (e.g., *1/11/17 - 3.1 hours to locate and interview two witnesses in Santa Fe, NM*). In addition, providers should indicate the nature of materials reviewed and page counts (e.g., *1/12/17 - 3.5 hours to review 200 pages of police reports*).

IX. CASE BUDGETING

A. Non-Capital Cases

If it appears likely that a representation in which attorney hours are expected to exceed 300 hours or total expenditures are expected to exceed 300 times the prevailing CJA panel attorney non-capital hourly rate, rounded up to the nearest thousand, for

appointed counsel and services other than counsel for an individual CJA defendant, appointed counsel must submit a budget proposal for the Court's review and approval.

To make the budget submission and review process more manageable and effective, budgeting may be accomplished in stages and, if appropriate, discrete time periods within stages, such as in three, four, or six-month intervals. For example, the first stage of a non-capital case may extend through the filing of pretrial motions. The attorney could submit a budget for the entire pretrial stage, or, if the pretrial stage is expected to be lengthy, could submit a budget to cover a shorter interval of time. Counsel should coordinate with the Tenth Circuit Case Budgeting Attorney to discuss the challenges of the case and to prepare a budget request for the Court's review and approval. For contact information, counsel should refer to the Circuit website (<http://www.ca10.uscourts.gov/>).

The purpose of a case budget is to help ensure that counsel receives the resources necessary to effectively represent the client while at the same time providing the Court with sufficient information about the resources needed. Case budgets should not be viewed as etched in stone, and may be the subject of subsequent modification as the case progresses. The preparation of a case budget is compensable, assuming that the time claimed is reasonable.

B. Capital Cases

CJA attorneys appointed in all death-eligible prosecutions, including as co-counsel with a Federal Public Defender, must budget CJA case costs. Capital cases are always budgeted in stages. For instance the first budgeting stage may extend to a decision by the Department of Justice whether to authorize the prosecution to seek the death penalty. Depending on the timing for DOJ's decision-making process, the attorney could submit a budget for the entire stage or for a given period of time within the stage.

The preparation of a case budget is compensable, assuming that the time claimed is reasonable.

Within 30 days of appointment, the Court or appointed CJA counsel should contact the Case Budgeting Attorney for assistance in preparing a capital case budget for the Court's review and approval. For contact information, counsel should refer to the circuit website (<http://www.ca10.uscourts.gov/>).

X. PANEL MEMBERSHIP

Attorneys wishing to become a member of this panel may obtain an application via the Court's website at www.nmd.uscourts.gov or by contacting the Federal Public Defenders Office at (505) 346-2489. Once a year the Financial Services Division provides training for newly appointed attorneys and their staff.

XI. CONCLUSION

The information in this manual is not intended to be all inclusive. It is highly recommended that Chapters 2, 3 and 6 of the *Guide to Judiciary Policy, Vol. 7, Appointment of Counsel in Criminal Cases* (<http://www.uscourts.gov/rules-policies/judiciary-policies/criminal-justice-act-cja-guidelines>) be reviewed by the CJA Panel. The *NM CJA Information Manual* and the related *District of New Mexico CJA Plan* may be accessed via the Court's website at <http://www.nmd.uscourts.gov/cja-general-information>.

In addition to this literature, counsel may contact any of the following for questions or guidance.

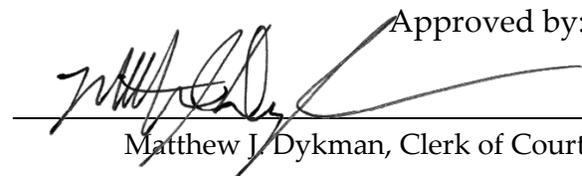
- Financial Services Division (505) 348-2145
- Defender Services Office in Washington, D.C. (202) 502-3030
- Federal Public Defenders Office (505) 346-2489

- CJA Panel Representative contact information can be found at <http://www.nmd.uscourts.gov/cja-general-information>

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

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May 1, 2002 *January 21, 2010*
August 1, 2003 *February 29, 2012*
June 3, 2005 *January 1, 2015*
June 1, 2006 *January 1, 2016*

Approved by:

Matthew J. Dykman, Clerk of Court

ATTACHMENT 1 –

TIPS FOR PREVENTING VOUCHER PAYMENT DELAYS AND REDUCTIONS

1. Always attach receipts to your vouchers in compliance with the district’s rules regarding receipts.
2. If you have general CJA questions, please refer to the Court’s website: www.nmd.uscourts.gov. CJA materials are available by clicking on the Attorneys tab at the top of the Court’s home page and scrolling down to Criminal Justice Act (CJA).
3. If you have a **budget order**, attach a copy to each interim voucher (including expert or provider vouchers if the budget order authorized expert or provider services).
4. If you have an existing **funding order** for a service provider or expert, attach a copy of the order to the CJA 21 or 31 within eVoucher. If you requested and obtained expert or provider funding through eVoucher by filing an Authorization (which is the correct way to request and obtain funding, as opposed to filing a motion under seal), there is no order to attach to your CJA 21 or 31.
5. **Please follow the tips below** to ensure that your voucher is complete and sufficiently detailed. These tips apply to attorney AND provider/expert vouchers and invoices. Vague or incomplete vouchers or invoices will be rejected, resulting in unnecessary delay.

PROPER CLASSIFICATION OF SERVICES – NO BUNDLING

Do this . . .

Date	Service	Time	Description
1/5/15	Interviews/Conferences	1.6	Met with client’s mother (.4); phone call with client (.4); met with client at jail (.8)
1/5/15	Obtain/Review Records	4.0	Reviewed 200 pages of wiretap transcripts (Bates Nos. 220-420)
1/5/15	Legal Research	5.2	Researched whether the search of client’s car without a warrant was unlawful; began draft of motion to suppress (Dkt. No. 112)

Not this . . .

Date	Service	Time	Description
1/5/15	Interviews/Conferences	10.8	Met with client’s mother (.4); phone call with client (.4); reviewed discovery (4.0); met with client at jail (.8); researched whether the search of client’s car without a warrant was unlawful; began draft of motion to suppress (Dkt. No. 112) (5.2)

DETAILED TASK DESCRIPTIONS

Do this . . .

Date	Service	Time	Description
2/5/15	Travel Time	7.0	R/T to Las Cruces (includes travel to and within

			Las Cruces to two separate locations) to meet with two individual (450 miles R/T)
2/5/15	Interviews/Conferences	3.0	Interviewed two individuals in Las Cruces
2/8/15	Obtain/Review Records	4.0	Reviewed 200 pages of wiretap transcripts (Bates Nos. 220-420) [include Bates range if available]
2/9/15	Legal Research	5.2	Researched whether the search of client's car without a warrant was unlawful; began drafting motion to suppress (Dkt. No. 112)

Not this . . .

Date	Service	Time	Description
2/5/15	Travel Time	7.0	Travel for interviews
2/5/15	Interviews/Conferences	3.0	Interviews
2/8/15	Obtain/Review Records	4.0	Reviewed discovery
2/9/15	Legal Research	5.2	Legal research and writing

ECF REVIEW

NOTE: ECF review should reflect only the actual aggregate time that you spent reviewing the subject documents on a daily basis as opposed to billing for signing into your PACER account every time you receive a notification, then billing separate entries.

Do this . . .

Date	Service	Time	Description
1/5/15	Obtain/Review Records	0.2	Reviewed multiple ECF filings (Dkt. Nos. 2-7)

Not this . . .

Date	Service	Time	Description
1/5/15	Obtain/Review Records	0.1	ECF review (Dkt. #2)
1/5/15	Obtain/Review Records	0.1	ECF review (Dkt. #3)
1/5/15	Obtain/Review Records	0.1	ECF review (Dkt. #4)
1/5/15	Obtain/Review Records	0.1	ECF review (Dkt. #5)
1/5/15	Obtain/Review Records	0.1	ECF review (Dkt. #6)
1/5/15	Obtain/Review Records	0.1	ECF review (Dkt. #7)

NOTE: If you have questions about a voucher or a funding request, CJA support is available **Monday through Friday** (excluding holidays).

Hours: 8:30 AM – 12:00 PM and 1:00 PM – 4:30 PM (Mountain Time)

Phone: (505) 348-2145, **Email:** financial@nmcourt.fed.us

ATTACHMENT 2 –

CJA RECOMMENDED ALLOWABLE HOURLY RATES FOR EXPERTS AND SERVICE PROVIDERS

Type of Expert	Hourly Rate
Accountant	\$80.00 - \$125.00
Ballistics Expert	\$80.00 - \$125.00
Chemist	\$95.00-\$125.00
Interpreter (Federal Certification or Professionally Qualified)	\$30.00 - \$60.00
Interpreter (non-certified)	\$30.00
Investigator	\$55.00 - \$75.00
Jury Consultant	\$80.00 - \$100.00
Law Clerk	\$35.00
Mitigation Expert	\$85.00 - \$100.00
Neuropsychologist	\$150.00 - \$265.00
Paralegal	\$35.00 - \$55.00
Physician(including Psychiatrist)	\$150.00 - \$300.00
Polygraph Examiner	\$80.00 - \$110.00
Psychologist	\$150.00-\$250.00
Research Attorney	\$75.00
Statistician	\$80.00 - \$100.00

NOTES:

- 1. Notwithstanding the rates indicated in the chart, the Court may require lower hourly rates for travel.** In addition, the Court may require a lower hourly rate for an expert's use of an associate within the expert's office (e.g., an accountant's use of a junior associate may be appropriate, but the approved hourly rate for the junior accountant would be lower than the authorized accountant's approved hourly rate.
- 2. The presiding judge may approve a rate in excess of the presumptive maximum in Attachment 2 only for good cause.** Factors that may be considered in determining the existence of good cause include the uniqueness of the service or the service provider; the education, training, or specialization of the service provider; the lack of availability of this or similar service providers; complexity of the case; and any time limitations on the case that may affect how quickly the service needs to be completed.

ATTACHMENT 3 –
SAMPLE ENGAGEMENT LETTER: CONTENTS OF FINANCIAL ARRANGEMENTS

Case Name: _____

Case Number: _____

The engagement of your services for this case is subject to the following:

- 1) You will be compensated at a rate of \$_____ per hour for services and \$_____ per hour for travel time. The maximum payment amount authorized by the Court as of this date for your services is \$_____, excluding properly documented reimbursable expenses.
- 2) A CJA Form 21 (non-capital) or 31 (capital) will be created for you in the Court's electronic voucher system which either you or I will complete and submit. Instructions on how to use the eVoucher system will be provided to you.
- 3) It is my responsibility as counsel to certify to the Court that the services were rendered. Payment for your services is subject to approval by the presiding judge (or CJA Supervising Attorney) and, in certain circumstances, the chief judge of the circuit (or the chief judge's delegate). Approved payments are made by the Department of the Treasury out of the federal judiciary's Defender Services account, **not by me or my law firm.**
- 4) The presiding judge (and the circuit chief judge or delegate, if applicable) has discretion to reduce a voucher. Specific reasons include: (a) a mathematical error; (b) non-compliance with circuit policy, district court policies or the *Guidelines for Administering the CJA and Related Statutes (CJA Guidelines)*, *Guide to Judiciary Policy*, Volume 7, Part A, or (c) a determination that the services claimed are unreasonable either in terms of the work performed or the amount of time and expenses submitted. Accordingly, this Engagement Letter is not a guarantee of payment for all services rendered or expenses incurred.
- 5) **Do not perform services or incur expenses that would result in an invoice in excess of the maximum payment amount authorized by the Court** (as set forth in paragraph 1). Doing so creates a risk that the Court will not authorize the payment for the work done or expenses incurred in excess of the maximum authorized amount, even if the services performed or expenses incurred are necessary. You must advise me **before** you exceed the Court's maximum authorized payment amount, and if I determine such additional work and/or expenses are necessary for the representation, I will seek approval from the Court for a new maximum authorization level before such work is performed or expenses incurred.

- 6) Travel expenses will be reimbursed on the basis of actual expenses incurred. Please consult with me regarding the maximum reimbursement amounts for travel expenses. Airline travel must be authorized by the Court by my application. If airline travel is authorized, I will provide guidance to you regarding the purchase of a ticket.
- 7) Record Keeping – Consistent with *CJA Guidelines* § 320.90, you are required to maintain contemporaneous time and attendance records for all work/services billed, as well as expense records. These records should be attached to your CJA eVoucher that is submitted for payment. Any separate time and attendance records must be retained for three years after approval of the appointed counsel’s or the service provider’s final voucher, whichever is later.
- 8) Unless otherwise authorized by the Court, a voucher for services performed and expenses incurred for the representation should be submitted at the conclusion of your services. While the Court attempts to process invoices as quickly as possible, there may be delays in payment due to workload and other factors.
- 9) Scope of Work – You are authorized to do the following work:

Accepted by: _____

Date: _____