

# The CJA-21 and Prior Approval

- You are permitted to charge up to \$800 for service providers without prior approval.
- The work done will still be subject to a reasonableness review.
- If you are requesting more than \$2,400, request for prior approval will be sent to the Fourth Circuit.
- When in doubt, ask!

# The CJA-21 and Prior Approval

- Attorneys must inform service providers that they will not be paid until the end of the case.
- This includes (but not limited to)
  - Investigators
  - Paralegals
  - Psychologists/Psychiatrists
  - Interpreters
  - Handwriting experts
  - Chemists
  - Other experts
- See Guidelines, Chapter 3 for detailed information on use of service providers

# The CJA-21 and Prior Approval

- Investigators must be licensed with the Secretary of State.
- Obtain the CJA-21 on the “CJA Forms” section of the “CJA” link on the court’s website.
- An additional form (CJA-002), created by our court, is also required which provides the judge with additional information about the request.
- Failure to obtain prior approval will leave you without payment or with only partial payment, so don’t forget to make the request!

# The CJA-24 Form

- A CJA-24 Form is a request for a transcript from a court reporter.
- Attorneys should not pay for transcripts out of pocket. Use a CJA-24 to make the request and get approval.
- The CJA-24 is sent directly to the presiding judge.
- If the transcript is from an electronic recording, there is an additional form required. All forms are available on the court's website in CJA section.

# The CJA-26 Form

- If your total attorney compensation bill exceeds the following, you must submit a CJA-26:
  - For felonies, \$9,700
  - For petty offenses, \$2,800
  - For supervised release revocation matters, \$2,100
  - For probation violation matters, \$2,100
  - For target letter representations, \$2,100
- These limits apply only to attorney compensation, not including expenses.

# The CJA-26 Form

- In order for an excess compensation bill to be paid, the judge must determine that the case is either
  - Extended, as in length of time, AND/OR
  - Complex
- In your CJA-26 or equivalent memo, you must explain why your case is either extended or complex, or both.
- I must have enough information to make a good argument to the presiding judge and the Chief Judge of the Fourth Circuit, so BE SPECIFIC!

# Reasonableness Review

- Things that I look for:
  - Time spent on any given entry
    - Research (will find typos lots of times on number of hours, i.e., 3.0 versus 0.3)
    - Time spent with client
    - Proximity of trial/hearing prep and actual trial or hearing
  - Number of times visiting client
  - Amount of research and timeliness
  - How much of the case travel accounts for
  - Bundling, incomplete entries

# Reasonableness Review

- The judges
  - Memorandum is prepared with procedural history of the case, summary of biggest time factors on the voucher and recommendations for payment.
  - They get back to me with items to be investigated further.
- Per the CJA Plan, if there is a proposed reduction in the voucher, the attorney will be notified and given an opportunity to respond.

# Other things you should know about

- Free PACER access
  - [www.pacer.gov](http://www.pacer.gov) or call 1-800-676-6856
- Cost of legal research (Westlaw/Lexis) may be reimbursable
  - Must be reasonable
  - Must include an invoice, no matter the amount
  - If over \$500 and/or if the bill includes costs for downloading or printing, attorney must include a statement of justification ( See Guidelines section 230.63.30.)

# Other things you should know about

- If you are involved in a case in which there has been a withdrawal and appointment of another CJA attorney(s), we must wait until the conclusion of the case and all attorneys have submitted their vouchers before submitting them as one package for approval by the judge.
- All vouchers are subject to an audit.

# Questions?

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