

INSTRUCTIONS FOR PREPARATION OF COURT-ASSIGNED COUNSEL VOUCHER

When to file. The Court requires that the Court-Assigned Counsel Voucher be filed within 60 days of final disposition of the case. Depending on the course of the case, this may be 60 days from (1) the date of judgment; (2) denial of rehearing; or (3) the grant or denial of a petition for writ of certiorari by the Supreme Court.

Where to file. Submit the voucher to the attention of Patty Layne in the Clerk's Office.

DISCLOSURE. Vouchers filed by assigned counsel are subject to public disclosure unless disclosure should be limited based upon: (1) protection of any person's Fifth Amendment right against self-incrimination; (2) protection of the defendant's Sixth Amendment right to effective assistance of counsel; (3) the defendant's attorney-client privilege; (4) the work-product privilege of defendant's counsel; (5) the safety of any person; or (6) any other interest that justice may require. If counsel wishes to request redaction or non-disclosure of any portion of the voucher based upon one of these interests, counsel should seek such relief by motion at the time the voucher is filed. Absent such a motion, the voucher will be made available to the public upon request.

What to file. A line-by-line explanation of the voucher and required supporting documentation follows:

Appeals Docket No. through Date of Assignment. The Clerk's Office has completed this information on the voucher; however, you should check that the information is correct. The compensation check is mailed to the address shown on the voucher.

Social Security Number/Employer Identification Number. Payment will be made directly to you. Where applicable, you are required to furnish your social security number or law firm's employer identification number so that the Court may file information returns with the Internal Revenue Service.

Claimed Compensation

In-Court Time and Out-of-Court Time. In-court time and out-of-court time are compensated at the rate of \$90 per hour for work done on or after May 1, 2002, at the rate of \$92 per hour for work done on or after January 1, 2006, at the rate of \$94 per hour for work done on or after May 20, 2007, and at the rate of \$100 for work done on or after January 1, 2008.

A \$750 limitation, exclusive of expenses, applies to the compensation payable to assigned attorneys. If another attorney is substituted during the appeal, joint compensation is limited to \$750. Unless assigned as counsel by the Court or acting with prior authorization of the Court, followed by an entry of appearance in this case, co-counsel or associate attorneys may not be

compensated. However, assigned counsel may claim compensation for services furnished by a partner or associate in assigned counsel's law firm within the maximum compensation allowed, separately identifying the provider of each service. The limitations on total compensation apply per consolidated matter. If compensation is sought in excess of the limitation, a memorandum detailing services must be attached to the voucher. If you are seeking compensation in excess of the limitation, you have the burden of providing sufficient details to establish that the case was more complex or time consuming than the average case and that the number of hours claimed is reasonable.

Claimed Expenses

Travel. All travel expenses must be supported with detailed receipts. The Court does not reimburse counsel for alcoholic beverages, safe deposit boxes, in-room movies, etc. or for lodging and/or expenses for anyone other than court-assigned counsel. For this reason, the hotel or restaurant bill, rather than a credit card receipt, must be submitted. Automobile travel will be reimbursed at a rate of 40.5 cents per mile for travel on or after February 4, 2005, 48.5 cents per mile for travel on or after September 1, 2005, 44.5 cents per mile for travel on or after January 1, 2006, 48.5 cents per mile for travel on or after February 1, 2007, 50.5 cents per mile for travel on or after March 19, 2008, and 58.5 cents per mile for travel on or after August 1, 2008. An itemized statement containing the date of travel, destination, number of miles and rate per mile must be submitted to document this expense.

Other Expenses. Insert the total other expenses in "Other."

Photocopying. Copying services performed in your office will be reimbursed as out-of-pocket expense, not to exceed \$.15 per copy and must be supported with an itemized statement containing the date, number of copies and cost per page. For photocopying and other services in preparation of briefs and appendices by commercial printers, reimbursement shall not exceed \$.35 per copy. If a commercial printer prepared the briefs and appendix and printing costs exceed \$100, the printer may make separate application for direct payment for the costs incurred. If commercial printing costs of less than \$100 were incurred, counsel may request reimbursement by submitting a copy of the printer's invoice with counsel's voucher. Petitions for rehearing should have been copied in-house as the Court does not reimburse commercial printers for such costs.

Computer Assisted Legal Research. Claims for reimbursement for computer assisted legal research must be supported with a copy of the bill and receipt for the use of the legal research services 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). If the amount claimed is in excess of \$500 or if it includes costs for downloading or printing, counsel should include a brief justification. Payment for research services performed by employees of a computer legal research firm may be made

upon a showing that the total amount charged for the services is reasonable. If the total cost of such services will exceed \$500, advance authorization is required.

Paralegal or Law Clerk. Claims for reimbursement of charges for legal research performed by a paralegal or law clerk, within counsel's firm, must be supported with a brief statement setting forth the issue or issues that were the subject matter of the research. The hourly rate for a paralegal is \$35. The hourly rate for a qualified law student or law clerk is \$50.

Long Distance Telephone Calls and Facsimile Charges. An itemized statement containing the date and cost of each long distance phone call or fax charge must be attached to the voucher. If the amount exceeds \$50, a copy of the bill must also be attached. Any other charge associated with use of counsel's phone or fax equipment is considered non-reimbursable office overhead.

Miscellaneous Other Expenses. Postage, courier services, etc. must be supported by an itemized statement containing the date, brief description of the service rendered and why, as well as the cost of each individual service. If the expense exceeds \$50, a detailed receipt must also be attached.

Claimant's Certification. You must fill in the date on which representation began and ended. You must sign and date the voucher.

Approved for Payment. The Chief Judge, or his delegate, completes this section of the voucher form. A copy will be returned to you along with a memorandum explaining the decision.

Every claim for compensation for services rendered and/or reimbursement for expenses incurred must be reviewed for both reasonableness and compliance with the Court's prescribed limits. Careful preparation and documentation of the voucher will facilitate this review. Any questions regarding compensation, reimbursable expenses or preparation of vouchers should be directed to Patty Layne in the Clerk's Office, (804) 916-2727.

SAMPLE

**United States Court of Appeals
for the Fourth Circuit**
Court-Assigned Counsel Worksheet - Services

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Case Number 04-6000

Date	Brief Description of Services ¹	Time Spent in Hours and Tenths of Hours
02/15/08	Review transcripts	2.50
02/25/08	T/C w/4CCA re extension of time	.20
02/26/08	Revise brief	1.50
08/22/08	Travel to and from Richmond for oral argument	6.00
PAGE TOTAL		10.20

**United States Court of Appeals
for the Fourth Circuit**
Court-Assigned Counsel Worksheet - Expenses²

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Case Number 04-6000

Date	Brief Explanation of Expenses	Travel ³	Lodging	Meals	Other Travel Expenses	Copying ⁴	Postage	Toll Calls	Other Misc. Expenses
02/25/08	T/C w/4CCA re extension of time							1.82	
03/17/08	705 copies of brief & joint appendix @ \$.15					105.75			
03/17/08	UPS to opposing counsel						12.00		
08/22/08	350 miles @ 58.5 cents/mile for oral argument	204.75							
08/22/08	Dinner			9.75					
PAGE TOTAL		204.75		9.75		105.75	12.00	1.82	

¹ Expended time must show nature of work performed, dates executed, and time must be listed in hours and tenths of an hour.

² All travel expenses and miscellaneous expenses over \$50.00 must be supported with detailed receipts. Credit card receipts are not considered acceptable documentation. Telephone toll calls must be itemized.

³ Mileage for counsel is limited to 40.5 cents per mile for travel on or after 2/4/05, 48.5 cents per mile for travel on or after 9/1/05, 44.5 cents per mile for travel on or after 1/1/06, 48.5 cents per mile for travel on or after 2/1/07, 50.5 cents per mile for travel on or after 3/19/08, and 58.5 cents per mile for travel on or after 8/1/08. Airfare is limited to the cost of "coach class".

⁴ If photocopies are made in counsel's office, the date, number of copies, and the cost per copy must be recorded. If copies are procured out of the office, a detailed receipt for those copies needs to be attached to the voucher. Reimbursement shall not exceed 35 cents per copy for photocopying and other services in preparation of briefs and appendices by commercial printers.

