

UNITED STATES DISTRICT COURT

OFFICE OF THE CLERK

DISTRICT OF VERMONT

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February 22, 2005

Dear CJA Panel Member,

Please be advised that your acceptance of an appointment and representation of a defendant in a case is considered by the Court to be an obligation on your part to represent a defendant at every stage of the proceedings, from initial appearance before the Magistrate or the District Judge through appeal, including appropriate ancillary matters. It is also your responsibility to comply with applicable procedures and guidelines with respect to the following information, which you should carefully review.

The enclosed information is governed by the Criminal Justice Act (CJA), Title 18, U.S.C.3006A, and should assist you in the completion of your CJA 20 claim for compensation. Should you have additional CJA guideline questions, the Defender Services Division in Washington has developed a web site that contains Volume VII of the Guide to Judiciary Policies and Procedures. You may access that web site at www.fd.org, or you may contact the undersigned if you have any additional questions. Also, there is additional information and forms available on our website, www.vtd.uscourts.gov.

1. **LIMITATIONS** : (Attorney Services - CJA Form 20)

A. **Hourly Rates** - Prior to May 1, 2002, the hourly rate for in court services was \$75.00. The hourly rate for out of court services was \$55.00. On or after May 1, 2002, the hourly rate is \$90.00 for both in and out of court services. Time must be reported in 1/10 hours only.

B. **Maximum Compensation**

Effective for cases completed prior to 12/8/04:

(1) <u>Felonies:</u>	\$ 5,200
(2) <u>Misdemeanors:</u>	\$ 1,500
(3) <u>Representation in appellate court:</u>	\$ 3,700
(4) <u>Non-capital habeas (i.e., 28:2241, 2254, 2255):</u>	\$ 5,200
(5) <u>Representation before U.S. Parole Commission:</u>	\$ 1,200
(6) <u>Representation in appeal of U.S. Parole Commission:</u>	\$ 3,900
(7) <u>Other (material witness, grand jury witness, supervised release, probation violations):</u>	\$ 1,200

Effective for cases completed on or after 12/8/04:

(1)	<u>Felonies:</u>	\$ 7,000
(2)	<u>Misdemeanors:</u>	\$ 2,000
(3)	<u>Representation in appellate court:</u>	\$ 5,000
(4)	<u>Non-capital habeas (i.e., 28:2241, 2254, 2255):</u>	\$ 7,000
(5)	<u>Representation before U.S. Parole Commission:</u>	\$ 1,500
(6)	<u>Representation in appeal of U.S. Parole Commission:</u>	\$ 5,000
(7)	<u>Other (material witness, grand jury witness, supervised release, probation violations):</u>	\$ 1,500

- C. **CLAIMS IN EXCESS** - Claims for services of court appointed counsel in excess of the maximum amounts must be accompanied by a detailed memorandum, supporting and justifying that the representation given was in an extended or complex case and that excess payment is warranted to provide fair compensation.

2. **REIMBURSABLE OUT-OF-POCKET EXPENSES**

A. **Travel Expenses**

Travel by privately owned automobiles should be claimed at the mileage rates below plus parking fees, tolls, etc.

- 34.5 cents per mile up to January 14, 2002;
- 36.5 cents per mile up to January 1, 2003;
- 36 cents per mile up to January 1, 2004;
- 37.5 cents per mile up to February 3, 2005;
- 40.5 cents per mile on or after February 4, 2005

B. **Travel outside the District**

If travel outside the District is deemed necessary, arrangements can be made and Government rates obtained through the National Travel Center. You must complete and submit a Travel Authorization Form to the CJA Administrator. You will be notified when travel has been authorized and may then proceed to make your travel arrangements by following the instructions in the Travel Authorization Form.

C. **Supporting Documentation**

All travel expenses and miscellaneous expenses which exceed \$50.00 must be supported by documentation (receipts, canceled checks, etc.).

3. **INVESTIGATIVE, EXPERT AND OTHER SERVICES : (CJA Form 21)**

A. **Excess Compensation:**

For expert services rendered prior to 12/8/04, prior court approval is required for these services if anticipated to exceed \$300. Case compensation maximum is \$1,000 per service provider.

For expert services rendered on or after 12/8/04, prior court approval is required for these services if anticipated to exceed \$500. Case compensation maximum is \$1,600 per service provider.

B. **Interpreter Services:** Requests for interpreter services should be approved prior to contacting and engaging the services of an interpreter.

4. **SERVICE OF PROCESS** - Witness fees, travel costs, and expenses for service of subpoenas on witnesses, are not payable out of the CJA appropriation (see Volume VII of the Guide to Judiciary Policies and Procedures for Counsel Appointed under the Criminal Justice Act, Section 2.28(E)), but are governed by Rule 17, Fed. R. Crim. P. and 28 U.S.C. §1825.

5. **PUBLIC DISCLOSURE OF CJA ATTORNEY PAYMENT INFORMATION**

The Criminal Justice Act (CJA), 18 U.S.C. § 3006A, was amended in 1998 to require that the amounts paid to court-appointed attorneys be made publicly available upon the court's approval of the payments (see the Notice of Public Disclosure on our website).

6. **EXEMPTION FROM ELECTRONIC PUBLIC ACCESS FEES** - Attorneys appointed under the Criminal Justice Act (CJA) are exempt from payment of electronic public access (EPA) fees for work that is performed pursuant to such appointment in all federal courts. Please contact the PACER Service Center at (800) 676-6865 to establish your exempt account.

7. **FORMS** - You will find the following forms, which you may be required to submit, on the USDC, VT web site.

A. **CJA Form 20** - Appointment of and Authority to Pay Court Appointed Counsel and instructions.

B. **CJA Form 21** - Authorization and Voucher for Expert and Other Services and instructions.

C. **CJA Form 24** - Authorization and Voucher for Payment of Transcript and instructions.

8. **Procedure and Order to Obtain Interim Payments** - When it is considered necessary and appropriate in a specific case, counsel may make an application to the presiding district judge for interim payments. The CJA Administrator will prepare and submit an order to the district judge for authorization for interim payments. If excess compensation is anticipated, written approval must be obtained from the chief judge of the Second Circuit before interim payments are made. Interim payments, if approved, will be made at two-thirds of the claim amount. The final one-third of the claim amount will be included in the final payment for the case.

A motion to be relieved as the assigned counsel for a defendant after sentencing by this Court is to be filed with the Clerk of the United States Court of Appeals and the motion will be disposed of by the United States Court of Appeals.

Very truly yours,

RICHARD PAUL WASKO, CLERK