

Robert L. Phelps
CLERK

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF IOWA
CEDAR RAPIDS, IOWA 52401**

101 First St. SE
319-286-2300

Rev. 1/29/08

NOTE: REVISIONS TO MAXIMUM AMOUNTS

Re: Instructions for completion of CJA forms:

Dear Counsel,

Enclosed is a CJA 20. Please review the boxes which have been completed by this office. Pay particular attention to the date of appointment in Box 13 to make sure it reflects the date that you began work on this file and promptly advise this office if any charges were incurred prior to that date.

Your compliance with the following instructions will allow us to process your claim in an expeditious manner. If you have questions please feel free to call.

INSTRUCTION FOR COMPLETION OF CJA 20:

1. Time to Submit Voucher: Vouchers should normally be submitted no later than 45 days after the final dispositions of the case. proper award.

INTERIM PAYMENTS: In exceptional cases which are extended or protracted, or where other exceptional circumstances exist, you may submit a request for payment before the case is terminated. These requests are not granted routinely and generally require approval by the Eighth Circuit Court of Appeals so if you are seeking such payment you should file a motion asking for an interim payment which will be ruled upon by the judge.

2. Maximum hourly rates :

The following rates are currently in effect and must be separated by counsel if prompt payment is desired.

a. Out of Court

1. \$45/hr for time prior to January 1, 2000.
2. \$50/hr for time after January 1, 2000.
3. \$55/hr for time after April 1, 2001
4. \$90/hr for time after May 1, 2002
5. \$92/hr for time after 1/1/2006
6. \$94/hr for time after 5/20/2007
7. \$100/hr for time after 1/1/2008

b. In Court

1. \$65/hr for time prior to January 1, 2000.
2. \$70/hr for time after January 1, 2000.
3. \$75/hr for time after April 1, 2001
4. \$90/hr for time after May 1, 2002
5. \$92/hr for time after 1/1/2006
6. \$94/hr for time after 6/20/2007
7. \$100/hr for time after 1/1/2008

3. The maximum per case amounts which may be paid without approval of the Eighth Circuit Court of Appeals are:

- | | |
|-------------------------|-----------|
| a. Felony | \$7,000. |
| b. Misdemeanors | \$2,000. |
| c. Parol | \$ 1,500. |
| d. Other | \$ 1,500. |
| e. Habeas (non-capitol) | \$ 7,000. |

In determining whether your claim exceeds these amounts do not include expenses.

If your charges exceed these amounts they must be approved by the Eighth Circuit Court of Appeals before payment and you must attach a letter setting out in detail that the case was either complex or extended and that the amount claimed is necessary to provide fair compensation.

4. Supporting Documentation: Before paying any claim it must be properly documented. Please refer to Attachment A for the form this supporting documentation should take. You may use either our forms or your own form provided it contains the required information.

5. Expense Reimbursement: Before payment can be made expense claims must be properly documented. Claims in excess of \$50. must be supported by a receipt or other explanation. If properly documented out-of-pocket expenses reasonably incurred may be claimed on the CJA 20 these include the following:

a. **Travel:**

1. Travel by a privately owned automobile may be claimed at a rate of 48.5 cents per mile. You may also claim parking and other related expenses. Other means of transportation should be claimed on an actual expense basis.

2. Counsel's expenses for meals and lodging, incurred in the representation of defendant may also be claimed.

3. In determining whether actual expenses incurred are "reasonable," counsel should be guided by the prevailing limitations placed upon travel and subsistence expenses of the Federal judiciary in accordance with existing government travel regulations.

b. **Copy fees:** may claimed at the actual expense not to exceed .10 for in house copies.

c. **Law Students/ Paralegals:** The actual cost not to exceed what is paid by the attorney to his/her paralegal as as current hour wage incurred for law student or legal assistant research may be claimed. A description of the work performed, time spent and hourly wage paid must be set out. Law Clerk expenses may not be claimed.

d. **Computer Assisted Research:** The cost of computer assisted research may be claimed **if accompanied by a**

statement of the issue researched and an estimate of the time required for manual research and the bill is attached.

e. If the claim is for more than \$50. a receipt is required.

f. Expenses must be itemized on the attached standard form or the equivalent.

5. THE FOLLOWING ITEMS MAY NOT BE CLAIMED:

a. General office overhead.

b. Items of a personal nature purchased on behalf of defendant.

c. Filing fees

d. Printing Briefs

e. Witness/Service fees. These must be handled under FRCrP17 and 28 U.S.C. 1825.

1. An application must be filed requesting the court to issue subpoenas.

This application may be submitted ex parte and must establish that defendant is financially unable to pay the fees of the witness and the presence of the witness is necessary to an adequate defense.

2. When the order is entered the clerk will issue signed and sealed subpoenas. The subpoena must be completed by you and contain the case name, case number and last known residence of the party being subpoenaed. The completed subpoena should then be delivered to the Marshal for service.

3. The Judge will certify the witnesses attendance and witness checks are issued by the U.S. Marshal and will be mailed to the witness. If a witness will require immediate payment you should notify the U.S. Marshal at the start of the trial.

f. **Transcript fees must** be claimed on a CJA 24. Where multiple parties require transcripts we will only pay for one copy. Counsel should coordinate with co-counsel or the Clerk's office to have the original transcript copied. If copy costs are incurred they also should be claimed on the CJA 24.

g. Investigative, expert or other services including interpreters must be claimed on a CJA 21.

The original CJA21 and provider's billing invoice should be sent to the panel administrator in Des Moines.

B. CJA 21:

1. This form **must** be used to seek payment of expenses for and reimbursement of expert or other services under 18 U.S.C 3006A(e). Under the CJA the court may approve expenses for investigators, psychiatrists, psychologists, interpreters, neurologists and laboratory experts in the area of ballistics, fingerprinting, handwriting, etc.

2. Requests to exceed the limit should be made to the presiding judge or magistrate judge. If you desire the information to be confidential the request may be made ex parte. The request must set out in detail for the need for the services sought.

3. **PRIOR AUTHORIZATION** is required for:
a. Where the cost (exclusive of expenses) will exceed \$500..
b. Circuit approval is also required where the cost (exclusive of expenses) exceeds \$1,600..

Failure to obtain prior authorization will result in the disallowance of the claim in the excess amount unless the court, in the interest of justice finds that timely procurement of necessary services could not await prior authorization.

C. CJA FORM 24:

1. This form **must** be used to claim reimbursement for transcripts.

2. Where multiple defendants desire copies of the same transcript the Clerk's office should be contacted to make arraignments for copying the transcript.

A copy of the Guidelines for the Administration of the Criminal Justice Act, Volume VII, Guide to Judiciary Policies and Procedures, is located in the office of the clerk. Likewise questions may be addressed to the Clerk.