



United States District Court EASTERN DISTRICT *of* TENNESSEE

Criminal Justice Act Helpful Hints and Tips

Compensation:

The CJA Act establishes maximum hourly rates and waivable limits on the total compensation for attorneys and service providers. *See:*

- [CJA Guidelines § 230.16\(A\)](#) for Non-Capital Hourly Rates
- [CJA Guidelines § 230.23.20](#) for Current Attorney Case Compensation Maximums
- [CJA Chart of Compensation Rates for a summary of the above](#)
- [CJA Guidelines § 310.20.10\(A\)](#) for Waivable Service Provider Case Compensation Maximums
- [Sixth Circuit Presumptive Hourly Rates for Service Providers](#)

For all vouchers that exceed the case cap:

- You must first contact Jenifer Ferrell or Angela Archer prior to submitting your voucher. The e-Voucher program defaults to the case cap and they must manually change this amount for you before you can submit your voucher.
- You must completely fill out a [CJA 26 form](#), save it as a PDF document, and attach the PDF document to the document tab of the CJA 20 voucher.
- If you'd like to accept the case cap and waive compensation over that amount, make a note in the "public/attorney note" field of the voucher with you (the attorney's) name, date, and signature.

Case Budgeting:

Attorneys must contact the Sixth Circuit Budgeting Attorney for cases expecting to exceed \$40,000 in total expenditures for attorneys and service providers for an individual CJA defendant. Denny Alerding, Sixth Circuit Case Budgeting Attorney, may be contacted at 514-564-7358 or Dennis.Alerding@ca6.uscourts.gov.

Attorneys are encouraged to contact Denny for any concerns regarding services or expenses that will exceed the waivable case cap.

CJA eVoucher Claim Status

Begin Date: The begin date is the date of the appointment. Work performed prior to entry of the appointment should be entered for the date of the appointment with a note in the description of the actual date the work occurred.

End Date: The end date should match the last date of the service time or the date judgment was entered.

Compensable/Non-Compensable Time and Expenses

Non-Compensable Time:

- Filling out your voucher.
- Providing services of a personal nature, such as coordinating the care of defendant's family.
- Clerical related work (including accessing and storing Notices of Electronic Filing).

Non-Compensable Expenses:

- General office overhead, including rent or secretarial expenses.
- Items of a personal nature, including clothing and haircuts for defendant.
- Printing briefs.
- Alcoholic beverages.
- Parking fines or traffic violations.
- Costs for paralegal services may not be claimed on CJA 20 voucher- must be claimed as a service provider on a CJA 21 voucher.

Compensable Expenses:

- Computer assisted legal research. (Must include description of what was researched).
- Telephone calls.
- Copy charges (at \$0.10 a page).
- Postage.
- Travel Expenses including mileage, and actual parking costs.

Voucher Submission:

- All Vouchers must be submitted through eVoucher.
- All requests for service providers must be submitted as an AUTH through eVoucher, not as *ex parte* motions in CM/ECF.
- Time must be entered in tenths of an hour.
- Vouchers must be submitted within 45 days of completion of representation. Any voucher filed later than 45 days must include an explanation for the late filing.

Transcripts

If transcripts are needed, an AUTH 24 must be prepared and submitted in e-Voucher for each separate court reporter. If the hearing to be transcribed was recorded, you should first contact the Division Manager for the designation of a court reporter to transcribe the recording. The costs of transcripts will not be reimbursed on a CJA 20 as an expense.

Frequent Voucher Corrections

- In-court time is to be calculated from the time the hearing actually began until the hearing ended and should correlate to the time reflected in the minutes. Time spent waiting for court to begin or meeting with the defendant, witnesses, or AUSA prior to a hearing should be claimed as out-of-court time.
 - Travel time entries should have a corresponding mileage entry for the same date. If you are not claiming mileage, a notation should be made in the “public/attorney note” field or in the travel time entry description.
 - Copy expenses should set out the number of copies, the rate per page, and the purpose of the copies. *e.g.*, “copies of discovery for the client.”
 - Postage expenses should include a brief description of the purpose, *e.g.*, “mailing motion to client.”
 - .01 time entries should be aggregated pursuant to Section I(e) of [the EDTN CJA Billing Guidelines](#).
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Subpoenas

If a subpoena is needed, you must file an *ex parte* motion showing the defendant’s inability to pay the witness fees and the necessity of the presence of the witness for an adequate defense. If the court orders a subpoena to be issued, the process costs and witness fees will be paid in the same manner as witnesses subpoenaed by the government and will be served by the US Marshals Office. Do not pay for service costs without Judge approval.

More information is available at
https://www.tned.uscourts.gov/sites/tned/files/cja_fact_witness.pdf.
