

## NON-CJA PAYMENT OF ASSIGNED COUNSEL

### 1. ATTORNEY COMPENSATION CLAIMED ON ASSIGNED COUNSEL VOUCHER

#### a. Non-CJA Assignments

- i. In cases not covered by the Criminal Justice Act in which the court desires the assistance of counsel for formal briefing and oral argument, counsel is assigned from the court's Discretionary Panel.
- ii. Non-CJA assignments are made for representation of indigent pro se litigants in civil, civil rights, bankruptcy, agency, and other types of cases. Non-CJA assignments are also made for amicus briefing and argument.
- iii. Assigned counsel vouchers for non-CJA cases are mailed to the clerk's office in paper form, rather than submitted through CJA eVoucher.

#### b. Case Compensation Maximum

- i. Local Rule 46(d) provides for payment of a \$750 fee plus expenses from the Attorney Admission Fund in non-CJA cases.
- ii. Counsel may seek compensation in excess of \$750 by submitting a memorandum outlining the extended or complex nature of the case, but excess compensation will generally be limited to the cap applicable to CJA cases (currently \$7,300).

#### c. Hourly Rates

- i. The maximum hourly rate for work performed on or after February 15, 2019, is \$148.
- ii. The maximum hourly rate for work performed between March 23, 2018, and February 14, 2019, is \$140.
- iii. The maximum hourly rate for work performed between May 5, 2017, and March 22, 2018, is \$132.
- iv. The maximum hourly rate for work performed between January 1, 2016, and May 4, 2017, is \$129.

#### d. Scope of Representation

- i. Counsel may claim in this court all time spent representing the client on appeal, from filing the notice of appeal through entry of judgment or denial of rehearing.

#### e. Description of Services

- i. Attorney time must be itemized on the court's [Assigned counsel worksheets](#) or like form, showing date, description of services, and amount of time in hours and tenths of an hour.

## f. Associate Time

- i. Assigned counsel may claim compensation for the services of co-counsel or associate attorneys only if previously authorized by the court on motion filed in CM/ECF to approve the use of associate counsel.
- ii. If approved by the court, time spent by associate counsel is entered on assigned counsel's voucher, separately identifying the provider of each service.
- iii. The limits on compensation apply to all compensation claimed.

## 2. ATTORNEY EXPENSES CLAIMED ON ASSIGNED COUNSEL VOUCHER

### a. Travel Expenses

- i. The only travel expenses subject to reimbursement are those incurred by appointed counsel.
- ii. Reimbursement for travel in excess of 100 miles, other than for oral argument, will be made only if counsel obtained leave of court before incurring the expense. Counsel should file a motion in CM/ECF to approve the travel, addressing the specific need for the travel and the estimated time and expenses.
- iii. Reimbursement for plane or train travel at coach class rates may be claimed by entering the date and destination on the expense worksheet and attaching a copy of the ticket or invoice.
- iv. Automobile mileage expenses may be claimed by itemizing on the expense worksheet the date, destination, and number of miles traveled (current mileage reimbursement rates may be found at <https://www.gsa.gov/travel/plan-book/transportation-airfare-rates-pov-rates-etc/privately-owned-vehicle-pov-mileage-reimbursement-rates>, and archived mileage rates may be found at <https://www.gsa.gov/travel/plan-book/transportation-airfare-rates-pov-rates-etc/privately-owned-vehicle-pov-rates/pov-mileage-rates-archived>).
- v. Expenses for lodging plus meals and incidental expenses will be reimbursed in accordance with prevailing limitations imposed on federal judiciary employees by government travel regulations.
- vi. See <http://www.uscourts.gov/rules-policies/judiciary-policies/judiciary-staff-travel-regulations> for judiciary travel regulations. For government rates for lodging and meals, see <https://www.gsa.gov/travel/plan-book/per-diem-rates>.
- vii. **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 non-reimbursable expenses. For this reason, the **hotel or restaurant bill**, rather than a credit card receipt must be submitted.

**b. Copy Expenses**

- i. Counsel's assignment as a member of this court's CJA/Discretionary Panels authorizes counsel to obtain and use a fee exempt CJA Panel Attorney account to provide representation in this case. Counsel should register for a fee exempt PACER account at <https://www.pacer.gov/>.
- ii. The district court's PACER docket and electronic documents are accessible through a link to the district court docket from the appellate docket. The "Create appendix" option for running a PACER docket report enables counsel to select which documents to include in the appendix.
- iii. Counsel may obtain reimbursement for necessary and actual copy expenses at a rate not to exceed \$.15 per page by itemizing the dates, number of copies, and cost per page. Reimbursement for copies of CDs or DVDs filed as a separate exhibit volume may be claimed at a rate not to exceed \$1 per item, plus \$.15 per page for copies of the cover and table of contents of the exhibit volume. A copy of the bill must be attached if a commercial copy charge exceeds \$50.
- iv. Counsel may claim reimbursement for providing counsel's client with a copy of the briefs and joint appendix.

**c. Paralegal or Law Clerk Services, including from Local Printers**

- i. Services provided by paralegals may be claimed at an hourly rate of \$35. Services provided by law clerks may be claimed at an hourly rate of \$25. Secretarial services are not reimbursable.
- ii. Several local printers provide paralegal services for the compilation and formatting of briefs and appendices in accordance with the court's local rules. The \$35/hour rate for paralegal compensation applies to these services, and an [Assigned counsel printer voucher](#) may be submitted for payment for these services.

**d. Computer Assisted Legal Research Expenses**

- i. The cost of use of computer assisted legal research equipment may be allowed as a reimbursable expense, provided that the amount claimed is reasonable.
- ii. Claims for reimbursement for computer assisted legal research must be supported with a copy of the bill or receipt for the use of the legal research services or an explanation of the precise basis of the charge.
- iii. If the amount claimed is in excess of \$500 or if it includes costs for downloading or printing, counsel should include a brief justification.

**e. Long Distance Telephone Calls and Facsimile Charges**

- i. Counsel may claim reimbursement for long distance phone calls and facsimile charges by itemizing the date and amount of the long distance charge. If the amount exceeds \$50, a copy of the bill is required.
- ii. Any other charge associated with use of counsel's phone or fax equipment is considered non-reimbursable office overhead.

**f. Postage and Courier Charges**

- i. Delivery charges may be claimed by itemizing the date, description of expense, and cost. Any expense in excess of \$50 must be supported by a detailed receipt.
- ii. Since briefs, appendices, and petitions for certiorari are generally deemed filed upon first-class mailing or dispatch to a commercial courier for delivery within three days, counsel should minimize the use of special services such as same day or overnight delivery.

**3. CLAIM PROCEDURE**

**a. When to Apply**

- i. The court will send counsel an assigned counsel voucher along with instructions when judgment is entered.
- ii. The completed voucher must be filed in paper form in the clerk's office within 60 days of entry of judgment or denial of a petition for rehearing, whichever is later.

**b. What to Submit**

- i. Counsel must submit the voucher, the worksheets for services and expenses, and all receipts. Receipts are required for all travel and lodging expenses and any other expense in excess of \$50.
- ii. If counsel is claiming compensation in excess of \$750, counsel must attach a memorandum or letter in support of the excess compensation request.

**4. PUBLIC DISCLOSURE OF FEES**

- a. Vouchers filed by assigned counsel (though not the supporting documentation) are subject to public disclosure. If counsel wishes to request redaction or non-disclosure of the voucher, 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.

**5. QUESTIONS**

- a. For payment questions, contact CJA Administrator Patty Layne at the CJA Help Desk, 804-916-2703, or via email at [4cca-cja@ca4.uscourts.gov](mailto:4cca-cja@ca4.uscourts.gov)

## 6. WORKSHEETS

[Assigned Counsel Worksheets](#)