

I. General Instructions for CJA Forms 20 & 30 - Appointment of and Authority to Pay Court Appointed Counsel - and CJA Forms 21 & 31 - (Authorization and Voucher for Expert and Other Services)

A. Rules for Processing Voucher Payments

1. Billing Statements and Required Detail

- a. CJA Forms are computer-generated. CJA counsel will receive a copy of the original CJA Form 20 (non-capital representation) or 30 (capital representation) voucher after appointment. The original is docketed and placed in the court file. Counsel can obtain a CJA Form 21 (non-capital case) or 31 (capital case) for use with investigative and other services providers from the Second Circuit's website. Additional CJA forms always can be found on the Circuit's website.
- b. A voucher number will not appear on the face of the voucher. The voucher number is generated when the voucher is certified for payment.
- c. Vouchers must be filed **within 45 days** after the conclusion of representation, absent good cause. If counsel submit vouchers outside of the time limits without good cause, counsel risk not being paid for the representation. When submitting a voucher outside the 45-day time period, an affidavit setting forth good cause must be attached. Counsel is responsible for advising their service providers of this voucher submission requirement.
- d. When your representation ends, please complete, sign and return all vouchers, including those for attorneys (CJA Form 20/30) or experts (CJA Form 21/31) to:

Court of Appeals:

Richard Alcantara
Administrative Manager
U.S. Court of Appeals
40 Foley Square
New York, NY 10007
212-857-8610

Southern District of New York:

Tracy Rubino
CJA Docket Clerk
U.S. Courthouse
500 Pearl Street
New York, NY 10007
212-805-4054

Eastern District of New York:

Laura Rios
Case Processing Clerk
Alfonso D'Amato U.S. Courthouse
100 Federal Plaza
Central Islip, NY 11722
631-712-6024

Northern District of New York:

Robin L. Smith
Administrative Assistant
James M. Hanley Federal Building
100 South Clinton Street
Syracuse, NY 13261
315-234-8513

Western District of New York:

(Rochester)

Susan Oogjen
Administrative Clerk
U.S. District Court
100 State Street
Rochester, NY 14614
585-613-4000

(Buffalo)

Lisa Ball
Financial Operations Supervisor
U.S. District Court
304 U.S. Courthouse
68 Court Street
Buffalo, NY 14202
716-551-4211

District of Connecticut:

(Non Death Cases)

Bonnie D'Onofrio
CJA Audit Clerk
450 Main Street
Hartford, CT 06103
860-240-3205

District of Vermont:

Lisa Wright
Case Administrator
United States District Courthouse
506 Federal Building
11 Elmwood Avenue
Burlington, VT 05401
802-951-6395

- e. Vouchers and worksheets must be typewritten and submitted on the CJA fillable forms found on the Circuit and District Court websites.
- f. Computer generated time slips (even if the entries are organized by the categories on the CJA Form 20 or 30) cannot be used. The purpose of this provision is to have all timesheets look alike to expedite the review process.
- g. Worksheets must provide the date of service, a brief description of the service performed and the time expended.
- h. Failure to adhere to this Manual's provisions may result in processing and payment delays.
- i. Questions regarding the status of pending vouchers should be directed to the CJA contacts above in the court where the work is performed.

- j. Each worksheet page must provide the case name and docket number and be numbered sequentially.
- k. Panel attorney time must be reported in tenths of hours.

B. Voucher Review

- 1. Vouchers are reviewed by the CJA Clerk's Office for:
 - a. Technical compliance with these Guidelines and this manual, as well as completeness.
 - b. Mathematical accuracy.
Vouchers which fail such review may be returned for correction and re-submission.
- 2. Reasonableness of claim is a matter addressed to the discretion of the judge presiding over the matter and the Chief Judge of the U.S. Court of Appeals for the Second Circuit or his designee if the voucher exceeds the statutory maximums.

C. Approval for Payment

- 1. Vouchers under the statutory case compensation maximum or interim vouchers are approved for payment by the presiding judge.
- 2. Excess Compensation Vouchers, including final interim vouchers, are reviewed by the CJA Clerk's Office and forwarded to the presiding judge for approval or reduction. The judge will approve and certify an amount for payment (see voucher reduction procedures which follow in Section I (E) and explain the voucher reduction review process) and forward the voucher for final approval to the Chief Judge of the Court of Appeals or his or her designee.

D. Social Security and Employer Identification Numbers

- 1. The current payment system uses social security numbers for identification.
- 2. Your social security number or employer identification number will not appear on the face of the voucher.
- 3. Your payment information was entered in the payment system in accord with your instructions on how your income is to be reported.

4. If there is any change in how your income should be reported, notify the CJA Clerk's Office prior to the payment of the voucher.

E. Voucher Reduction Procedures

1. Prior to the reduction of any voucher, other than for mathematical or technical errors, or the denial of certification for payment, the CJA panel attorney shall receive notice and a brief statement of the reason for the denial or reduction. The CJA attorney will then be allowed to submit a written statement addressing the matter to the judge handling the voucher.
2. Any request for reconsideration must be submitted to the CJA Clerk's Office **within 10 days** of notification of the proposed reduction or denial unless good cause is shown.
3. The presiding judge or the Chief Judge of the Circuit or his designee will review a timely submitted request for reconsideration and may grant it in full, in part, or not at all.
4. This decision is final and will be communicated to the CJA panel attorney.

F. Hourly Rates and Case Compensation Maximums for CJA Attorneys

1. The present hourly rate for in-court and out-of-court time in non-capital cases for all Districts within the Second Circuit and the Court of Appeals can be found in Appendix "A" along with a list of previously authorized rates with their effective periods.
2. The maximum hourly rate for in-court and out-of-court hours in capital cases for all Districts with the Second Circuit and the Court of Appeals can be found in Appendix "B" along with the previous rates with their effective periods.
3. The category of cases and case maximums for attorney fees for which the approval of the Chief Judge of the Court of Appeals (or his or her delegate) must be obtained can be found in Appendix "C".
4. A CJA Form 26 has been substituted for the detailed memorandum previously required for attorney excess compensation claims in the district courts and must accompany voucher claims exceeding the statutory maximum. A CJA Form 27 is required for appellate vouchers exceeding the statutory maximum. (See Circuit's webpage for blank forms)

G. Case Compensation Maximums for Investigative, Expert and Other Service Providers

1. The case maximums for service provider fees for which the approval of the Chief Judge of the Court of Appeals (or his or her delegate) must be obtained can be found in Appendix “C”.
2. Compensation claims for services provided by investigators, experts or other service providers must be billed on CJA Form 21 or 31. Counsel may not claim expert services as an expense of counsel.

H. Presumptive Rates

1. A series of presumptive rates have been established to inform CJA counsel and the Court of what would be an appropriate rate to be paid to a particular service provider.
2. While the presumptive rate appropriate to an associate or a specific type of service provider is discussed in the section of this manual addressing that particular service provider, a presumptive rate chart can be found in the rear of this manual in Appendix “E” and for interpreters specifically, Appendix “F”.
3. Presumptive rates, are rebuttable. Where counsel believes that the presumptive rate does not adequately compensate a particular service provider, counsel may make a written application to the presiding judicial officer for a different rate. Counsel should provide support for this requested rate.