

Instructions for Completing the CJA Form 20 in eVoucher:

**APPOINTMENT OF AND AUTHORITY TO PAY
COURT APPOINTED COUNSEL**

UNITED STATES COURT OF APPEALS

For the Eighth Circuit

January 3, 2023

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GENERAL INFORMATION

Personal Appointments

All attorneys appointed under the Criminal Justice Act are appointed personally and individually. Payment on a CJA claim is made to the individual rather than to the firm or organization with which the individual is associated. However, the Administrative Office (AO) has made provisions for reporting CJA income as firm income rather than personal income of the attorney. If the attorney has a pre-existing financial agreement with his or her employer that CJA earnings belong to the law firm or corporation, the employer's tax identification number must be added to the billing information on the attorney's profile in eVoucher. It is the attorney's responsibility to ensure this information is accurate. An attorney may have two billing addresses in the attorney's profile. The check will be mailed to the address indicated as the default billing information.

Attorneys will receive a notice of docket activity (NDA) that a court order has been entered in CM/ECF appointing the attorney to the case. The attorney will then receive an email notification from the Clerk's office and from eVoucher advising that an appointment has been entered in eVoucher. The email notification will contain login and password information, and information about updating the attorney's profile and creating a Single Login Profile.

Submission of Vouchers for Payment

Vouchers should be completed and submitted in eVoucher as soon as possible after the issuance of the Court's mandate. Regulations set forth in the **Guide to Judiciary Policy**, Vol 7. Chapt. 2, Part A, § 230.13(a), state "Vouchers shall be submitted no later than 45 days after the representation concludes, unless good cause is shown." This Court interprets "after representation concludes" to mean the final service in the case (e.g. filing a petition for writ of certiorari in the Supreme Court, contacting the client about the disposition of the appeal, etc) or the issuance of the mandate, i.e., the time when jurisdiction of the case is returned to the District Court. If the mandate is stayed pending the filing of a petition for writ of certiorari with the United States Supreme Court, the voucher may be submitted after the petition is filed with the Supreme Court. **Claims submitted outside of the 45-day period should be accompanied by a separate statement outlining the reasons for the delay.** This "Delay Statement" should be attached in PDF format in the Documents Tab on the voucher. Approval and payment of reimbursement requests outside the 45-day payment period is discretionary. Counsel are advised to submit their CJA vouchers promptly.

There are several attachments to the CJA 20 that must accompany each claim submitted by appointed counsel.

Justification Statements

A justification statement should be attached in PDF format in the Documents Tab of the voucher if the amount of compensation being claimed (excluding expenses) exceeds the statutory limits set forth in § 230.23.20. The limits are \$9,100.00 when service is completed on or after January 1, 2023, \$8,800.00 when service is completed between January 1, 2022 and December 31, 2022, and \$8,600.00 when service is completed between January 1, 2021 and December 31, 2021. For "Other Appeals," the limit is \$2,700.00 when service is completed on or after January 1, 2023, and \$2,600.00 when service is completed on or before December 31, 2022. The justification statement should address the reasons why the case was either extended or complex or both.

Review Process

Upon submission to the Clerk's office, the claim is audited to check for mathematical errors, non-reimbursable expenses, completeness of attachments, and eligibility. If there is information missing, the voucher will be rejected and the attorney will receive an email notification that the voucher is being returned; the reasons for the rejection will be listed in the email. The attorney may resubmit the voucher after the corrections have been made. Then, if there are no other problems to be corrected, a cover letter is prepared and the claim is submitted to the Court. (The claim is submitted to the panel which considered and decided the case.) The award determination is made by the Court and the claim is returned to the Clerk's Office. The data related to both the appointment and the claim is verified as complete and accurate. A check is then issued (and sent to appointed counsel) within 48 hours from the Disbursing Office in Washington D.C. On the day that the data is certified for payment the appointed counsel will receive an email notification through eVoucher that processing has been completed.

CREATING A VOUCHER - CJA 20

From the home page in eVoucher, the appointment will be listed on the Appointment's List. Click on the case number and Create the New Voucher from the menu on the left hand side of the page. Next to CJA - 20, click Create.

CJA FORM 20

Following are instructions for completing the CJA Form 20 in eVoucher. Please note that these instructions may differ slightly from those you may receive from the various District Courts because they pertain only to claims filed as a result of representation in an appeal before the Eighth Circuit.

SERVICES TAB

In-Court Time (g): In-court time directly related to the appeal may be claimed in this portion of the form. In-court time expended in relation to the presence at oral argument may be claimed on the *Appeals Court (g)* category. List times in **hours and tenths of hours**. eVoucher will calculate the appropriate hourly rate based on the date of service.

Out-of-Court Time (a-e): Out-of-court time expended in relationship to the appeal may be claimed on categories a through e. The period for which time may be claimed includes the interval between and including the **date of the appointment** and the **date of the issuance of this Court's mandate**. With the exception of the filing of a petition for writ of certiorari after the mandate issues, any time expended outside of this time frame is not reimbursable at the Court of Appeals. Indicate times in **hours and tenths of hours**. eVoucher will automatically calculate the applicable hourly rate based on the date of service.

EXPENSES TAB

An itemization of expenses is required detailing the date, type of expense, and amount. This itemization should be accompanied by any and all receipts obtained for the expenses incurred. For all claims, itemize those expenses according to the expense types listed. Include all travel-related expenses under the Travel Misc. category and describe each attached document, in PDF format, with specificity.

Non-reimbursable Expenses¹

1. General Office Overhead This includes expenses which would normally be reflected in the fee charged to the client. Therefore expenses such as personnel costs, rent, telephone service, cell phone service, internet costs and secretarial help (whether regularly or specially employed, performing normal, overtime, or supplemental work, and even if counsel has no regularly employed secretary) are not reimbursable.
2. Items and Services of a Personal Nature The cost of items of a personal nature purchased for or on behalf of the person represented, such as purchasing new clothing, or having clothing cleaned, getting a haircut, furnishing cigarettes, candy or meals is not reimbursable. The cost of services such as assisting the defendant

¹ This information is adapted from Vol. 7, Chapt. 2, Part A, § 230.66 of the Guide to Judiciary Policy.

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in the disposition of his or her personal property, arranging for the placement of minor children of the defendant, or assisting the defendant in executing the conditions of probation is not reimbursable.

3. Filing Fees Attorneys should not be required to pay a filing fee or PACER fees in a Criminal Justice Act case inasmuch as such payment and reimbursement thereof is tantamount to the Government billing itself to accomplish a transfer of appropriated funds into the General Fund of the Treasury. If a filing fee is paid by an attorney who is subsequently appointed in the case, he or she should petition the District Court for a refund of that fee. Counsel should obtain a fee-exempt PACER account for use in connection with the CJA appointment.

4. Printing of Briefs The expense of commercially **printing** briefs, regardless of the printing method utilized, is not reimbursable; however, the cost of mimeographing, photocopying, or similar **copying** service is reimbursable.

5. Travel-related Expenses Alcoholic beverages are not reimbursable expenses. Car rental is not reimbursable (the court will reimburse expenses for public transit, airport shuttle services, and taxi).

Receipts

Specifically, receipts **are required** for the following expenses: These receipts must be scanned as PDF documents and attached to the voucher in the Documents Tab.

1. Long distance phone charges in excess of \$50.00. Calls must be itemized by date, person called, and amount. Applicable charges should be highlighted.
2. All photocopy charges incurred outside of appointed counsel's office. (Copies made "in-house" will be reimbursed in an amount up to and including 15¢ per page. An indication of the number of copies made and the cost per copy is required.)
3. All expenses related to travel for the purpose of presenting oral argument including hotel accommodations, meals, coach air fare, and ground transportation. The hotel's detailed receipt, showing the cost of the room and the taxes charged is required. Travel by personal automobile is reimbursable at the following per mile rates:

<u>DATE TRAVEL OCCURRED</u>	<u>REIMBURSABLE AMOUNT</u>
On or after January 1, 2018	54.5¢/mile
On or after January 1, 2019	58.0¢/mile
On or after January 1, 2020	57.5¢/mile

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On or after January 1, 2021	56.0¢/mile
On or after January 1, 2022	58.5¢/mile
On or after July 1, 2022	62.5¢/mile
On or after January 1, 2023	65.5¢/mile

[Reimbursement for use of a personal automobile will be limited to the cost of round-trip, coach air fare applicable to the same trip. Counsel will be reimbursed for actual subsistence for lodging and meals. Please use discretion in arranging hotel accommodations.]

4. Expenses related to computer assisted legal research, (**LEXIS, WESTLAW**), must be accompanied by receipts that show the method of billing and the total time spent using the computerized system. A statement of the issues researched and an estimate of the amount of time necessary to do the research manually must also be included. Applicable charges should be highlighted.

5. Postage expenses for overnight delivery, express mail, or courier services require a detailed receipt.

CLAIM STATUS TAB

Indicate the dates between which services were performed by appointed counsel and check either **Final** or **Interim** payment. Also, please be sure to answer all applicable questions including the question beginning "Has the person represented...".

CONFIRMATION TAB

After the voucher is reviewed, click on the affirmation box at the bottom of the voucher. The date will populate automatically to the current date. Press Submit. The voucher will be submitted to the court for review. You will be able to view the voucher in read-only format while the voucher is with the court.

INTERIM PAYMENTS

Interim payments are granted on a limited basis only and requests for an interim payment are not encouraged by the Court. (An interim payment is defined as a payment made to appointed counsel prior to the final disposition of the case.) If an interim payment is requested, the voucher may be submitted and must include, as an attachment, a statement to the Court outlining the reasons for which an interim payment

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is necessary (i.e., financial hardship). Please note that generally only one interim payment is allowed.

SUPPLEMENTAL PAYMENTS

Occasionally, additional work is done in a case for which appointed counsel has already been compensated. In this situation, appointed counsel may submit a supplemental voucher. Counsel should attach to the supplemental voucher a statement which outlines the reasons for which additional time was expended or expenses incurred as a result of the appointment.

TRAVEL

CJA-appointed attorneys are authorized to obtain government rates for hotels and airline travel in connection with their representation under the Act. The clerk's office will provide counsel requiring air transportation to attend oral argument with a travel authorization allowing them to use the services of National Travel or other designated government-authorized travel service to book the reservation and issue a refundable airline ticket. The cost of the ticket will then be paid directly through the CJA payment system. Attorneys are advised to carry the travel authorization with them when they travel and they should submit both the authorization and the airline ticket or travel itinerary provided by National Travel with their completed CJA voucher at the completion of the appointment. Should counsel's travel plans change or require cancellation, counsel is required to advise National Travel and the clerk's office promptly so that any charges may be properly credited.

Many hotels will offer CJA-appointed attorneys government rates for their travel in connection with their representation under the Act. Counsel are encouraged to avail themselves of reduced government rates whenever possible. Hotel charges may not be billed directly to the court's CJA account, but will be reimbursed at the conclusion of the case.

Additional guidance regarding travel rules may be found at Guide to Judiciary Policy, Vol. 19, Chapt. 4, found as a Link on eVoucher and at:
<http://www.uscourts.gov/RulesAndPolicies/TravelRegulations.aspx>.

COMPENSATION OF PARALEGALS, LEGAL ASSISTANTS, AND LAW STUDENTS

Paralegals, legal assistants, and law students may be compensated at an hourly rate less than that paid to appointed counsel. Requests for compensation for time expended by paralegals, legal assistants, and law students must be submitted on a CJA Form 21. No prior authorization is required, but the court must enter the service provider's information into the eVoucher database before a CJA 21 voucher may be submitted to the court. See Instructions for Completing CJA 21/31. Counsel shall provide an explanation of the services provided, the basis for the hourly rate requested, and the time expended. Reimbursement will not be provided for services that are considered secretarial work, even if provided by paralegals or legal assistants. Counsel should itemize the services provided. The CJA Form 21 should be submitted with the final CJA 20 after the mandate has issued.

COMPENSATION OF ASSOCIATE ATTORNEYS

Associate attorneys may assist the appointed counsel and their time may be compensated at a reduced hourly rate. Associate attorney work is submitted on the appointed counsel's voucher. The associate's time is included in the total statutory maximum for the case. Only one associate may be added to each appointment and the associate must be employed in the appointed attorney's law firm. Instructions for adding an associate attorney is emailed to the appointed counsel at the time of the appointment and are found on the Court's website under CJA Information.

Any questions you might have about the preparation of the voucher or its attachments should be directed to **Rowan Kelly or Stephanie O'Banion** of the Clerk's office at (314) 244-2400.