

CRIMINAL JUSTICE ACT
&
eVOUCHER Refresher Training
for
CJA Attorneys and their Staff

- **Wednesday, October 23, 2024 at 9:30 a.m. via TEAMS**
- **Provided by Clerk's Office CJA Staff and the Third Circuit Budgeting Attorney**

Agenda Overview

CJA Staff Introduction- Roles and Responsibilities

CJA Appointments and Representation Types

Overview of Login.gov/Free Pacer Account

Review of Resources

CJA 20/30 Vouchers

Authorizations

CJA 21/31- Expert Services

CJA 24- Transcripts

Travel

Budgets & Circuit Guidelines

Common Errors

New in FY 2025

Question and Answer

CJA STAFF Roles and Responsibilities

- It is the role of the Clerk's Office Staff responsible for the Criminal Justice Act eVoucher system to provide administrative support to the Judicial Officers and CJA Panel Attorneys, Training Panel Attorneys and Service Providers of the program.
- The CJA Staff have specific roles to remain compliant with the Guide to Judiciary Policy of Volume 7 – Defender Services and consistent with the separation of duties, such as:
 1. Auditor
 2. Certifier
 3. eVoucher System Security

*These roles are also identified as administrative support to the CJA Panel Membership Committee and are tasked with disseminating notification of update to the CJA Plan, eVoucher program and creating necessary and various communications updates to the Panel Attorneys, Judges and Service Providers regarding eVoucher manuals, AO communications, updates to rates, when necessary.

CJA STAFF Roles and Responsibilities Continued

- The Auditor Role (Crystal Shanklin and James Quinlan*):
 - Review of attorney and service provider vouchers and request(s) for authorizations for compliance with policy and procedure. If there is a deficiency or an item is not compensable, the attorney is notified by the Auditor, in writing through the eVoucher system or may also contact the attorney directly to correct the issue.
 - An Auditor is precluded from Certifying final payment once Judge(s) approval is received.
- The Certifier Role (Michelle Bilardo*)
 - Provides final approval post all necessary District and Circuit Judge approvals, as well as Certifies final approval for Travel vouchers to be submitted to U.S. Treasury for Payment.
 - A Certifier is precluded from Auditing a voucher they will potentially have to certify for payment. This role is also identified as an administrative support to the CJA Panel Membership Committee.
- The eVoucher System Security Role (Kimberly Johnson-Singh*)
 - Establishes and maintains the rights and roles of all those who have access to the eVoucher system for the District of New Jersey and is precluded from Auditing or Certifying vouchers for consideration and/or payment in the District of New Jersey.

CRIMINAL JUSTICE ACT PANEL ATTORNEY and
TRAINING PANEL APPLICATION PROCESS

AND

CJA PANEL ATTORNEY and TRAINING PANEL
APPOINTMENT PROCESS

CJA Panel Application Process
The CJA Panel Selection and Management Committee members are comprised of several District and Magistrate Judges from each vicinage, the Federal Public Defender, three CJA attorney representatives, the Clerk and two CJA Administrative Staff of the Clerks Office.

- **November/December – CJA applications are posted to the court's internet website, to the NJ Law Journal for 4 weeks, and emailed to Bar Associations with an application deadline.**
- **December/January – CJA applications are collected, reviewed, and maintained.**
- **February/March – CJA applications are reviewed by the CJA Panel Selection and Management Committee and will approve or deny applicants for admission to the CJA Panel.**
- **March/April – CJA applicants will be contacted as to the status of their application.**
- **April/May - Accepted CJA applicants appointed to the CJA Panel for a term of three years will be trained by the Court Services Staff to familiarize users of the courts compensation policies, procedures, and navigation of the eVoucher system. CJA Training Panel applicants are appointed for a term of 1.5 years (18 months) in a limited role only upon authorization in a criminal matter by the Presiding District Judge.**

Case Representations & Current Case Maximums

- Criminal Case representation with payment type Felony: \$13,600.00
- Motion Attacking sentence with payment type Other: \$13,600.00
- Supervised Release representation with payment type Other: \$2,900.00
- Grand Jury representation with payment type Other: \$2,900.00
- Resentencing representation with payment type Other: \$2,900.00
- Case Maximums and travel fee reimbursements are subject to change and periodically announced by the Administrative Office
- Formal notification received will be disseminated to all attorneys.
- Changes and updates to the maximums can be found

[CJA - What's New | District of New Jersey | United States District Court \(uscourts.gov\)](#)

eVoucher

- The CJA eVoucher system is a web-based solution for submission, monitoring, and management of Criminal Justice Act (CJA) functions.

The eVoucher program provides:

- Online submission of vouchers and authorizations by attorneys and experts.
- Line-item auditing of vouchers by judges and court staff.
- The ability to attach PDF documentation to vouchers and authorizations.
- Automatic email notification to attorneys on approval or rejection of vouchers.
- Electronic transfer to the circuit for excess approval.
- Panel management tools and reports for attorney appointments.
- Built-in reporting for budgeting and analysis.

CJA eVoucher is compatible with the following browsers:

- Edge 16
- Firefox 57
- Chrome 62
- Safari 10.1

Enter your login.gov user-
name and password

CJA eVoucher Login Page

USCourts - CJA Logon

Website and phone
number for helpdesk
844-875-6446
Help | Login.gov



CJA eVoucher - Texas Eastern District Court

Release 6.10.0.0

We've changed how you will sign in to eVoucher!

We now require users to sign in with a Login.gov account. After linking your Login.gov account with your eVoucher account, you will use Login.gov for all future sign-ins.

Sign in with  LOGIN.GOV



Need to create a Login.gov account?

Use the Sign in button above and then use the "Create an account" button below the sign in fields.
Learn about our new sign in process.

Notice: This is a restricted government system for official judiciary business only. All activities on this system for any purpose, and all access attempts, may be recorded and monitored or reviewed by persons authorized by the federal judiciary for improper use, protection of system security, performance of maintenance, and appropriate management by the judiciary of its systems. By using this system or any connected system, users expressly consent to system monitoring and to official access to data reviewed and created by them on the system. Any evidence of unlawful activity, including unauthorized access attempts, may be reported to law enforcement officials.

RESOURCES

- United States District Court for the District of New Jersey
[District of New Jersey | United States District Court \(uscourts.gov\)](https://www.uscourts.gov/district-courts/district-of-new-jersey)
- CRIMINAL JUSTICE ACT PLAN for the District of NEW JERSEY
[DNJCJAPlan.pdf \(uscourts.gov\)](https://www.uscourts.gov/district-courts/district-of-new-jersey/criminal-justice-act-plan)
- GUIDE TO JUDICIARY POLICY- VOLUME 7 – DEFENDER SERVICES
[Criminal Justice Act \(CJA\) Guidelines | United States Courts \(uscourts.gov\)](https://www.uscourts.gov/guide-to-judiciary-policy-volume-7-defender-services)
- eVoucher ATTORNEY MANUAL
[eVoucher Attorney Manual \(uscourts.gov\)](https://www.uscourts.gov/evoucher-attorney-manual)
- New Jersey CJA Procedures
[NewJerseyProcedures.pdf \(uscourts.gov\)](https://www.uscourts.gov/new-jersey-cja-procedures)
- Panel Attorney and Defender Services
[Defender Services | United States Courts \(uscourts.gov\)](https://www.uscourts.gov/panel-attorney-and-defender-services)

RESOURCES CONTINUED

- Travel & Third Circuit Guidelines

[CircuitwideCJAPolicies2016.pdf \(uscourts.gov\)](#)

- National Travel Website

[Top National Travel Agency for Corporate, State, or Airline Travel](#)

- GSA website for Hotel/Per Diem Rates

[Per diem rates | GSA](#)

- United States District Court Travel Information

[GovernmentTravelInformation.pdf \(uscourts.gov\)](#)

- Login.gov Helpdesk

[Help | Login.gov](#)

CJA 20/30 Form

- Claims Status Tab and Service End date.
- Audit Assist and Pop-Up Blockers
- Grand Jury matters and CC matters are different representations.
- Vouchers must be submitted within 45 from the final disposition of your representation from the case.
- Separate your travel from other services, and the in-court and out of court are under the appropriate categories.
- Make one entry for all the emails read/sent for the day.
- Make sure all **itemized** receipts are uploaded.
- Paralegal's invoices are signed and uploaded to your CJA 20 and claimed as an expense and one single entry.
- Associates are claimed on a CJA 20 even if the associate is another CJA panel member.

CJA 20 Excess Comp

- An Excess compensation memo is needed if voucher exceeds the statutory maximum.
 - If more than one attorney is on the case, you may need to submit, even if **your** voucher amount is under the statutory maximum.
 - Discontinuing the use of the CJA 26 form.*
 - Prepare a detailed memo to provide more detail for the Judge's consideration in lieu of the CJA 26.
-
- * Effective 12/31/2024, vouchers submitted that are utilizing a CJA 26 form will be returned for the submission of a detailed memo for the Judge's consideration.

Interim Orders

- Complex cases
- Generally signed by the presiding District Judge
- Vouchers submitted **Quarterly**
- Interim orders should be signed, approved and filed on CM/ECF, not in eVoucher.
- Interim Orders should be attached to the CJA 20 for voucher submission.
- Please send sign copy to the eVoucher helpdesk.
- [InterimBillingProcedures.pdf \(uscourts.gov\)](#)

New Jersey Benchmark Rates

- Standing Order 17-02:
 - Authorizes up to the statutory maximum of \$3,000.00 for interpreting services without prior authorization required.
- Training Panel Attorneys:
 - Up to 60% of the prevailing rate (currently \$105.00*)- Authorization required by **District** Judge.
- Associate CJA Panel attorneys:
 - Up to 80% of the prevailing rate (currently \$140.00*) unless the associate is a member of the CJA panel.
 - The CJA panel member is the appointed counsel for that representation, associate counsel/firm does not represent the client without prior associate authorization.
- Paralegal Services: Up to \$60.00 per hour
- Investigators: Up to \$85.00 per hour
- (*AO Rate increases are not automatically applied to associate and training panel attorney rates.*)

Interpreter Rates

2023 FEES FOR CONTRACT COURT INTERPRETERS

Federal Certified (Spanish, Navaho and Haitian/Creole) only	
Full Day	\$566
Half Day	\$320
Overtime	\$80 per hour or part thereof over 8 hours

Federal Professionally Qualified	
Full Day	\$495
Half Day	\$280
Overtime	\$70 per hour or part thereof after 8 hrs

Federal (Non-Certified) Language Skilled	
Full Day	\$350
Half Day	\$190
Overtime	\$44 per hour or part thereof over 8 hours

Half Day rate is defined as 0 to 4 hours

Full Day rate is defined as exceeding 4 hours up to 8 hours

Overtime is defined as exceeding 8 hours

Authorization for expert services

- Prior Court authorization is required if it is anticipated that the total cost of services will exceed \$1000.00. Circuit authorization and approval is required if the total payment to the service provider will exceed \$3000.00.
- The \$1,000.00 pre-authorization amount is **NOT** in addition to authorized funds subsequently obtained, but a portion of the cumulative funds authorized throughout the life of the representation. For example if the expert provided \$1,500.00 in services, the authorization would need to be put in for the full amount.
- TPA authorizations should be submitted to the **District** Judge prior to performing the services no matter the amount.
- The Curriculum Vitae (CV) should be uploaded to the Authorizations for experts.
- Authorizations should be entered into the eVoucher system, prior to the services being performed.

Request for Training Panel Attorney (TPA)

- An authorization must be submitted by the Mentor requesting approval of a TPA.
- Request can only be made for a criminal case at the **District** Judge level.
- If the request is made at the Magistrate level, authorization will be returned to the attorney directing them to resubmit when it reaches the District level.
- The hourly amount approved in the authorization is the amount claimed throughout the life of the case.

Request for Associate Accounts

- Associates have up to 10 hours of service before prior authorization is needed. CJA counsel should email the helpdesk to ask for staff to open the associate account in eVoucher.
- Requests for Authorization must be entered in eVoucher in excess of 10 hours of service for associate services. The rate for an associate is up to 80 percent of the prevailing rate.
- Associate work is claimed on the attorney's CJA 20
- Request for authorization in the eVoucher system is required. Including a request in an excess compensation memo is **not** acceptable in lieu of an actual authorization approved by the presiding Judge.

Creating CIA 21/31 Vouchers

If you have an existing authorization, please be sure to link the authorization to the voucher.

Home Operations Reports Links Help [logout](#)



Def.:

[Link to CM/ECF](#)

Voucher #: - - -

Start Date: - - -

End Date: - - -

Summary: \$0.00

Services

Totals		\$0.00
Travel		
Expense Type	Amount	
Travel Miles	\$0.00	
Travel Misc	\$0.00	
Totals		\$0.00
Expenses		
Expense Type	Amount	
FAX	\$0.00	
Long Distance Charges	\$0.00	
Photocopies	\$0.00	
Postage	\$0.00	
Other Expenses	\$0.00	
Totals		\$0.00

Tasks

[Link To Appointment](#)

[Link To Representation](#)

Reports

Basic Info

1. CIR./DIST/DIV.CODE 0312	2. PERSON REPRESENTED JOHN DOE		VOUCHER NUMBER
3. MAG. DKT/DEF.NUMBER	4. DIST. DKT/DEF.NUMBER 2: 18-CR-00001-1-JLL	5. APPEALS. DKT/DEF.NUMBER	6. OTHER. DKT/DEF.NUMBER
7. IN CASE/MATTER OF(Case Name) USA v. JOHN DOE	8. PAYMENT CATEGORY Felony (including pre-trial diversion of alleged felony)	9. TYPE PERSON REPRESENTED Adult Defendant	10. REPRESENTATION TYPE Criminal Case
11. OFFENSE(S) CHARGED 18:922G.F UNLAWFUL TRANSPORT OF FIREARMS, ETC.			
EXCESS FEE LIMIT \$10,300.00	PRESIDING JUDGE Jose L. Linares	MAGISTRATE JUDGE	DESIGNEE 1
			DESIGNEE 2

Authorization Selection

You can click the **Use Existing Authorization** button to select from a list of approved authorizations, or click the **No Authorization Required** button if under the statutory limit.

No Authorization Required

If your voucher compensation is under the statutory limit and does not require prior authorization.

Please Select the Associated Authorization

ID Number: 579015

Order Date: 01/02/2018

Authorized Amount: \$5,000.00

Grand Total Amount: \$0.00

Service Type: Investigator

Estimated Amount: \$5,000.00

Notes:

New Voucher Information

Service Type *

Description

Voucher Assignment Attorney Expert
This indicates who will be responsible for filling the voucher claim part

Service Provider
You can search one of the service providers already in the system OR you can enter the required information for another provider

Expert

First Name Middle Name Last Name *

Email *

CJA 21/31 Expert v. Expert Enter

Home Operations Reports Links Help login

Basic Info

1. CIR./DIST./DIV.CODE 0312	2. PERSON REPRESENTED JOHN DOE	VOUCHER NUMBER	
3. MAG. DKT./DEF.NUMBER	4. DIST. DKT./DEF.NUMBER 2:18-CR-00001-1-JLL	5. APPEALS. DKT./DEF.NUMBER	6. OTHER. DKT./DEF.NUMBER
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EXCESS FEE LIMIT \$10,300.00	PRESIDING JUDGE Jose L. Linares	MAGISTRATE JUDGE	DESIGNEE 1 DESIGNEE 2

Authorization Selection
You can click the **Use Existing Authorization** button to select from a list of approved authorizations, or click the **No Authorization Required** button if under the statutory limit.

Services
Totals \$0.00

Travel Expense Type	Amount
Travel Miles	\$0.00
Travel Misc	\$0.00
Totals	\$0.00

Expenses
Expense Type Amount
FAX \$0.00
Long Distance Charges \$0.00
Photocopies \$0.00
Postage \$0.00
Other Expenses \$0.00
Totals \$0.00

Tasks
[Link To Appointment](#)
[Link To Representation](#)

Reports
[Defendant Summary](#)
[Budget Report](#)

« First < Previous Next > Last » Delete Draft Audit Assist

Home Operations Reports Links Help login

Basic Info

1. CIR./DIST./DIV.CODE 0312	2. PERSON REPRESENTED JOHN DOE	VOUCHER NUMBER	
3. MAG. DKT./DEF.NUMBER	4. DIST. DKT./DEF.NUMBER 2:18-CR-00001-1-JLL	5. APPEALS. DKT./DEF.NUMBER	6. OTHER. DKT./DEF.NUMBER
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EXCESS FEE LIMIT \$10,300.00	PRESIDING JUDGE Jose L. Linares	MAGISTRATE JUDGE	DESIGNEE 1 DESIGNEE 2

Authorization Selection
You can click the **Use Existing Authorization** button to select from a list of approved authorizations, or click the **No Authorization Required** button if under the statutory limit.

Services
Totals \$0.00

Travel Expense Type	Amount
Travel Miles	\$0.00
Travel Misc	\$0.00
Totals	\$0.00

Expenses
Expense Type Amount
FAX \$0.00
Long Distance Charges \$0.00
Photocopies \$0.00
Postage \$0.00
Other Expenses \$0.00
Totals \$0.00

Tasks
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[Link To Representation](#)

Reports
[Defendant Summary](#)
[Budget Report](#)

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CJA 21/31 Tips

- Enter the services and expenses to match the invoice provided and should be broken down line by line.
- Attach a signed invoice from the service provider.
- Make sure the claim status tab dates match the invoice.
- Make sure the correct address for the expert is on the Basic Info tab.
- If expert is not in the system, please send W9
- Remember it's a 2-step process, once the services are entered, click submit. Return to the home page, open voucher, and approve.

Home Operations Reports Links Help Logout

Home

Welcome Test Attorney: My Profile
My Appointments: View

ATTORNEY

My Active Documents

To group by a particular Header, drag the column to this area. Search:

Case	Defendant	Type	Status	Date Entered
2:18-CR-00001-JLL- Start: 03/05/2018 End: 03/05/2018	JOHN DOE (# 1) Claimed Amount: 3,036.00	CJA-20 Test Attorney	Voucher Entry Edit FINAL PAYMENT	03/05/2018
2:18-CR-00001-JLL- Start: 03/05/2018 End: 03/05/2018	JOHN DOE (# 1) Claimed Amount: 441.35	CJA-21 Michael McGuire Investigator	Submitted to Attorney 0312.0579024	03/06/2018 22

1

Page 1 of 1 (2 items)

AUTH 24 TRANSCRIPT REQUESTS

- Proceeding Transcript to be Used...Why do you need the transcript?
- Proceeding Transcript to be Transcribed. Which proceeding do you need transcribed? Please include the date and Court Reporter's name.
- **REMINDER:** An Auth-24 is required even if you receive verbal authorization from the presiding Judge.
- If Requesting Realtime feed, a detailed explanation of why this feed is being **requested**, for the Judge's consideration. Please also make sure you do a separate Auth 24 for the official transcript.
- Auth 24 is needed for production of an "outside" transcript.
- Appeals: Filing the TPO does not fulfill the requirement to order transcripts from the District Court. An Auth 24 **is** also required. If you previously ordered copies of transcripts paid by CJA, you cannot utilize CJA funds to pay for additional copies. You will have to access the transcripts with your CJA PACER account.

Home Operations Reports Links Help logout

AUTH-24 Attorney Enters

Def.: JOHN DOE

[Link to CM/ECF](#)

Voucher #: Request Date: 1/1/1901 Decision Date: 1/1/1901

Tasks
[Link To Appointment](#)
[Link To Representation](#)

Reports
[Defendant Summary Budget Report](#)
 Totals only of budget info for defendant
[Form Authorization 24](#)

Basic Info Documents Confirmation

Basic Info

1. CIR. DIST. DIV. CODE 0312	2. PERSON REPRESENTED JOHN DOE	VOUCHER NUMBER	
3. MAG. DKT. DEF. NUMBER	4. DIST. DKT. DEF. NUMBER 2:18-CR-00001-1-JLL	5. APPEALS. DKT. DEF. NUMBER	6. OTHER. DKT. DEF. NUMBER
7. IN CASE/MATTER OF(Case Name) USA v. JOHN DOE	8. PAYMENT CATEGORY Felony (including pre-trial diversion of alleged felony)	9. TYPE PERSON REPRESENTED Adult Defendant	10. REPRESENTATION TYPE Criminal Case
11. OFFENSE(S) CHARGED 18:922G.F UNLAWFUL TRANSPORT OF FIREARMS, ETC.			
12. ATTORNEY'S NAME AND MAILING ADDRESS Test Attorney 50 Walnut Street Room 4015 Newark NJ 07101 Phone: 973-645-4637		13. COURT ORDER <input type="checkbox"/> A Associate <input type="checkbox"/> C Co-Counsel <input type="checkbox"/> D Federal Defender <input type="checkbox"/> F Subs for Federal Defender <input type="checkbox"/> L Learned Counsel <input type="checkbox"/> O Appointing Counsel <input type="checkbox"/> P Subs for Panel Attorney <input type="checkbox"/> R Subs for Retained Attorney <input type="checkbox"/> S Pro Se <input type="checkbox"/> T Retained Attorney <input type="checkbox"/> U Subs for Pro Se <input type="checkbox"/> X Administrative <input type="checkbox"/> Y Standby Counsel Prior Attorney's Name Appointment Dates Signature of Presiding Judge or By Order of the Court Jose L. Linares Date of Order 1/2/2018 Nunc Pro Tunc Date Repayment <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
14. LAW FIRM NAME AND MAILING ADDRESS			

Proceeding Transcript To Be Used

Proceeding To Be Transcribed

Apportioned Cost (%)

Apportioned Case and Defendant

Special Transcript Handling: None

Transcripts:
 Prosecution Opening Statement Prosecution Argument Prosecution Rebuttal
 Defense Opening Statement Defense Argument Jury Instructions Voir Dire

« First < Previous Next > Last » Save Delete Draft Audit Assist

CJA 24

- After the transcript request has been fulfilled, a CJA 24 will be submitted by the Court Reporter, and will be located under your “My Active Documents” folder in eVoucher.
- Access the voucher and proceed to the Confirmation tab.
 - Verify all the information is correct
 - Check the affirmation box
 - Click “Submit” to approve the CJA 24, or “Reject” if applicable

Travel

- Travel authorizations are required for:
 - Out of district travel or experts travelling to the district from elsewhere
 - Air travel and car rental
 - Hotel stays in or out of district
- Please contact the helpdesk when planning on making travel arrangements or if there were any changes made.
- Must use National Travel for airfare.
- Submit Travel Authorization for yourself or expert at least **two-three** weeks before expected travel.
- If the travel request is on short notice, submit a detailed explanation of the necessity for the Judge's consideration of the request.
- Follow the Prudent Traveler's rule.
- Hotel rate consistent with GSA for region. Can only claim up to the GSA rate at the time of Travel. Plus, taxes and fees. Please see link to GSA website. [Per diem rates | GSA](#)
- **Itemized** receipts are required for all expenses claimed; e.g., ground transportation, meals, etc. Receipts must be detailed from the restaurant or establishment, not just your charge slip. It must have itemized detailed information such as the name of the restaurant, what was ordered, date and amount. Claims may be denied or delayed without the submission of same.

Travel Authorization

- You must call National Travel Service (NTS) to get an estimate as to the cost of travel prior to requesting authorization.

[Top National Travel Agency for Corporate, State, or Airline Travel](#)

Phone # 1-800-445-0668

- Be sure to provide your specific dates of travel and reason for travel.
- If more than one traveler, an authorization is needed for each traveler.
- Submit authorization at least 2-3 weeks prior to expected travel.
- Contact CJA Staff via eVoucher helpdesk or email to advise a travel authorization request is being submitted.
- Please cc: the helpdesk on communications with National Travel.

Basic Info | **Authorization Request** | Documents | Confirmation

Request For Travel*

* Required Fields

Name and Title of Person Traveling:	<input type="text"/>	
Address of Person Traveling:	<input type="text"/>	
Travel From Location:	<input type="text"/>	
Travel To Location:	<input type="text"/>	
Estimated Dates of Travel:	<input type="text"/>	

Travel Requested: *	Estimated Cost:	Instructions for requesting amounts for the travel items:
Airline Tickets via CJA Government Travel Agency:	<input type="text"/>	Complete the estimated dollar amount for each applicable line. The "Total Estimated Cost" field is automatically calculated based on the estimated amounts entered in the Travel line items. Complete information for one traveler per form.
Ground Transportation:	<input type="text"/>	
Subsistence (Hotels & meals):	<input type="text"/>	
Other: <input type="text"/>	<input type="text"/>	

Total Estimated Cost:	<input type="text"/>
Total Authorized:	<input type="text"/> *

Purpose and Justification:

Court Notes:

* All travel and expenses must be in compliance with government travel regulations. Actual cost of hotel and meals up to the established per diem rate. Expenses for travel for one day or last day is up to the M&IE rate.

Reduction of Vouchers & Attorney Appeal Process

- Per CJA Plan Section XII B Payment Procedures pages 23-24
- **Per Volume 7 Section 230.33.10 Standard for Voucher Review**
 - Voucher reductions should be limited to:
 - (a) Mathematical errors;
 - (b) Instances in which work billed was not compensable;
 - (c) Instances in which work billed was not undertaken or completed; and
 - (d) Instances in which the hours billed are clearly in excess of what was reasonably required
- **Per Volume 7 Section § 230.33.30 Notification of Proposed Reduction of CJA Compensation Vouchers consistent with the District of New Jersey CJA Plan:**
 - (a) The CJA provides that the reviewing judge must fix the compensation and reimbursement to be paid to appointed counsel. If the court determines that a claim should be reduced, appointed counsel should be provided:
 - prior notice of the proposed reduction with a brief statement of the reason(s) for it, and
 - an opportunity to address the matter.
 - (b) Notice need not be given to appointed counsel where the reduction is based on mathematical or technical errors.
 - (c) Nothing contained in this guideline should be construed as requiring a hearing or as discouraging the court from communicating informally with counsel about questions or concerns in person, telephonically, or electronically, as deemed appropriate or necessary.
- Contact CJA Staff

Case Budgeting:

Renee Edelman, Esq.

Third Circuit Budgeting Attorney

Case Budgeting Basics

- Case budgeting is a program to encourage cost-efficient, high-quality representation in the most complex and expensive CJA representations
- A case budgeting proposal is a spreadsheet form that covering all attorney and service provider time, travel and expenses, and a memo from you explaining the factual background and justification for your requests
- Cases are budgeted in phases, with supplemental budgets available
- Budgets must be approved by the presiding judge and the chief judge of the Third Circuit

Which cases should be budgeted?

- DNJ CJA Plan makes budgeting mandatory in all capital or potentially capital cases
- DNJ CJA Plan recommends budgeting for non-capital mega cases
 - Eligibility threshold is defined as likely to exceed 300 attorney hours or equivalent in total cost (\$51,600 or more)
 - Signs of a mega-case:
 - RICO or murder charges
 - Fraud and financial crimes
 - Pill mill/medical prescribing cases
 - Cases with large quantities of discovery/ESI
 - Cases with large quantities of material in foreign languages
 - Multi-state or international investigation
 - Cases where multiple experts are needed
 - Cases where counsel request appointment of CDA or approval of a discovery management vendor
 - Multi-defendant cases where at least some are expected to go to trial
 - Cases where trial is expected to take more than two weeks

Why should I budget my case?

- A case budget is like an omnibus request for CJA resources and reduces the need for you to make piecemeal requests
- Assistance of the CBA in getting through the budgeting process and navigating the complications of billing in the most complex CJA cases
- Obtain all the needed prior approvals in one document
- Opportunity to show the Court the amount of work required and find out in advance what the judge will pay for
- Demonstrate for the Court your cost-consciousness and accountability
- Planning is good practice
- Asking for permission is better than asking for forgiveness

When should cases be budgeted?

- Capital cases – budgeting begins as soon as learned counsel is appointed
 - Best practice is for Court to advise counsel to contact CBA upon appointment
- Non-capital cases – timing is flexible
 - Generally, counsel need to know enough about their case to predict their needs for the pretrial phase of the case
- Budgeting can begin before indictment
 - More common in capital cases – appointment of learned counsel is usually triggered by USAO announcement that they are considering seeking death
 - Non-capital grand jury cases – counsel may be asked to conduct privilege review of seized materials

How do cases get budgeted?

- Cases are referred to Case Budgeting Attorney (CBA) by chambers, attorneys and court staff
- Attorneys prepare draft proposals and send to CBA
- Budgeting process is conducted ex parte
 - Coming soon: transition to eVoucher Budgeting Authorization process
- If presiding judge approves the budget, budget goes to Chief Judge Chagares for circuit-level approval
- Special procedures for capital case budgeting
- CJA staff and CBA coordinate on voucher review in budgeted cases

Key cost-containment tools for case budgeting

- Identifying resources to help you review large volumes of discovery in a cost-efficient manner
- Shopping around and negotiating hourly rates for experts
- Using associates, paralegals and service providers
- Identifying opportunities to share service providers or minimize duplication of work in multi-defendant cases
- Advance planning and taking things one step at a time

Tips for preparing a case budgeting proposal

- Don't panic. Just put some numbers on the form and write some words on a memo – I am here to help you turn your first drafts into workable proposals
- Follow the instructions for the budget form and memorandum, and send me the form in Excel format at the same time as you send me your memorandum
- Do a preliminary survey of the discovery to identify the types, formats, and quantity of material that has been provided to see if you need assistance in opening or reviewing the discovery
- Your memo should include the reasons why your case is difficult, time-consuming, and requires various experts and service providers
- Facts and details are more important than law or standards
- Please call or email me with any questions – I don't bite

What happens after the budget is approved?

- If a service provider has been named and approved in the budget, they are authorized to begin work – please contact the Clerk’s Office to make sure they are set up in the payment system
- It is your obligation to keep track of everyone’s time relative to the budget
- If you or your service providers get close to or over budget, call the CBA to discuss a supplemental budget proposal BEFORE YOU SUBMIT A VOUCHER
- Keep the CBA advised of major case developments
- Attach the budget to every voucher submitted in the case
- All vouchers will be audited to make sure that they comply with the budget

Discovery and technology for complex cases

- To provide constitutionally effective assistance of counsel, you must have the technological capability, resources and facilities to manage cases where discovery comes in terabytes and not paper, contains electronically stored information, and cannot be reviewed with ordinary computer software
 - Sufficient hardware to enable discovery review and storage – you may have to give up your Mac
 - Familiarity with the basic formats in which the government produces discovery
 - Ability to use common programs such as online discovery hosting and management programs, or other discovery review and litigation support software
 - You have to learn how to use eVoucher – it's been almost nine years now
- Large quantities of discovery require a large amount of planning *before you begin review* – do not start at the beginning and review it because it is there
- Not all discovery management vendors are created equal
 - Wide range of fee structures
 - Different platforms for different needs

National Litigation Support Team

- In-house tech support team for CJA attorneys
- Free or discounted software licenses
- Individualized training and direct case assistance
- Referrals to Coordinating Discovery Attorneys
- Techniques in Electronic Case Management Workshop
- www.fd.org/litigation-support

Other resources for CJA attorneys

- www.CJAResources.com – private paralegal listings by state
- www.ca3.uscourts.gov/case-budgeting -- Third Circuit CBA webpage
- www.fd.org – Defender Services Office Training Division website
 - CJA Attorney hotline: (800) 788-9908
 - Legal and Policy Division Duty Attorney: (202) 502-3030
- Sentencing Resource Counsel (non-capital) – <https://src.fd.org>
- Capital Resource Counsel Projects – <https://capdefnet.org>
- Defenders Initiative of the National Immigrant Justice Center – defenders@immigrantjustice.org

Circuit
Budgeting
Attorney (CBA)
assistance is
available in any
case

- Questions about procedures in excess compensation cases
- CJA Guidelines issues
- Information about service provider rates and requests
- Questions about unusual situations in which CJA funds may be available
- Referrals to Defender Services resources

Common Errors Service and Expense Tabs

- Vague time entries
 - You must include enough detail for the Court to determine if your services are compensable and reasonable.
 - For appropriate travel service time and expenses, you must include where you travelled to and from.
 - For discovery review, you must include information about the quantity and types of discovery reviewed (Bates #s, length of audio or video, etc.).
- Court proceedings and wait time
 - The in-court time claimed must be consistent with the record (in-house auditors check in-court time claim to minutes of hearing. Services must not be grouped.)
 - Wait time must be billed as out-of-court time (Investigative and Other Work category)
- Duplicative or the appearance of duplicative entries
- Emails and communications
 - Emails in the same conversation/on the same topic should be accounted for in one entry per day and not billed individually. The total amount billed for the emails should not exceed the actual time spent sending or reviewing the emails.
 - You must include some information about the participants or subject matter of the communications. No need to violate privilege – initials or bare details are OK.

Common Errors Service and Expense Tabs

- No block billing
 - You must separate your time out by category.
- **Non-compensable services:**
 - General office overhead and secretarial tasks are not compensable (i.e., pens, tablets, toner, calendars, etc.).
 - Planning for travel, setting up meetings, calendaring events, printing, copying and scanning are some examples that are considered secretarial in nature.
 - Transporting your client, purchasing items for your client, and returning your client's belongings are not compensable.
 - Service of subpoenas is not compensable.
- Must attach receipts for your expenses
 - **All** travel expenses, including tolls and parking, require **itemized** receipts – including meals, hotels, ground transportation
 - All other expenses over \$50.00 require receipts
- Expenses must be itemized
 - Photocopies should have the rate being charged and # of pages.
 - In-house copy work should be certified and attached to the documents in eVoucher if claim is in excess of \$50.00.

Submission of services on the CJA 21 are not matching the invoices provided.

Common Errors Claim Status Tab

- Incorrect start and end dates
- Type of voucher is not indicated
- Questions are not answered or answered incorrectly. (interim billing)

Common Errors Documents Tab

- For a final voucher exceeding the case maximum, excess compensation memo are not being attached.
- For a final voucher submitted after 45 days from the final disposition of the case, late letter is required to be attached.
- Approved budgets are not being attached in budgeted cases.
- Itemized receipts for all travel and any single item over \$50.00 are not attached.
- Invoices by a service provider are not being attached or are attached with no original signature.
- Interim Orders signed by the Judge are not being attached.

Things to Remember

- Make sure address is correct on the basic information page on the CJA20/CJA 21
- Check the Audit assist button for errors. If the error is in yellow, you can override it. However, if its in red errors need to be corrected.
- Make sure the Pop-up Blockers are disabled to submit the Voucher's.
- Don't Forget about the 2-step process when submitting or rejecting the CJA 21/31.
- Make sure there is enough authorization in the system for expert services.
- Please update Court with a new W-9 on any address changes.
- **Notify the Court immediately**, of any changes to firm address or if moving to another firm. The Court will provide you with specific instructions how to handle submission of the existing/pending vouchers.
- Please note: CJA appointment is for the actual attorney and not the law firm.
- Reimbursement of funds using a CJA20 and CJA30 is payable to the attorney and not the law firm.

Thing to Remember when Submitting Authorizations and Auth 24s

- Make sure to submit the authorization for approval prior to work being performed.
- Make sure enough authorizations is requested for the services performed by the expert.
- Remember to fill in the Basic of Estimate line indicating the estimated number of hours and rate to be used by the expert.
- Provide a brief Description of why the expert is needed for the Judge's consideration.
- Attach the Curriculum Vitae (CV) under the documents tab in pdf format.
- On Auth 24's please make sure the date and type of hearing is listed in the proceedings to be transcribed.
- Please make sure an Auth 24 for transcripts outside the district.

Coming Soon

STAY TUNED:

- CJA 26 form phasing out.
- Submission of detailed memo in lieu of CJA 26 form effective as of **12/31/2024**.
- AO requirement of Electronic Funds Transfer for CJA payments.

Contact information:

- **District Court Staff Contact Information:**

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QUESTIONS ???