

Budgeting Overview for CJA Cases in the Fourth Circuit

Budgeting is mandatory for all capital cases and is recommended for non-capital cases expected to exceed 300 attorney hours or \$50,000 in combined costs.

Benefits. Budgeting is a good way to develop a litigation plan from the outset and identify needs early on. Counsel are encouraged to build a defense team as soon as possible by engaging paralegals, investigators, and other professionals to organize and analyze documents and case materials. Budgeting can also help streamline requests for resources, incorporate cost considerations, and facilitate interim payments. Further, budgeting in multi-defendant cases serves as a vehicle for coordinating with co-counsel on shared resources (such as common-issue investigators and litigation support), discovery organization, and expert funding. It also provides clarity for the Court and CJA personnel in monitoring costs and ensuring timely and fair payment, fulfilling the twin goals of high-quality representation and efficiency.

Process. Judges, lawyers, and CJA personnel can refer cases for budgeting. If you have a case that you think would benefit from budgeting, please contact the CJA Case Budgeting Attorney Larry Dash, Larry_Dash@ca4.uscourts.gov. He will provide you access to the Electronic Case Budgeting Application for counsel to fill out and submit to him for review and feedback. Once the proposed budget is finalized, counsel will submit it, with the assistance of the CJA Case Budgeting Attorney, to the Court via eVoucher. The CJA Case Budgeting Attorney will add a note to the judge with a recommendation. Counsel will receive a confirmation email that the budget has been formally submitted. Once approved by the Chief Circuit Judge, the CJA Case Budgeting Attorney will upload a copy of the approved Funding Authorization showing the details of the approved budget. Counsel can access the approved budget and funding authorization in their Closed Documents Folder in eVoucher. It is helpful if all attorney and expert billing is current in eVoucher before submitting a budget.

Budget Period. Budgets are usually prepared in at least two phases: pretrial and trial/ sentencing. Because of the unpredictability of pretrial litigation, each phase may include incremental budgets, and it is understood that everything is merely an estimate and not set in stone. Case budgets include attorney time, service provider time, expenses, and travel.

NLST. In cases with voluminous, multi-format, and/or complex discovery, counsel are also encouraged to contact the National Litigation Support Team, a Defender Services program available to help CJA defense teams organize and analyze discovery, including appointment of a centrally-funded Coordinating Discovery Attorney.

Expert Rates. Negotiating reduced hourly rates for expert CJA services increases the availability of resources for CJA clients. When asked to provide services for a CJA-eligible defendant, many experts are willing to provide services at rates lower than their customary private rates.