

## **Advance Authorization of Expenditures for Investigative, Expert, or Other Services**

**Approval Required:** Title 18 U.S.C. 3006A(e)(1) provides that counsel for an indigent defendant may, in an *ex parte* application, request “investigative, expert, or other services necessary for adequate representation.” A district judge, and not a magistrate judge, must approve such requests unless “the services are required in connection with a matter over which [the magistrate judge] has jurisdiction.” *Id.* The practical effect of this is that almost all such requests must be approved by a district judge and not a magistrate judge.

**Cost of Services will not exceed \$800:** If the cost of the services will not exceed \$800, prior approval is not required. § 3006A(e)(2)(A). However, since the need for the services and the bill are subject to later review by the court, such requests should be made in advance whenever possible.

**Cost of Services will exceed \$800:** If the cost of the services will exceed \$800, the request must be made in advance. If prior approval has not been obtained, the court can approve an expenditure after the fact if the court finds that the expenditure was in the “interest of justice” and that “timely procurement of [the services] could not await prior authorization.” § 3006A(e)(2)(B). It is the rare case, however, where advance authorization cannot be obtained.

**Cost of Services will exceed \$2,400:** Expenditures exceeding \$2,400 will not be paid unless the court certifies that payment in excess of that limit is “necessary to provide fair compensation for services of an unusual character or duration,” and “the amount of the excess payment is approved by the chief judge of the circuit.” § 3006A(e)(3).

**CJA form 21 and Addendum Form.** CJA form 21, entitled “Authorization and Voucher for Expert and Other Services,” must be used to request authorization and payment for these services. A copy of this form is attached. In completing the form, instead of putting a “Description” in Block 13, it should state “See Addendum,” and the attached “Addendum” should be completed and submitted with the form (unless the request is for routine interpreting services costing \$800 or less, in which case the Addendum does not have to be completed). The CJA form 21 and the Addendum must be submitted together to the Clerk of Court. The Clerk of Court will transmit the forms to the appropriate judicial officer.

**Forms Available on Website:** Both the CJA form 21 and the Addendum form are available for downloading from the court’s website at [www.iand.uscourts.gov](http://www.iand.uscourts.gov).



Case name and number: \_\_\_\_\_

**ADDENDUM to CJA form 21**  
**[Block 13-DESCRIPTION AND JUSTIFICATION FOR SERVICES]**

Name and address of investigator, expert, or other service provider:

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Type of service (e.g., investigative, accounting, chemical analysis, psychiatric):

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Explain what it is about this case that makes these services necessary or helpful:

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Give a specific description of what you expect the investigator, expert, or other service provider to do to help you prepare your case, stating how much time you expect the service provider to spend completing each assigned task: \_\_\_\_\_

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Describe in detail what you hope to accomplish by retaining these services, giving a description of the nature of the evidence and/or testimony you hope to develop as a result of the requested expenditure: \_\_\_\_\_

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State why the attorney cannot perform these services without retaining an investigator, expert, or other service provider: \_\_\_\_\_

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\_\_\_\_\_  
\_\_\_\_\_

Describe your efforts to obtain the services of the investigator, expert, or other service provider at a lower cost: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If the investigator, expert, or other service provider is not from the community where court will be held, describe your efforts to obtain these services locally: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

How much has already been expended on investigators, experts, and other service providers in this case:

\$ \_\_\_\_\_

Estimated additional cost for the requested services:

\$ \_\_\_\_\_

Estimated **total amount** of both the amounts already expended on investigators, experts, and other service providers in this case, plus the additional cost for the requested services:

\$ \_\_\_\_\_