

CHECKLIST FOR VOUCHERS, MARCH 2014

CJA-20 for Attorney Compensation

- ___ Do the amounts on the summary page match the amounts transferred to the completed **original** CJA-20?
- ___ Is the math correct on the face of the CJA-20?
- ___ Does the “From” date on the CJA-20 and billing sheets match the date the judge signed the CJA-20?
- ___ Does the “To” date on the CJA-20 match the “To” date on the billing sheets? Does this date coincide with the last day work was performed?
- ___ Does the work start *on or after* the date the judge signed the CJA-20 (or nunc pro tunc date)? (The “From/To” dates are **EXTREMELY** critical. Make sure there are no time entries before the date of appointment.)
- ___ Are rates correct?
- Mileage
 - o From 2/1/2009 to 12/31/2009: \$.55/mile
 - o From 1/1/2010 to 12/31/2010: \$.50/mile
 - o From 1/1/2011 to 4/16/2012: \$.51/mile
 - o From 4/17/2012 to 12/31/2012: \$.555/mile
 - o From 1/1/2013 to 12/31/2013: \$.565/mile
 - o From 1/1/2014 to present: \$.56/mile
 - Copying (\$.10 per copy)
 - Hourly compensation
 - o For work performed...
 - From 1/1/2008 to 3/10/2009: \$100/hour
 - From 3/11/2009 to 12/31/2009: \$110/hour
 - From 1/1/2010 to 8/31/2013: \$125/hour
 - From 9/1/2013 to 2/28/2014: \$110/hour
 - From 3/1/2014 to present: \$126/hour
- ___ Was the voucher submitted within 45 calendar days (counting every day, including Saturdays, Sundays and legal holidays) after the final disposition of the case, or after the end of the attorney’s representation, **whichever occurs first**? (If not, please include a letter of explanation.)
- ___ Does the CJA-20 have the judge’s original signature?

___ If you had an information filed after an indictment in your case, did you split up the bills for the “information” case and the “indictment” case?

___ Did you check the appropriate boxes at the bottom of the CJA-20 in section 22?

___ If an interim voucher, is that fact and the number of the interim voucher indicated on the CJA-20 in section 22?

___ Did the attorney complete, sign and date the **original** CJA-20 when the worksheets were generated at the end of the case? (The computer generated CJA-20 form should not be signed.)

NOTE: The completed, dated and signed **original** CJA-20, all support documentation (EXCEL billing worksheets) and all necessary receipts are submitted to Rebecca Jarvis, CJA Technician. They can be mailed to: Clerk of Court, U.S. District Court, Southern District of West Virginia Attn: Rebecca Jarvis, P.O. Box 2546, Charleston, WV 25329 **OR** Clerk of Court, U.S. District Court, Southern District of West Virginia Attn: Rebecca Jarvis, Robert C. Byrd United States Courthouse, 300 Virginia St. E., Room 2400, Charleston, WV 25301. If you prefer you can hand-deliver the complete voucher package to the intake counter at Room 2400, on the second floor of the U.S. Courthouse. Please make sure you have Rebecca’s name on the package or envelope.

EXCEL Billing Sheets (support documentation)

___ Are you using the most current voucher preparation program? (The “Summary” tab should show the most recent mileage rate as \$.56/mile and the hourly rate for 3/1/2014 and beyond as \$126/hour; if it does not, then you are using an old program.)

___ Did you correctly report time in tenths of an hour (six minute increments)?

<u>Minutes</u>	=	<u>Tenths</u>
1-6		.1
7-12		.2
13-18		.3
19-24		.4
25-30		.5
31-36		.6
37-42		.7
43-48		.8
49-54		.9
55-60		1.0

___ Are the worksheet time entries in the correct column?

- Common entries and where they should go:
 - In-court time for defendant only (*scheduled* start to end—check daybook entry on the docket) (bill in section 15)
 - Wait time in court (15h In Court Other)
 - Initial appearance hearings (15h In Court Other)
 - Talking on phone; client meetings; PSR interview (16a Interviews/conferences)
 - Plea negotiations (16a Interviews/conferences)
 - Reviewing discovery, documents on CM/ECF, files (16b Records; NOT “Research”)
 - Reviewing the PSR (16b Records)
 - Reading letters (16b Records)
 - Legal research (16c Research/writing)
 - Legal memorandum/motion drafting (16c Research/writing)
 - Composing sentencing memorandum (16c Research/writing)
 - Travel time (16d Travel)
 - Writing letters (16e Investigative/other)
 - Reading or writing emails (16e Investigative/other)
 - Attend hearing for co-defendant (16e Investigative/other, Do NOT bill on in-court time)
 - Wait time at jail for meeting with client (16e Investigative/other)
 - Preparing for a hearing, client meeting etc. (16e Investigative/other)

___ Did you group review of several documents, especially CM/ECF filings or notifications, into real time (actual time spent) entries rather than 0.1 hours for every document or viewing?

___ Did you avoid “bundling” time entries for distinct tasks (i.e. “researched sentencing issue, drafted memo, wrote letter to client”) in the same column?

___ Were you specific when describing communications/consultations with various individuals, rather than billing simply for “phone call” or “meeting”? (You should specify the person and/or their role in the case or relationship to the defendant i.e. mother, AUSA, PO etc.)

___ Were you specific in describing the type of legal research being performed? (i.e. “research career offender status” rather than just “research”)

___ Are all dates in order on the worksheets? (Remember the importance of the “Sort by Date” feature; always save your work before clicking on the “Sort by Date” button.)

___ When you had a conference with your client, did you indicate whether it was in-person or on the phone?

___ Did you put the name of the LAST presiding judge on the “Judge” line in the Services tab? (When you are appointed to a case the name appearing on the judge line is usually the magistrate judge. Please make sure the last presiding district judge’s name appears on this line.)

___ Did you provide receipts for expenses? (Including any long-distance or collect calls (with calls for the particular case highlighted or otherwise identified) regardless of amount; services on Westlaw and Lexis, regardless of amount; special copying; if trip requires an approved overnight stay, meals and lodging (itemized receipt with specific, individual charges not general credit card total))

___ Did you break down copies (if applicable) by showing the number of copies times how much per page is being charged?

___ Is your mileage consistent with Mapquest? (If not, please explain because Mapquest is the key to mileage calculation and compensation.)

___ Did you provide specific addresses (at least once) for the places you traveled?

___ Do all of your instances of travel in the Services tab include corresponding mileage on the Expenses tab, and vice versa? (always make sure the dates match)

___ Have you included the summary page with all of your worksheet pages?

___ Did you make sure you are NOT billing for any fact witness travel or fees? (There are procedures for expenses related to witnesses and their travel that need to be handled in a specific way. **The attorney should never pay for witness fees, transportation, lodging, meals etc., unless first approved by the presiding judicial officer.**)

___ Is all the work you performed compensable under the CJA Guidelines?

- No payment for personal matters of the defendant
 - Cannot bill for helping defendant buy or pick out clothes (the FPD Office has clothes they can make available to panel attorneys for clients if necessary)
 - Cannot bill for helping defendant with personal property
 - Cannot bill for helping defendant with financial or banking matters
 - Cannot bill for helping defendant with other legal matters unrelated to the case

- **No payment for clerical tasks** like faxing, scanning, filing, copying, calendaring, mailing, forwarding, serving, submitting etc. (This includes filing documents on CM/ECF.) Do not bill for or refer to these tasks in your support documentation time entries.
- No reimbursement for printing from in-house printer.

Use of Associates:

- Any work performed by an associate at the appointed CJA Panel attorney's firm on a CJA case will be billed at \$90/hour.
- No time billed by the associate can be duplicative of time billed by the appointed CJA Panel attorney. It must be for work on a case related task that would have otherwise had to have been completed by the appointed CJA Panel attorney.
- The voucher program will not calculate this stipulated rate for associates.
- All work performed by any attorney other than the appointed CJA Panel attorney must be designated with the attorney's initials on the time entries.
- The hours for the associate will be recalculated by Rebecca Jarvis at the reduced hourly rate and an adjustment will be made on the voucher prior to its submission to the designated judge for approval.

NOTE: Please submit a copy of the completed electronic voucher program to Rebecca Jarvis **via email** at the same time you submit the original CJA 20, all support documentation (EXCEL billing worksheets) and all necessary receipts to her either by mail or hand delivery. We will need the electronic voucher program for the case if there are corrections that need to be made to the worksheets.

Travel

___ If applicable, did you pro-rate travel across cases, indicating the case names if they are other CJA cases? Remember, common travel time is pro-rated between the cases and the entire amount of travel expenses (mileage, tolls, parking etc.) must be billed to one voucher with appropriate cross-references on each voucher.

___ If out-of-state, extended, overnight or air travel was involved, was there prior approval from the presiding judge?

___ Were flight arrangements made through the Clerk's Office, if applicable?

___ Was travel billed at government rates? See <http://www.gsa.gov/portal/category/21287>

___ If you are charging for meal reimbursement, did you include itemized receipts with specific, individual charges not general credit card total? (You can only claim reimbursement for meals if you have stayed overnight.)

___ If you have several trips to the same location, is the mileage and time consistent for each trip? (If there is an occasion where the trip takes longer than Mapquest would reflect, please include a brief description for the excess time i.e. construction, traffic jam, accident etc.)

___ Did you ensure that you did *not* bill for transporting the client from the airport to court, etc.?

___ Did you calculate mileage from the attorney's office (or point closer) to the point of destination?

___ Were you specific enough when billing your travel? In other words, do not just say "Travel to Beckley," but give the specific starting point and reason for travel, i.e., "Travel from office at 100 Capitol St., Charleston, to federal courthouse in Beckley for sentencing hearing."

___ Did you put everything related to travel such as parking and tolls in Section 17 ("Travel Misc.") of the voucher program under "Expenses" ? (such expenses DO NOT go under section 18.)

CJA-26 for Excess Compensation Approval

___ Is there a CJA-26, if needed?

- You need one if the attorney compensation (NOT including expenses) is above
 - o \$9,800 for a felony
 - o \$2,800 for a petty offense
 - o \$2,100 for a supervised release/probation revocation matter
 - o \$2,100 for a target letter representation and other matters
- These amounts are accurate for work ending **on or after 3/1/2014**. The former case compensation maximum of \$9,700 for felonies applies to any voucher submitted by appointed counsel for work that was completed before March 1, 2014.

___ If you have a CJA-26, do the numbers for in-court and out-of-court time on the first page match the numbers on the CJA-20?

___ Does the CJA-26 adequately explain why the case was “extended **and/or** complex”? (The CJA-26 should include enough detailed information to provide a persuasive argument to the presiding judge and ultimately, the Chief Judge of the Fourth Circuit.)

___ Is the CJA-26 signed and dated by the attorney?

CJA-21 for Authorization and Payment for Expert and Other Services

___ If over \$800, was prior approval obtained by the presiding judge?

___ If obtaining prior authorization for amounts over \$800, did you include the CJA-002 Form Seeking Advance Authorization for Investigative, Expert, or Other Services Exceeding \$800 (found on CJA page of the court’s website)?

___ If over \$2,400, was prior approval obtained by the Chief Judge of the Fourth Circuit?

- Should include a memo/form explaining nature of services, qualification of expert, etc.

___ If no prior approval for the above amounts, is there a memo explaining the work done and why “timely procurement of necessary services could not await prior authorization”?

___ Has the expert signed and dated the CJA-21 at section 17 and completed the information in section 16?

___ Is the expert’s time sheet/bill attached to the final CJA-21 submission?

___ Does the amount on the expert’s time sheet/bill match the face of the CJA-21?

___ Do the dates for the work performed fall within the time period for the attorney representation?

___ If an investigator, is he or she licensed by the State of West Virginia?

___ Is the correct hourly rate used? (Investigators, \$50/hr after January 1, 2012; Paralegals, \$30/hr)

___ Is the correct government mileage rate used by the expert?

___ Has the attorney signed and dated the CJA-21 at section 12 and 18?

___ Did you ensure there is no time claimed for clerical work, especially by paralegals?

CJA-24 for Transcript Requests

___ Did you fill out boxes 1-13 and 15 of the CJA-24?

___ Did you send the CJA-24 directly to the presiding judge?

___ Did you include a *Request for Transcript from an Electronic Recording or for Purchasing a Copy of an Audio Tape or CD* (effective Jan. 2012, available on the court's website)?

___ Did you notify the court reporter about the impending request? (Notice of electronic filing is not sufficient to alert the court reporter or the judge of the request.)

___ Did you sign the form using an original (not electronic) signature?

SPECIAL REMINDERS:

- The voucher program received from Rebecca Jarvis should be forwarded to the person responsible for voucher preparation.
- Remember to enable the macros in the voucher program.
- The voucher program file should be saved as a macro enabled workbook under a name identifiable to the case it relates to.
- Spell check does not exist in the billing worksheet program. Please remember to proofread.
- There must be a date for every entry of work performed. Please do not enter a date and then list entries on several lines. The program only recognizes entries with accompanying dates.
- Learn the cut and paste option and make sure you do not include cells that are part of the program as a part of your highlighted "cut" entries.
- When you are appointed to both an underlying criminal charge and a related supervised release violation matter, make sure the work is properly separated by representation. You will have one voucher for each representation, and you must ensure there is no overlap.
- Be very careful not to delete a voucher file. Timekeeping records are to be kept by each attorney for at least three (3) years.
- Please also hold onto the original, signed CJA-20 once you receive it. You will need to submit it at the end with your bill.

- If more than one attorney in the firm is performing work on the CJA case, per §230.53.10 of the CJA Guidelines, each attorney's work should be broken down separately by entry. The time entry descriptions should specify (initially by name and in subsequent entries by initials) which attorney performed which task.
- Please do not fill in the "Case Disposition" box on the bottom of the CJA-20.
- Please submit your vouchers timely!!
- Investigators *should not* be hired to serve subpoenas. Contact the U.S. Marshal Service for this purpose at (304) 347-5136.
- If you believe your case will have extraordinary costs, as in over \$30,000 or 300 hours, you must contact the CJA Supervising Attorney to create a case budget. The budget has to be approved by the presiding judge and the Chief Judge of the Court of Appeals for the Fourth Circuit.

For more information, please visit www.wvsc.uscourts.gov, and click on "CJA" → "CJA Panel Information" → "CJA Guidelines." All forms are listed under "CJA" → "CJA Forms"

Angie Volk, CJA Supervising Attorney (304) 347-3191
Rebecca Jarvis, CJA Technician (304) 347-3105