CAPITAL BUDGETING AND PAYMENT MEMORANDUM

1. BUDGETING OF CAPITAL CASES

a. When Required: A budget is required for cases in which the combined time expended by all attorneys in the case exceeds 300 hours for the appeal or 100 additional hours for the petition for certiorari.

b. Budget Authorization Requests: As soon as counsel anticipates that the required time will exceed 300 hours for the appeal or 100 additional hours for the petition for certiorari, counsel must submit a budget authorization request (BUDGETAUTH) through CJA eVoucher after consultation with the CJA Budgeting Attorney. The budget authorization request will be reviewed by the CJA Budgeting Attorney and the Chief Judge, and counsel will be notified of the amount authorized.

c. Budget Forms and Information: Contact the CJA Budgeting Attorney, Emily Munn, at 804-916-2176, for budget forms and information.

2. ATTORNEY COMPENSATION CLAIMED ON CJA 30 VOUCHER

a. No Case Compensation Maximum

i. Due to the complex and extended nature of capital cases, the CJA does not set a ceiling on total compensation.

ii. Counsel is required to submit a memorandum with their voucher providing sufficient detail regarding counsel's services in the case to demonstrate that counsel's claim for compensation is reasonable.

b. Hourly Rates

i. The hourly rate paid in CJA 30 cases depends on whether the death penalty is still at issue in the case. If the appellant is no longer eligible for the death penalty, the hourly rates for non-capital cases are used. If the appellant remains eligible for the death penalty, the hourly rates for capital cases will be used.

ii. The maximum hourly rate for work performed after January 1, 2026, is $226.

iii. The maximum hourly rate for work performed between January 1, 2025, and December 31, 2025, is $223.

iv. The maximum hourly rate for work performed between January 1, 2024, and December 3, 2024, is $220.

v. The maximum hourly rate for work performed between January 1, 2023, and December 31, 2023, is $210.

vi. Hourly rates for earlier periods are available in the Guidelines for Administering the CJA and Related Statutes.

c. Scope of Representation

i. In capital cases, representation from filing of the notice of appeal through completion of representation in the court of appeals is claimed on a final voucher, and representation at the petition for certiorari stage is claimed on a supplemental voucher. However, counsel may submit an interim voucher in qualifying representations. A qualifying representation may be a representation (1) that exceeds 90 days, or (2) when the claimed compensation and expenses total over $4,000. Further, interim vouchers in qualifying representations must be submitted at logical intervals (e.g. after filing the opening brief and/or the reply brief and after oral argument).

ii. Counsel's obligation on appeal extends through advising the client of the right to file a petition for writ of certiorari and filing such a petition if requested. If counsel believes that a petition for writ of certiorari would be frivolous, counsel may, in lieu of filing the petition, file a motion to withdraw in this court.

iii. If counsel provides representation at the clemency stage, counsel should create and submit a voucher to the district court, not to the court of appeals, for that representation.

iv. The start and end dates for counsel's services must be entered in the Claim Status tab of CJA eVoucher before the voucher is submitted. The start date is the earliest date entered for any services or expenses, and the end date is the latest date entered for services or expenses.

d. Description of Services

i. Attorney time must be recorded by date in hours and tenths of an hour for in-court service and each type of out-of-court service: (a) in-court hearings; (b) interviews and conferences with client; (c) witness interviews; (d) consultation with investigators and experts; (e) obtaining and reviewing the court record; (f) obtaining and reviewing documents and evidence; (g) consulting with expert counsel; (h) legal research and writing; (i) travel time; and (j) other work.

ii. Individual narrative entries should provide a precise description of each service and its relevance to the proceeding, i.e., specific topics researched or transcript pages reviewed. Services must be described with enough specificity for the court to determine whether the time billed is reasonable and necessary to the representation. Entries such as "record review-6 hours," "research-4 hours," or "brief preparation-5 hours" do not provide sufficient detail for the court to determine the reasonableness of the time billed.

e. Associate Time

i. Appointed counsel may use the assistance of associate counsel to reduce the costs of the representation or comply with time limits. Associate counsel is not a substitute for appointed counsel, and appointed counsel remains responsible for all representation

provided in the case and must sign all filings. Oral argument may not be presented by associate counsel without leave of court and filing of an appearance form as a bar member and an oral argument acknowledgment form by associate counsel. Associate time spent learning the case or the law should not be billed if it duplicates or exceeds the time required for appointed counsel to perform the same work.

ii. For cases in which the defendant is subject to the death penalty, the rate paid to appointed counsel in non-capital cases applies to payment of associate counsel. For cases in which the defendant is not subject to the death penalty, associate counsel is paid at the rate of $95 per hour ($90 for work performed before January 1, 2020).

iii. If appointed counsel wishes to use the services of an associate attorney, appointed counsel should email a completed CJA Authorization Request—Associate Counsel form to 4cca-cja@ca4.uscourts.gov. The request must state why use of associate counsel will reduce costs or benefit the representation. If the court grants the request, the associate will be added to the appointment.

iv. Once associate counsel has been added to the appointment, the associate will appear as a drop-down selection on appointed counsel's CJA 30 voucher, and appointed counsel can assign the associate "edit" privileges (associate counsel can enter his or her own time and services) or "no edit" privileges (appointed counsel enters the associate's time and services).

v. Payments are made in accordance with appointed counsel's billing information. If appointed and associate counsel are in different firms, appointed counsel is responsible for issuing a 1099 form to report any income paid to associate counsel.

f. Secretarial and Clerical Services

i. Secretarial and clerical services are considered non-reimbursable office overhead.

ii. Clerical functions include saving and printing documents from CM/ECF. Time spent reading the documents should be aggregated each day to avoid over-billing for document review.

3. ATTORNEY EXPENSES CLAIMED ON CJA 30 VOUCHER

a. Travel Expenses

i. Travel expenses for court-appointed counsel to attend oral argument are reimbursable under the CJA without prior approval. For overnight travel other than to attend oral argument, counsel must request prior approval by completing the CJA Authorization Request—Travel form and uploading it to a TRAVEL request in CJA eVoucher,

ii. CJA attorneys are eligible for reduced government travel rates.

- To make plane or train reservations through the National Travel Service (NTS) for direct payment by the court, CJA counsel completes the CJA Authorization

Request—Travel form and uploads it to a TRAVEL request in CJA eVoucher. Counsel bases their estimated airfare on the GSA City-Pair Program (CCP) (refer to YCA rate).

- Upon the court's approval of the TRAVEL request through CJA eVoucher, notification is sent to counsel and NTS that the travel has been approved. Counsel should then contact NTS (800-445-0668) to make coach-class reservations at the government rate.

- CJA counsel may also make their own plane or train reservations, but reimbursement of counsel's plane fare will be limited to the YCA rate shown on the GSA City-Pair Program (CCP) site.

iii. Automobile mileage expenses may be claimed by entering the date, destination, and number of miles traveled in CJA eVoucher. Mileage for travel by privately-owned automobile is reimbursed at the rate in effect for federal employees at the time of travel, plus parking fees and tolls. The CJA eVoucher program automatically applies the correct mileage rate based upon the date of travel. 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.

iv. 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. Per diem is not allowable, since the CJA provides for reimbursement of expenses actually incurred. Court-appointed counsel are eligible for government hotel rates and should request the lowest available rate when making their hotel reservations.

v. See https://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.

vi. All travel expenses (lodging, meals, parking, ground transportation) must be supported by receipts. Upload all receipts using the Documents tab in CJA eVoucher. 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 under the CJA. For this reason, the hotel or restaurant bill, rather than a credit card receipt must be submitted.

vii. Counsel traveling to a location for more than one representation must maintain their records in a manner that prevents submission of duplicate travel reimbursement claims.

b. 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 and receipt for the use of the legal research services or an explanation of the precise basis of the charge. Upload the bill using the Documents tab in CJA eVoucher.

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.

c. Copy Expenses

i. CJA counsel are not required to pay PACER fees or court copy fees in CJA cases, and such fees are therefore not reimbursable under the CJA. Counsel should contact the PACER Service Center at pacer@psc.uscourts.gov to have their CJA privileges added to their PACER account. 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.

ii. 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. A copy of the bill must be uploaded to the Documents tab in CJA eVoucher if a commercial copy charge exceeds $50.

iii. Unless leave of court is granted when the appendix is filed, copy expenses for an appendix in excess of 500 pages are subject to reduction absent a showing of need when the voucher is filed. Local Rule 32(a).

iv. Copy costs for providing the defendant with the briefs and appendix are reimbursable expenses of the representation. Counsel may also claim reimbursement for providing the defendant with portions of the record up to $300; record copy costs in excess of $300 will be reimbursed if leave of court was granted in advance or if the expense is determined to be necessary when the voucher is filed.

d. 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 and should be uploaded using the Documents tab in CJA eVoucher.

ii. Any other charge associated with use of counsel's phone or fax equipment is considered non-reimbursable office overhead.

Postage and Courier Charges

iii. 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 uploaded to the Documents tab in CJA eVoucher.

iv. 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.

4. EXPERT SERVICES CLAIMED ON CJA 31 VOUCHER

a. If the total cost of expert services (excluding expenses) per case is expected to exceed $1,000 ($900 prior to January 1, 2024) for the appeal, prior to engaging the services counsel must complete the CJA Authorization Request Form-Combined Service Providers Exceeding $1000.

b. Computer Assisted Legal Research Services

i. Payment for computer research services performed by employees of a legal research firm is made on a CJA 31 voucher, upon a showing that the total amount charged for the services is reasonable.

c. Interpreter Services

i. Use of a certified interpreter is not required for services provided on appeal. Contact information for interpreters may be obtained from the district court or through the online database maintained by the National Association of Judiciary Interpreters and Translators.

ii. Federally Certified Interpreters are compensated at the rate of $87 per hour or part thereof ($80 per hour if work was completed before 10/01/2026), Professionally Qualified Interpreters are compensated at the rate of $76 per hour or part thereof ($70 per hour if work was completed before 10/01/2026), and Language Skilled Interpreters (non-certified) are compensated at the rate of $48 per hour or part thereof ($44 per hour if work was completed before 10/01/2026). Counsel may use Language Skilled, Professionally Qualified, or Federally Certified Court Interpreters for services provided on appeal.

d. Translator Services

i. Translators are paid at a rate not in excess of $180 per 1,000 words for translation services necessary to the representation. Contact information for translators may be obtained through the online database maintained by the American Translators Association.

e. Paralegal and Law Clerk Services

i. Services provided by paralegals may be claimed at an hourly rate of $55 ($35 per hour for services before January 1, 2020). Services provided by law clerks may be claimed at an hourly rate of $25. Secretarial services are not reimbursable.

f. Litigation Support Services from Printers

i. Several legal printing services provide expert assistance for compilation, formatting, printing, and filing of briefs and appendices in accordance with the court's local rules and bill for these services in accordance with the court's CJA policies. Please confirm with your printer **before** any work is done that the printer's billing practices are consistent with the court's CJA policies.

ii. The court pays $85 per hour for expert services in assembling, compiling, formatting, and printing documents in compliance with the court's rules. The court pays copy expenses at a rate of $.15 per page.

5. TRANSCRIPTION SERVICES CLAIMED ON CJA 24 VOUCHER

a. Transcript Orders

i. CJA authorization for all transcript needed for appeal is requested by submitting an AUTH-24 in the district eVoucher system in accordance with the district's eVoucher procedures. New appellate counsel must contact district eVoucher staff for appointment to the underlying district court case in order to submit the AUTH-24 request for district judge approval. See District eVoucher Contacts for Transcript Authorization and Payment.

ii. CJA counsel ordering preparation of transcript must also submit a Transcript Order Form to the court reporter and district court and file the same in the court of appeals with counsel's Docketing Statement. Upon filing of the Transcript Order Form, the court of appeals will set deadlines for filing of all transcript.

iii. If a transcript has already been ordered by a co-defendant, counsel may request a copy from co-defendant's counsel or the court reporter (a maximum of $.15 per page copy rate applies) or may ask the district court to provide appointed counsel with access to the transcript on the district court docket.

iv. Counsel is responsible for requesting redaction of any private or sensitive data before a transcript is made publicly available on the district court's electronic docket, in accordance with the Judicial Conference Policy on Privacy and Public Access to Electronic Case Files.

v. For assistance in obtaining access to transcripts, contact the Fourth Circuit CJA coordinator, Marcy Beall, at 4cca-cja@ca4.uscourts.gov.

b. Transcript Payments

Once the transcript has been provided to counsel, counsel creates and submits a CJA 24 voucher in district eVoucher for payment of the court reporter in accordance with the district's eVoucher procedures.

6. CLAIM PROCEDURE

a. CJA eVoucher

i. CJA 30 and 31 vouchers are filed through CJA eVoucher at: https://evadweb.ev.uscourts.gov/CJA_c04_prod/CJAeVoucher/Logon.aspx.

ii. Complete instructions on using CJA eVoucher are available in the Fourth Circuit's CJA eVoucher Attorney Manual.

b. CJA 30 Vouchers

i. In capital cases, counsel submits two vouchers -- a final voucher covering representation from filing of the notice of appeal through completion of representation in the court of appeals and a supplemental voucher covering representation at the petition for certiorari stage. Both vouchers must be filed within 60 days from filing of a certiorari petition or filing of a certiorari status form indicating that no petition will be filed. Counsel should not file their voucher until they have completed their representation through the certiorari stage and filed the certiorari status form.

ii. The vouchers of all attorneys providing representation in the case are reviewed together, and the court will defer its review until vouchers have been submitted by all counsel.

iii. The start and end dates entered by counsel under the Claim Status tab must encompass all service and expense dates claimed on the voucher.

iv. Vouchers must be carefully reviewed prior to submission to ensure they do not contain errors, duplicate claims, or other improper charges.

v. Upload a memorandum providing sufficient detail regarding counsel's services to demonstrate that counsel's claim for compensation is reasonable. Upload all travel receipts, computer-assisted legal research receipts, and receipts for expenses in excess of $50. See Checklist for CJA 20 and 30 Vouchers for a list of items that must be submitted with the CJA 30 voucher.

vi. Click on the "Audit Assist" button at the bottom of the voucher screen to check the voucher prior to submission.

vii. The combination of counsel's eVoucher user name and password serves as counsel's signature for documents and forms submitted to the CJA eVoucher system. Counsel is responsible for securing the password against unauthorized use and for notifying the clerk's office of suspected misuse.

c. CJA 31 Vouchers

i. Counsel creates and approves the CJA 31 voucher for expert payment and submits it to the court upon completion of the expert's services. Prior authorization is required for services in excess of $1,000 ($900 prior to January 1, 2024).

ii. Legal printing services are set up to enter their services and expenses and upload their invoice to CJA eVoucher. When creating a CJA 31 voucher for a printer, counsel should change the voucher assignment to "Expert" to enable the printer to enter their services and expenses and upload their invoice. Counsel then approves the CJA 31 voucher in CJA eVoucher for submission to the court.

iii. For other types of experts, counsel must enter the expert's services and expenses and upload the invoice. After completing the entry step for the expert's services and expenses, counsel returns to the home screen, reopens the CJA 31 voucher, and approves it, which submits the voucher to the court for payment.

iv. The date and description for all expert services must be entered under the Services tab, and the following rates used to calculate compensation:

- Paralegal services: $55/hour ($35/hour for services prior to January 1, 2020)
- Law clerk services: $25/hour
- Interpreter services: Current federal court interpreter rates and classifications are available at this link: Federal Court Interpreters | United States Courts (uscourts.gov). Counsel may use Language Skilled (at $44.00 per hour), Professionally Qualified (at $70.00 per hour), or Federally Certified Court Interpreters (at $80.00 per hour) for services provided on appeal.
- Translator services: $180/1,000 words
- Litigation support services: $85/hour

7. PUBLIC DISCLOSURE OF FEES

a. After completion of the appeal, the voucher (though not the supporting documentation) will be made available in response to a public request unless counsel requested, at or before the time the voucher was filed, that public disclosure be limited to the amounts approved for payment in order to (1) protect any person's Fifth Amendment right against self-incrimination, (2) protect the defendant's Sixth Amendment right to effective assistance of counsel; (3) protect the defendant's attorney-client privilege; (4) protect counsel's work product privilege; (5) protect the safety of any person; or (6) protect any other interest that justice may require.

b. For further information, see CJA 19 Notice to Court-Appointed Counsel of Public Disclosure of Attorney Fee Information.

8. QUESTIONS

a. For budgeting questions, contact CJA Budgeting Emily Munn, at 804-916-2176.

b. 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 .

9. WORKSHEETS

a. Counsel may enter their time and services in CJA eVoucher on an ongoing basis or track their time and services outside CJA eVoucher for entry at the close of the case.

b. The court's CJA 30 Worksheets may be used to record services and expenses for later entry of data into CJA eVoucher.