

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

I.	VOUCHER SUBMISSIONS AND APPROVAL.....	1
A.	Introduction	1
B.	Submission and Management of Claims for Compensation	2
C.	Approval Authority.....	2
D.	Statutory Maximums and Case Budgeting	2
E.	Interim Vouchers.....	3
F.	Final Vouchers.....	3
G.	Attorney Vouchers- Detail Required.....	3
H.	Voucher Reductions.....	4
II.	REQUESTS AND APPROVAL FOR INVESTIGATIVE, EXPERT AND OTHER SERVICES.	4
A.	Requests for Services	4
B.	Without Prior Request.....	4
C.	Nunc Pro Tunc Requests.....	5
D.	Authority to Approve Requests.....	5
E.	Payment to Experts and Service Providers	5
III.	CJA DOCUMENTATION.....	5
A.	Confidentiality.....	5
B.	Standardized Forms.....	6

I. VOUCHER SUBMISSIONS AND APPROVAL

A. Introduction

The following policies and procedures are applicable to representations for attorneys appointed under the Criminal Justice Act, 18 U.S.C. § 3006A (referred to herein as the “CJA”), death-eligible and capital habeas representations for attorneys appointed under 18 U.S.C. § 3005 or § 3599(a), and payment for investigative, expert and other services.

Claims and payments shall be made in accordance with the provisions as set forth herein, Volume 7 of the Guide to Judiciary Policy, the CJA Plan of the United States District Court for the Northern District of California (General Order 2, referred to herein as the “Plan”), the fiscal policies of the Administrative Office of the United States Courts, the policies of the Ninth Circuit Judicial Council, the CJA Policy Manual for the Northern District of California, and any other guidelines that may be implemented by the CJA Administrative Committee.

Questions about this general order should be directed to the Court's CJA Unit (cja@cand.uscourts.gov).

B. Submission and Management of Claims for Compensation

Claims for compensation of attorneys and others furnishing services under the CJA must be submitted to the CJA Unit through the online eVoucher system ("eVoucher"), which allows attorneys to create, complete, and submit certain CJA documents electronically.

Forms: The following forms are only available through eVoucher:

- CJA-20 – Attorney voucher in a criminal case or other representations including grand jury witness and supervised release violations
- CJA-21 – Expert and service provider voucher in a criminal case or other representations including grand jury witness and supervised release violations
- CJA-26 – Statement for a Compensation Claim in Excess of the Statutory Case Compensation Maximum
- CJA-30 – Attorney voucher in a capital (death-eligible) case or capital habeas representation¹.
- CJA-31 – Expert and service provider voucher in a capital (death-eligible) case or capital habeas representation.

All other forms referred to in this General Order can be found at cand.uscourts.gov/cja/forms.

C. Approval Authority

Authority under the CJA 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 attorney services;
2. Vouchers for interpreters, investigators, and paralegals requesting payment for less than \$2,500 or that are within pre-authorized funding limits in all felony, misdemeanor, non-capital habeas, and other criminal proceedings;
3. Vouchers for all other service providers requesting payment under \$800 or that are within funding limits pre-authorized by the assigned Judge in felony, misdemeanor, non-capital habeas, and other criminal proceedings;
4. Vouchers for attorneys and service providers in capital habeas cases in which the expenditures were previously authorized in a budget that was approved by the assigned Judge; and
5. Vouchers for transcript services, interpreter services, and routine travel.

D. Statutory Maximums and Case Budgeting

When compensation exceeds, or is expected to exceed, the statutory maximums permitted under 18 U.S.C. § 3006A(d)(3), the attorney must submit a CJA-26 through eVoucher showing

¹ Once a case is designated as capital, even if de-authorized, the attorney will use the CJA-30/CJA-31 throughout the representation.

why payment in excess of the statutory maximum is necessary to provide fair compensation to the attorney. The CJA Supervising Attorney reviews the request and, if recommending approval, forwards the CJA-26 to the Court of Appeals as required by Vol. 7 of the Guide to Judiciary Policy.

Additionally, case budget forms are required in the following cases and must be submitted through the eVoucher system as attachments to a CJA-26. Budgets should be submitted every 6 months.

1. Complex Cases: Any case in which the case maximum is expected to exceed \$30,000 is considered a complex case. The attorney is required to complete and submit a:
 - a. Complex Case Evaluation; and
 - b. Confidential Budget Application for a Complex Case.
2. Capital Cases: Any case where the defendant is “death- eligible” is considered a capital case. The Lead Attorney is required to complete and submit a:
 - a. Capital Case Evaluation; and
 - b. Confidential Budget Application in a Capital Case.
3. Capital Habeas Cases: Lead Attorney is required to submit a budget at each phase of the representation. Lead counsel is required to complete and submit a:
 - a. Capital Habeas Funding Application; and
 - b. Capital Habeas Confidential Case Evaluation.

E. Interim Vouchers

Any attorney providing representation under the CJA may submit interim vouchers for payment of fees and reimbursement of allowable expenses prior to the completion of the case.

Interim vouchers should be submitted every 60 days unless the voucher amount is less than \$1,400.

F. Final Vouchers

1. For completed cases and cases in which the services of the CJA attorney have been terminated for any reason, vouchers must be submitted no later than 60 days after the attorney ceases representation without regard to the amount of the claim or the date of any previously submitted interim voucher.
2. Attorneys must provide good cause to justify payment of any voucher submitted more than 60 days after representation is completed.

G. Attorney Vouchers - Detail Required

Without violating the Canons of Ethics or disclosing attorney work product, attorneys must include sufficient detail to permit meaningful review. If a voucher contains insufficient detail for auditing purposes, it will be returned to the attorney to resubmit with sufficient detail. To provide sufficient detail, an attorney must:

1. Delineate discrete services. Separate, unrelated services may not be “bundled” in one entry.
2. Describe witness interviews with sufficient information to distinguish between individuals, e.g. “Witness 1” or “W1” or “witness A.K.”.

3. Identify the participants in telephone conversation or conferences and general topics discussed.
4. Specify topics researched and by ECF docket number of the pleadings filed as a result of the research.
5. List the type of documents, number of pages reviewed, and Bates numbers when review exceeds one hour. E.g. FBI 302s, 77 pages SC300-377.

H. Voucher Reductions

1. Attorney Notification: If the CJA Supervising Attorney determines that an appointed attorney's claim should be reduced, the attorney will be notified of the proposed reduction, a brief statement of the reason(s) for it, and a reasonable opportunity to address the matter.
2. Judicial Approval: The CJA Supervising Attorney must obtain the approval of the assigned Judge for a proposed voucher reduction greater than \$375.
3. Fee Review Committee: A voucher reduction in excess of \$375 may be reviewed by the Fee Review Committee (FRC) at the request of either the assigned Judge or the attorney. The attorney must submit the request for review in writing to the CJA Supervising Attorney. The assigned Judge will give significant weight to the FRC's recommendation in making a final determination.

II. REQUESTS AND APPROVAL FOR INVESTIGATIVE, EXPERT AND OTHER SERVICES

Attorneys appointed under the CJA may obtain investigative, expert or other services. Attorneys not appointed under the CJA may also obtain such services for clients who are financially unable to pay for these services. Requests for services rendered in cases handled by the Federal Public Defender do not require court approval if they are paid from the Federal Public Defender's budget.

Attorneys are responsible for obtaining qualified experts and service providers and for conducting careful review of experts' and service providers' bills to assure that the charges are accurate and reasonable and that they contain sufficient detail.

A. Requests for Services

To request services, an attorney must submit a Funding Request by email to the CJA Unit (cja@cand.uscourts.gov). The Funding Request must provide sufficient detail to demonstrate that the service is reasonably necessary, the hourly rate charged by the provider, and that the estimated number of hours needed to complete the work is reasonable.

B. Without Prior Request

Attorneys may obtain investigative, expert or other services without prior authorization if necessary for adequate representation under the following circumstances:

1. Interpreters, investigators, and paralegals: the total cost of services for each such provider may not exceed \$2,500 plus the cost of expenses reasonably incurred.
2. All other service providers: the total cost of services per case may not exceed \$800 plus the costs of expenses reasonably incurred.

C. Nunc Pro Tunc Requests

If an attorney obtains services without seeking prior approval or the service provider exceeds the specific terms of the funding authorization, as soon as possible the attorney must submit a Funding Request 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. *Nunc pro tunc* requests to compensate service providers will be considered and authorized only upon a showing of good cause, such as when a service not previously contemplated required immediate action. If the assigned Judge denies the request in whole or in part, the Court will not be liable for refusal to pay for services rendered without prior approval or in excess of authorized funds.

D. Authority to Approve Requests

The assigned District and/or Magistrate Judge(s) or the CJA Supervising Attorney will determine (1) whether the services are reasonably necessary, and the person is financially unable to obtain them, and (2) the authorized number of hours, hourly rate and dollar maximum. The CJA Supervising Attorney is authorized to approve requests for transcripts, routine travel and interpreter services. In addition, District and/or Magistrate Judge(s) may delegate to the CJA Supervising Attorney authority to approve requests for associates, paralegals and investigators. All other funding requests, except those indicated in Part II.B., must be approved and authorized by the assigned Magistrate or Judge.

E. Payment to Experts and Service Providers

A separate voucher must be created in eVoucher for each expert or service provider.

1. Paralegals, investigators, and mitigation specialists have access to eVoucher and are required to enter their time directly into the system.
2. All other experts and service providers must submit their invoices to the attorney.
3. Invoices should contain adequate detail of the services performed and include supporting documentation.
4. Each invoice for expert and service provider services must be accompanied by a Certificate of Service ("COS") verifying services invoiced.
5. The attorney is responsible for attaching the invoice, any documentation, and the COS on behalf of the expert or service provider to the voucher.
6. The attorney is responsible for reviewing and submitting the voucher on behalf of all service providers.
7. Interpreters must use the CJA Interpreter Invoice.

III. CJA DOCUMENTATION

A. Confidentiality

All CJA documents are 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 the attorney to request sealing of CJA documents.

B. Standardized Forms

Where the Administrative Office of the United States Courts provides standard forms, such forms shall be used in connection with all actions taken under the Plan and the provisions set forth herein.

IT IS SO ORDERED.

ADOPTED: JUNE 30, 2000
AMENDED: OCTOBER 16, 2000
APRIL 24, 2001
JUNE 18, 2002
MARCH 15, 2005
DECEMBER 20, 2011
OCTOBER 19, 2018

FOR THE COURT:



CHIEF JUDGE
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA