

## PAYMENT OF COURT-ASSIGNED COUNSEL

### COMPENSATION

**Fee:** Local Rule 46(d) provides for payment of a \$750 fee plus expenses from the Attorney Admission Fund in court-assigned cases. Counsel may seek compensation in excess of \$750 by submitting a memorandum outlining the extended or complex nature of the case.

**Hourly Rates:** A \$110 hourly rate applies to attorney time.

**Itemization of Attorney Time:** Attorney time must be itemized on the worksheet enclosed for this purpose, or like form, showing date, description of services, and amount of time in hours and tenths of an hour.

**What Time May Be Claimed:** Counsel may claim in this court all time spent representing the client on appeal, after filing of the notice of appeal through final disposition of the case in this court.

**Whose Time May Be Claimed:** Assigned counsel may claim compensation for their own time as well as for the time of a partner or associate in their firm by separately identifying the provider of each service on assigned counsel's time worksheet or billing records. Assigned counsel may not claim compensation for time of legal secretaries; however, compensation paid to paralegals, qualified law students, or law clerks may be claimed as an expense as described under expenses. If assigned counsel has obtained prior authorization from the court for assistance from an attorney outside counsel's firm and, after authorization has been granted, that attorney has entered an appearance as co-counsel in the case, assigned counsel may also claim compensation for that attorney's time.

### EXPENSES

**Travel Expenses:** Counsel may claim reimbursement at coach rates for plane or train travel to present oral argument by itemizing the expense on the enclosed expense worksheet and attaching a copy of the ticket. Mileage expenses of 55 cents per mile may be claimed by itemizing on the enclosed expense worksheet the date, destination, and number of miles traveled. Assigned counsel may obtain reimbursement for reasonably incurred travel expenses. One night's lodging and meals while on travel will be reimbursed at an actual expense rate not in excess of \$294 for travel to Richmond. Subsistence expenses for travel to present argument at locations other than Richmond will likewise be reimbursed within limitations applicable to federal employees. **All** travel expenses (lodging, meals, parking, ground transportation) must be supported by receipts. Receipts for meals and lodging must be sufficiently detailed to establish that reimbursement is not being sought for alcoholic beverages, safe deposit boxes, in-room movies or other expenses which are not reimbursable. For this reason, the **hotel or restaurant bill**, rather than a credit card receipt must be submitted. Reimbursement for significant travel other than to the court will be made only if counsel obtained leave of court before incurring the expense, upon a showing of specific need for the travel and the expenses to be incurred.

**Record and Copying Expenses:** The order assigning counsel in this case also exempts counsel from payment of PACER fees for electronic access to documents necessary for representation in this case. Counsel can obtain a separate, fee exempt PACER account by faxing a completed [registration form](#) to the PACER Service Center with a request for a fee exempt account and a copy of the court's order granting the exemption. The district court's PACER docket and electronic documents are accessible through a link to the district court docket from the appellate docket. The "View multiple documents" option for running a PACER docket report enables counsel to select which documents to combine into a single record for printing or saving. For copies made in-house, counsel may obtain reimbursement of actual expenses, not to exceed \$.15 per copy, by itemizing on the enclosed expense worksheet the dates, number of copies, and cost per page. Counsel may claim reimbursement for copying portions of the record for the defendant, up to \$75, and for providing defendant with a copy of the briefs and joint appendix. For photocopying of briefs and appendices by commercial printers, reimbursement for actual expenses not to exceed \$.35 per sheet may be obtained by submitting a receipt detailing what was copied, number of copies, and cost per copy. Double-sided copying must be used for appendices prepared by commercial printers. No appendix in a court-assigned case may exceed 250 sheets of double-sided copying (500 numbered pages) absent advance permission from the court. Unless counsel has obtained leave to file an oversize appendix, reimbursement will be limited to 250 sheets. In addition, counsel may be required to bear any additional costs associated with resubmitting corrected briefs and appendices in cases where counsel did not follow the court's rules in the initial submission. Petitions for rehearing must be copied in-house. Because Rule 14(1)(i) of the Supreme Court Rules requires only a limited appendix to accompany a petition for writ of certiorari, copying costs for petitions for writs of certiorari shall not exceed \$300 absent advance permission of the court of appeals.

**Long Distance Telephone Calls and Facsimile Charges:** Counsel may claim reimbursement for long distance phone calls and facsimile charges by itemizing on the enclosed expense worksheet the date and amount of the long distance charge. If the amount exceeds \$50, a copy of the bill is required. Any other charge associated with use of counsel's phone or fax equipment is considered non-reimbursable office overhead.

**Postage and Courier Charges:** Delivery charges may be claimed by itemizing on the enclosed expense worksheet the date, description of expense, and cost. Any expense in excess of \$50 must be supported by a detailed receipt. Briefs and appendices are deemed filed upon first-class mailing or dispatch to a commercial courier for delivery within three days, and counsel should minimize the use of special services such as same day or overnight delivery.

**Computer Assisted Legal Research:** The cost of use by appointed counsel of computer assisted legal research equipment may be allowed as a reimbursable expense, provided that the amount claimed is reasonable. 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. The cost of research performed by employees of a commercial legal research firm is not reimbursable unless counsel obtains advance approval for such services upon a showing that the total amount charged for the services is reasonable.

**Compensation Paid to Paralegals and Law Clerks:** Claims for reimbursement for compensation paid to a paralegal or law clerk must be supported with a statement of the issues researched. The hourly rate for paralegals is \$35, and the hourly rate for law clerks is \$50. Expenses incurred by a law student in assisting assigned counsel are not reimbursable.

**Translation Services:** Counsel requiring translation services to communicate with or translate documents for a client may obtain contact information for the interpreter used in the proceedings below as well as for other certified interpreters from the district court clerk's office. Use of a "certified" interpreter is not essential in connection with appellate translation services. After obtaining a quotation from the interpreter for the cost of providing necessary translation services based upon hourly rate (between \$32 and \$54 per hour depending upon certification ) or word rate (between \$150 and \$155 per 1,000 words), counsel should request advance authorization from the court of appeals, setting forth the estimated cost.

### **CLAIM PROCEDURE**

**When to Apply:** The court will send counsel a pay voucher along with instructions when judgment is entered. The completed voucher must be filed within 60 days of entry of judgment or denial of a petition for rehearing, whichever is later.

**What to Submit:** Counsel must submit the voucher, the worksheets for services and expenses, and all receipts. Receipts are required for all travel and lodging expenses, non-office copying services, and any other expense in excess of \$50. If counsel is claiming time in excess of the aggregate limits, counsel must attach a memorandum establishing that the case was unusually extended or complex and that excess payment is necessary for fair compensation.

**Public 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 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.

**Questions:** Any questions regarding compensation, reimbursable expenses, or record keeping should be addressed to Patty Layne in the clerk's office at 804-916-2727.



**United States Court of Appeals  
for the Fourth Circuit**

Page \_\_\_\_ of

Case Number

Court-Assigned Counsel Worksheet - Expenses

Date	Brief Explanation of Expenses	Travel	Lodging	Meals	Other Travel Expenses	Copying	Postage	Toll Calls	Other Misc. Expenses
<b>PAGE TOTAL</b>									