

GENERAL ORDER NO. 50

AMENDED CRIMINAL JUSTICE ACT PROCEDURES FOR
VOUCHER PAYMENT AND FUNDING REQUESTS

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

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I. VOUCHER SUBMISSIONS AND APPROVAL

A. Introduction

Payment of fees and expenses to counsel appointed under the Criminal Justice Act (CJA) Plan of the United States District Court for the Northern District of California (General Order 2, referred to herein as the “Plan”), and payment for investigative, expert and other services shall be made in accordance with the provisions as set forth herein, Volume 7 of the Guide to Judiciary Policy, the fiscal policies of the Administrative Office of the United States Courts and the CJA Panel Attorney Manual for the Northern District of California.

B. Approval Authority

Claims for compensation of private attorneys and others furnishing services under the Act shall be submitted to the Clerk’s Office CJA Unit on the appropriate CJA voucher with supporting documentation. Authority under the Criminal Justice Act to approve vouchers claiming reimbursement is delegated to the CJA Supervising Attorney, who will authorize payment for the following after reviewing for reasonableness and mathematical accuracy:

1. Vouchers for attorneys;
2. Vouchers for service providers requesting payment under \$800 or that are within funding limits pre-authorized by a District or Magistrate Judge in felony, misdemeanor, non-capital habeas and other criminal proceedings;

3. Vouchers for attorneys and service providers in capital habeas cases in which the expenditures were previously authorized in a budget that was approved by a District Judge;
4. Vouchers for transcript services, interpreter services and routine travel.

C. Voucher Reductions

1. Judicial Approval. The CJA Supervising Attorney shall obtain the approval of the assigned Judge with respect to a proposed voucher reduction which exceeds \$450.
2. Attorney Notification. If the CJA Supervising Attorney determines that an appointed counsel's claim should be reduced, the attorney will be provided prior notice of the proposed reduction, a brief statement of the reason(s) for it, and a reasonable opportunity to address the matter.

D. Statutory Maximums

When compensation exceeds, or is expected to exceed, the statutory maximums permitted pursuant to 18 U.S.C. § 3006A(d)(3), counsel must submit a supporting declaration or memorandum justifying excess payment before payment will be authorized. Counsel may also use the CJA Form 26 for this purpose, which may be downloaded from the Court's website. All vouchers claiming amounts in excess of the statutory maximums will be forwarded by the CJA Supervising Attorney to the Court of Appeals as required by Vol. 7 of the Guide to Judiciary Policy.

E. Authorization to Submit Interim Vouchers

Appointed counsel may request to submit interim vouchers for cases that are extended or complex in nature. In all cases where an interim payment order has been filed, including those where withholding has previously been ordered, the Clerk's Office shall discontinue withholding funds from interim payments, effective March 21, 2000.

F. CJA Forms 20 and 30 (Attorneys)

1. Billing Worksheets. When submitting CJA Forms 20 and 30, Counsel must also submit: a) one or more worksheets in the same format as the worksheets provided on the Court's website (cand.uscourts.gov/cja/forms); or b) an invoice generated by the attorney's timekeeper system in a format that provides itemization of tasks in chronological order and sorted by voucher category. When the Court implements an electronic voucher system, counsel will be required to submit worksheets according to the requirements of that system. The CJA Unit will reject worksheets and billing documentation that are not in the proper format.
2. Worksheet Detail. If the level of detail is insufficient for auditing purposes, vouchers will be returned to counsel for resubmission with adequate detail. Worksheets and timekeeper invoices must include the following:
 - a. Time billed must be in tenths of an hour;
 - b. Each entry must reflect discreet tasks;
 - c. Attorneys may not "bundle" separate unrelated tasks in one entry;
 - d. Attorneys may not list multiple tasks performed in a specific block of time;

- e. Without violating the Canons of Ethics or disclosure of attorney work product, entries must include specific detail to permit meaningful review including, but not limited to: specifying identifying information for witness interviews¹;
- f. Identification of participants in telephone conversations or conferences and topic discussed²;
- g. Specific topics researched and identification, by ECF docket number, of pleadings filed as a result of the research;
- h. Identification of documents reviewed, including the number of pages;
- i. Identification of documents prepared, including the number of pages and ECF docket number, if filed; for documents not filed, an explanation sufficient to explain their relevance to the case.

G. CJA Forms 21 and 31 (Service Providers)

Appointed experts and other service providers shall submit supporting documentation for services rendered in a format that provides adequate detail. Interpreters must use the invoice that is available on the Court's website (cand.uscourts.gov/cja/forms).

H. Compensation

No claim for compensation or reimbursement will be honored unless filed within sixty (60) days of the termination of the representation; for good cause shown, this deadline may be extended by counsel contacting the CJA Supervising Attorney and requesting additional time.

II. REQUESTS FOR INVESTIGATIVE, EXPERT AND OTHER SERVICES

A. Authority to Approve Funding Requests

1. CJA Supervising Attorney. The CJA Supervising Attorney is authorized to approve and authorize requests for transcripts, routine travel and interpreter services. In addition, District and Magistrate Judges may delegate to the CJA Supervising Attorney authority to approve requests for associates, paralegals and investigators.
2. District and Magistrate Judges. All funding requests that exceed \$800, except those indicated in Part II A)(1), must be approved and authorized by the assigned District or Magistrate Judge, if the services are required in connection with a matter over which the Magistrate Judge has jurisdiction (or if a District Judge has otherwise referred such application to a Magistrate Judge).

B. Procedures for Obtaining Funding

1. Counsel appointed under the Act may obtain investigative, expert or other services. Counsel not appointed under the Act may also obtain such services for a person who is financially unable. Requests for services rendered in cases handled by the Federal Public Defender Organization do not require court approval if they are paid from the Federal Public Defender Office budget.

¹ In lieu of identifying witnesses by name, counsel may identify witnesses by type (i.e., "guilt-phase witness #1") in sufficient detail to enable the Court to distinguish between individuals interviewed.

²A simple description of the general topic of discussion is sufficient.

2. Quality of Services. The Court, in all cases, will hold counsel accountable to obtain only qualified service providers and to carefully review the providers' bills to assure that the charges are accurate and reasonable.
3. Upon Request. To request services, counsel appointed under the Act must either (1) submit an ex parte sworn application and declaration to the District or Magistrate Judge assigned to the matter or (2) through an *in camera* ex parte proceeding, if permitted by the assigned District or Magistrate Judge. All ex parte applications must be submitted to the CJA Unit. The assigned District or Magistrate Judge, or the CJA Supervising Attorney to whom this responsibility has been delegated, will decide whether (1) the services are necessary and the person is financially unable to obtain them, and (2) will establish the limitations of such services including number of hours, hourly rate and dollar maximum.
4. Without Prior Request. Counsel appointed under the Act may obtain, subject to later review, investigative, expert or other services without prior authorization if necessary for adequate representation under the following circumstances:
 - a. the total cost of services obtained without prior authorization does not exceed \$800 plus the cost of expenses reasonably incurred; counsel must submit a detailed invoice with CJA Form 21 or 31, as appropriate.
 - b. the services exceed \$800 and prior authorization could not have reasonably been obtained. Counsel must submit an ex parte application and declaration as soon as possible justifying the services, a request for *nunc pro tunc* authorization to the date services were first rendered, and a thorough explanation of why prior authorization could not have reasonably been obtained. If the Court denies the request in whole or in part, the Court will not be liable for refusal to pay for services rendered in excess of authorized funds.

III. CJA DOCUMENTATION

A. Confidentiality

All CJA documents shall be filed in the confidential CJA financial files maintained by the Clerk's Office. Documents maintained in the CJA financial files shall not be disclosed to the public except as provided by statute, by the Guide to Judiciary Policy or by order of the Court. Accordingly, it is not necessary for counsel to request sealing of CJA documents.

B. Standardized Forms

Where standard forms have been approved by the Judicial Conference of the United States or an appropriate committee thereof and have been distributed by the Administrative Office, such forms shall be used in connection with all actions taken under the Plan and the provisions set forth herein.

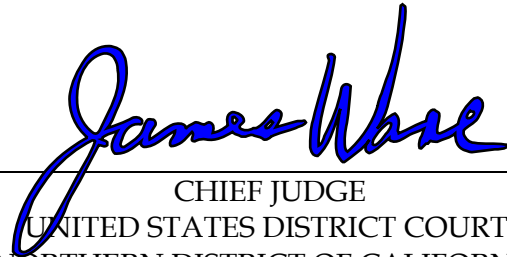
C. All questions not addressed herein should be directed to the CJA Unit.

This General Order becomes effective on December 20, 2011.

IT IS SO ORDERED.

ADOPTED: JUNE 30, 2000
AMENDED: OCTOBER 16, 2000
APRIL 24, 2001
JUNE 18, 2002
MARCH 15, 2005
DECEMBER 20, 2011

FOR THE COURT:



CHIEF JUDGE
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA