

III. Case-Budgeting

A. Types of Cases Subject to Case-Budgeting

1. Capital Cases: All death eligible cases are subject to case-budgeting. As soon as CJA counsel is assigned to a death eligible case, counsel should contact the Case-Budgeting Attorney for assistance in budgeting the case.
- 2.. Capital Habeas Corpus Petitions: Habeas Corpus proceedings in the District Court from death-related convictions are subject to case-budgeting. Counsel assigned to a capital related habeas case should contact the Case-Budgeting Attorney for assistance with the case-budgeting of this case.
3. Mega-Cases: Other high expense cases also known as “mega” cases also should be budgeted, but case-budgeting is not mandatory.
 - a. A mega-case is defined as:
 - i. A case in which it is anticipated 300 or more attorney hours will be required to be expended in the representation of one defendant, or
 - ii. \$30,000 in total costs are anticipated to be expended in the representation of a single defendant.
 - b. While there are no specific criteria or elements of a case which in and of itself will make a case achieve mega status, there are several identifiable facts which, if present in a particular case, could indicate that a case will become a mega-case. A list of these factors can be found in Appendix “G”.
 - c. CJA counsel assigned to a case where one or more of these factors are present or where it is believed that the matter may achieve mega status, should contact the Case-budgeting Attorney for assistance in determining whether case-budgeting would be appropriate in this case.

B. CJA Forms to Be Used When Case-Budgeting

1. When budgeting a death eligible case, a death related habeas proceeding or a mega-case, the regular paper CJA forms will not be used for the billing of attorney and associate hours. Special forms utilizing Excel

spreadsheets will be used. These forms may be obtained from the Case-Budgeting Attorney as well as a manual which explains how to use the Excel spreadsheets.

2. While case-budgets, in all three categories of cases, shall be prepared on the Excel spreadsheet programs, only the attorneys and associates will use the spreadsheets to submit their vouchers. Service providers will continue to submit their vouchers on the standard paper CJA Forms 21 and 31.
3. All questions concerning case-budgeting should be directed to the Case-Budgeting Attorney, Jerry L. Tritz at (212) 857-8726.

C. Direct Appeal from a Death Eligible Case - Compensation Rate

1. If the defendant receives a non-death sentence, but the result of subsequent proceedings (appeal or habeas) may expose the defendant to the death penalty, counsel may be compensated at the capital rate for those proceedings.
- 2.. In those instances where, regardless of the outcome of the appeal or habeas proceeding, a sentence of death will not be a sentencing option, then, in such a case, the capital rate shall not be available and counsel will be compensated at the standard CJA rate.