

## eVOUCHER SUBMISSION CHECKLIST

A QUICK CHECK OF THE FOLLOWING ITEMS WILL HELP FACILITATE TIMELY  
PROCESSING OF YOUR VOUCHER.  
THANK YOU FOR YOUR SERVICE TO THE COURT.

### Appeal Work:

- Create your voucher in eVoucher. Enter your time, expenses, and other information. Attach the required supporting documentation described below:
- CJA 27 or an excess fee memo in lieu of a CJA 27 (if fees exceed limit)**
- Certification form** – this must be included in order for your voucher to be paid.
- Receipts** – Please photocopy your receipt onto an 8x10 sheet and submit the copy document as an attachment to your voucher:
  - ANY SINGLE ITEM OVER \$50
  - OUTSIDE COPY SERVICES (any amount)
  - TRAVEL EXPENSES (any amount)
- COPY OF THE PETITION FOR CERTIORARI** – if the voucher covers work done on a cert petition, attach a copy of the cert petition to your voucher

### Processing of CJA 24s in eVoucher

As of December 1, 2015, CJA 24's will no longer be processed by the Court of Appeals for payment in eVoucher. Please contact the CJA administrator at the originating district court for information about that district's processing of CJA 24 vouchers.

For assistance with CJA vouchers,  
please contact CJA Analyst at [cja\\_request@ca5.uscourts.gov](mailto:cja_request@ca5.uscourts.gov)  
(504) 310-7765

### GENERAL

**Philosophy of the Act:** The bar of the nation owes a responsibility to represent persons financially unable to retain counsel. The compensation provided is not intended to equate to private counsel fees. The hourly rates of compensation fixed by the Criminal Justice Act are designated and intended to be the maximum rates and should be so treated.

All claims for compensation and reimbursement of expenses for representation on appeal shall be itemized in detail and filed with the Appellate Conference Attorneys' Office through eVoucher. Such claims should be filed as promptly as possible.

If an appointed attorney elects not to file a claim, correspondence stating that no claim will be filed should be sent to the Appellate Conference Attorneys' Office.

ALL PAYMENTS MADE PURSUANT TO THE CRIMINAL JUSTICE ACT ARE SUBJECT TO POST–AUDIT. UNLESS TIME ENTRIES ARE MADE IN EVOUCHER CONTEMPORANEOUSLY WITH THE WORK, OTHER CONTEMPORANEOUS TIME AND EXPENSE RECORDS MUST BE MAINTAINED FOR THREE YEARS AFTER APPROVAL OF THE FINAL VOUCHER. ANY OVERPAYMENTS ARE SUBJECT TO COLLECTION, INCLUDING THROUGH DEDUCTIONS FROM FUTURE VOUCHER PAYMENTS.

COMPENSATION

**APPLICABLE HOURLY RATES**

Date of Service	In Court Hourly Rates	Out of Court Hourly Rates
<b>Criminal Appeals (CJA 20)</b>		
May 5, 2017 to present	\$132	\$132
Jan. 1, 2016 to May 4, 2017	\$129	\$129
Jan. 1, 2015 to Dec. 31, 2015	\$127	\$127
March 1, 2014 to Dec. 31, 2014	\$126	\$126
September 1, 2013 to Feb. 28, 2014	\$110	\$110
January 1, 2010 to Aug. 31, 2013	\$125	\$125
March 11, 2009 to Dec. 31, 2009	\$110	\$110
Jan 1, 2008 to March 10, 2009	\$100	\$100
May 20 2007 to Dec. 31, 2007	\$94	\$94
Jan 1, 2006 to May 19, 2007	\$92	\$92
<b>Death Penalty Appeals (CJA 30)</b>		
May 5, 2017 to present	\$185	\$185
Jan. 1, 2016 to May 4, 2017	\$183	\$183
Jan. 1, 2015 to Dec. 1, 2015	\$181	\$181
March 1, 2014 to Dec. 31, 2014	\$180	\$180
September 1, 2013 to Feb. 28, 2014	\$163	\$163
January 1, 2010 to Aug. 31, 2013	\$178	\$178
March 11, 2009 to Dec. 31, 2009	\$175	\$175
Jan 01, 2008 to March 10, 2009	\$170	\$170
May 20 2007 to Dec 31, 2007	\$166	\$166
Jan 1, 2006 to May 19, 2007	\$163	\$163

Please call for information about rates for earlier periods.

IN COURT TIME

In-court time should be limited to time actually spent participating in oral argument on the case for which the CJA attorney is appointed. Other time spent in the courthouse waiting for the case to be called, etc., should be recorded as out of court time.

### MAXIMUM COMPENSATION LIMITS

Payments for representation on appeal in excess of the limitations may be made for extended or complex representation whenever the Court of Appeals certifies that the amount of such excess payment is necessary to provide fair compensation, and such excess payment is approved by a Fifth Circuit judge.

#### *NON-DEATH PENALTY APPEALS*

Pub. L. No. 110-406 amended the CJA to raise the case compensation maximums applicable to appointed panel attorneys in non-capital representations “simultaneously” with aggregate percentage increases in the maximum non-capital hourly compensation rate.

Please refer to the chart below:

**NOTE: ALL LIMITS REFER TO FEES ONLY AND DO NOT INCLUDE EXPENSES.**

DATE OF LAST FEE WORKSHEET ENTRY	CASE MAX
May 5, 2017 to present	\$7300
January 1, 2016 to May 4, 2017	\$7200
January 1, 2015 to December 31, 2015	\$7100
March 1, 2014 to December 31, 2014	\$7000
January 1, 2010 to February 28, 2014	\$6900
March 11, 2009 to December 31, 2009	\$6100
October 13, 2008 to March 10, 2009	\$5600
Before October 13, 2008	\$5000

For other representations required or authorized by the CJA, completed on May 4, 2017, the case compensation maximum is \$2,100. For other representations required or authorized by the CJA, completed on or after May 5, 2017, the case compensation maximum is \$2,200. This category includes, but is not limited to, appeals from the following representations: **probation violations, revocations of supervised release, parole proceedings, and retroactive applications of crack cocaine amendment.**

#### *DEATH PENALTY APPEALS*

Any request for compensation in excess of a total of \$50,000 in federal capital prosecutions and any request for compensation in excess of \$15,000 in § 2254 and § 2255 cases is presumptively excessive. These compensation thresholds apply to the total compensation requested by all attorneys appointed to represent the defendant and include any interim payments.

### **WRIT OF CERTIORARI**

Fees and expenses for preparation of a Petition for Writ of Certiorari to the Supreme Court of

the United States are reimbursable by the 5th Circuit. Attorneys can be reimbursed on the original voucher submitted to this court if all cert work has been completed at the time of submission. If a voucher has already been submitted and paid for prior work on a case, an additional voucher can be completed and marked as supplemental in the “claim status” section of the voucher. Amounts claimed for a Petition for Writ of Certiorari are included in the maximum compensation limits; therefore, if the additional fees requested plus any prior amounts paid cause the total amount to exceed the case maximum, a CJA 27 should be included. **A copy of the Petition for Certiorari must accompany the voucher.**

#### **EXCEEDING THE CASE MAXIMUM**

Any attorney's request for payment that is presumptively excessive, because of the hourly rate, the total amount requested or both, must be justified by the requesting attorney in a written submission filed with the voucher.

If the fees incurred exceed the statutory case maximum, it is necessary to submit one of the two documents listed below with your voucher:

1. The CJA 27 Supplemental Information Statement for Compensation in Excess of the Statutory Case Compensation Maximum form justifying the amount claimed (a memorandum containing the equivalent information is also acceptable, and in some circumstances may be more practical than using the form),

#### **OR**

2. A letter of acceptance of the maximum compensation stating that all fees over the statutory maximum are waived. Once fees are waived, no further fee submissions for the work will be considered.

#### **COMPENSATION AND EXPENSE OF ASSOCIATE ATTORNEYS**

A separate Fees Worksheet for each person for whom fees are claimed must be submitted with the CJA voucher. Appointed counsel may claim compensation for services furnished by a partner or associate, but the aggregate fees remained subject to the presumptive limits. However, the court expects court appointed counsel to have taken the lead in the preparation of the brief and to present oral argument, if argument is allowed. Appointed counsel who wish to obtain the assistance of attorneys who are not partners or associates must obtain prior approval.

Each voucher must be accompanied by a form certifying that counsel personally performed all work reported on the worksheets submitted with the voucher or that work reported on the worksheets by anyone other than appointed counsel has been reported separately with clear identification of that individual and his or her business relationship with counsel. Claims by associate counsel for in-court services and travel expenses in connection with oral argument cannot be allowed unless specific prior authorizations is obtained.

## COMPENSATION FOR SUBSTITUTED ATTORNEYS

If an attorney is substituted for an attorney previously appointed in the same case, the total compensation that may be paid to both attorneys may not exceed the statutory maximum for one defendant, unless the case involves extended or complex representation.

## COMPENSATION FOR SERVICE PROVIDERS

### INVESTIGATIVE, EXPERT, AND OTHER SERVICES

Appointed counsel may obtain investigative, expert, and other services necessary for adequate representation in accordance with the procedures set forth in subsection (e) of the Criminal Justice Act (CJA), 18 U.S.C. §3006A. Prior authorization is required for all such services where the cost, excluding expenses, will exceed \$800. Failure to obtain prior authorization will result in the disallowance of any amount claimed for compensation in excess of \$800, unless the presiding judicial officer, in the interest of justice, finds that timely procurement of necessary services could not await prior authorization. Payment for these services should be claimed directly by the service provider on a CJA Form 21 for non-death penalty appeals or on a CJA Form 31 for death penalty appeals.

### LAW STUDENTS, LEGAL ASSISTANTS, & PARALEGALS

Work performed by a law student, legal assistant, and/or paralegal must be detailed on the Law Student/Legal Assistant/Paralegal worksheets and the claim for compensation should be made separately on a Form CJA21. A separate worksheet is required for each person providing services. Without prior approval, attorneys will be reimbursed a maximum \$25 per hour up to \$800 for Law Student/Legal Assistant/Paralegal fees. Compensation exceeding \$800, or higher hourly rates, must be pre-approved by the Senior Appellate Conference Attorney. Attorneys' written request to exceed the maximum should be submitted **via email to [cja\\_request@ca5.uscourts.gov](mailto:cja_request@ca5.uscourts.gov) or via facsimile transmission to CJA Analyst at (504) 310-7583.**

## **TRAVEL**

Please contact [cja\\_travel@ca5.uscourts.gov](mailto:cja_travel@ca5.uscourts.gov) for travel authorization.

### **ORAL ARGUMENT**

Time & expenses for travel to oral argument are reimbursable. Prior authorization must be obtained if counsel wishes to have airfare paid for directly by the government or if expenses will be more than would be required to travel to the location of the oral argument by the most economical means and lodging for a single night's stay. If counsel wishes to have travel paid for directly by the government, travel arrangements may be made through National Travel, by calling 1-800-445-0668 after travel authorization is obtained. Tickets arranged through National Travel will be billed directly to the government. Travel must be by method of transportation which will result in the greatest advantage to the government, cost and travel time considered, and claimed on an actual expense basis.

### **CLIENT VISITS**

Time and expenses for a visit to the client are reimbursable but must be pre-authorized by the Senior Appellate Conference Attorney unless the total round trip travel time does not exceed 4 hours. All client visits requiring overnight accommodations, air travel, or more than 4 hours driving time – round trip – must be requested in writing (e-mail is preferred).

### **TRAVEL TIME**

Compensation shall be approved for time spent in necessary and reasonable travel. Allowable time for travel includes only those hours actually spent in or awaiting transit. Accordingly, if a trip necessarily and reasonably requires overnight lodging, compensable travel time to the destination from the attorney's home or office would terminate upon arrival and check-in at the hotel or other place of accommodation plus travel time returning directly to the attorney's office from the destination. Whenever a traveler uses a private automobile in lieu of a commercial airline for official purposes as a matter of personal preference, or if travel has multiple purposes, the court will determine whether the travel time should be reduced or apportioned. The court will compensate the appointed attorney for that portion of the travel time reasonably attributable to the performance of the attorney's duties under the Act.

### **TRAVEL EXPENSES**

Travel-related expenses that are incidental to the representation (e.g., transportation, lodging, meals, parking, and mileage) must be itemized on the Travel Expense Worksheet and will be reimbursed on an actual expense basis. Counsel should be guided by the prevailing limitations for travel and subsistence expenses of federal employees. Travel expenses for oral argument purposes will be limited to a total of one and one-half days. Receipts are required when the voucher is submitted for payment. Any special travel expenses other than for travel to and from the place of hearing and maintenance there should not be incurred by any attorney or other representative appointed under this Plan without a prior *ex parte* application to and approval by the Court.

## LOCAL TRANSPORTATION

All local travel will be accomplished by the most economical means possible, and claimed on an actual expense basis.

## COMMERCIAL AIRFARE

Pursuant to Section 702 of the Federal Courts Administration Act of 1992, Public Law 102-572, 106 Stat. 4506, attorneys are authorized to obtain government travel for providing representation under the Criminal Justice Act. Whenever a traveler purchases airline tickets directly, payment for such travel shall be limited to the Government rate available through National Travel or the least expensive rate available, whichever is less. Air travel in first class, business class or other upgraded accommodation is prohibited.

## TAXI CAB FARE

For airport cab fare in New Orleans, this court pays a maximum rate of \$66 plus tip round-trip for oral argument.

## AUTOMOBILE TRANSPORTATION

If travel is by automobile the total mileage cost shall not exceed the fare authorized by National Travel for economy travel by air, except in an emergency, or in other unusual circumstances. Reimbursement for travel by privately owned automobile shall not exceed the current government authorized rate for official travel per mile on a straight mileage basis, plus parking and tolls. Fuel and other expenses of automobile ownership are included in the per-mile rate.

### MILEAGE RATES

Date of Service	Rate
1/1/1 – present	535.0¢
1/1/16 – 12/31/16	54.0¢
1/1/15 – 12/31/15	575.0¢
1/1/14 – 12/31/14	56.0¢
1/1/13 – 12/31/13	56.5¢
4/17/12 - 12/31/12	55.5¢
1/1/11 - 4/16/12	51.0¢
1/1/10 – 12/31/10	50.0¢
1/1/09 – 12/31/09	55.0¢
7/1/8 – 12/31/08	58.5¢
1/1/08 – 6/30/08	50.5¢
2/1/07 – 12/31/07	48.5¢
1/1/06 - 1/31/07	44.5¢

Attorneys wishing to drive long distances instead of using reasonably available air travel should request pre-authorization to determine to what extent travel time and mileage are reimbursable.

## OTHER EXPENSES

### OFFICE EXPENSES

The statutory fee is intended to include compensation for general office overhead. General office overhead includes office expenses that would normally be covered by the fee and not charged separately to the client, such as regular office supplies, overtime, secretarial services, rent, and local telephone services. Therefore, except in extraordinary circumstances, personnel costs, rent, telephone service, and secretarial help (whether regularly or specially employed and even if counsel has no regularly employed secretary) are not reimbursable.

### PHOTOCOPYING

#### Outside Copy Service

Actual costs not to exceed 25¢ per page will be paid. **All claims for outside copying expenses must be accompanied by a receipt.**

#### In-House Copies

Actual costs not to exceed 15¢ per page will be paid.

### POSTAGE

This must be accomplished by the most economical means possible and claimed on an actual expense basis. The court will not reimburse for certified mail, return receipt, or tracking. **Receipts are required for all claims over \$50.**

### COURIER SERVICE

#### Non-Death Penalty Appeals

Routine documents ordinarily should be prepared in time to permit use of the least expensive services available. **The court will not reimburse for overnight mail/courier services in non-death penalty cases, except as follows:**

*Arranging To Pay For Shipping The Record On Appeal: Effective November 1, 2004, 5th Cir. R. 30.1 allows the clerk to “require the party receiving” the record on appeal to “pay reasonable shipping costs as a condition of receiving the record.” See [www.ca5.uscourts.gov](http://www.ca5.uscourts.gov).*

#### Death Penalty Appeals

The court will pay for express mail in Death Penalty cases, provided a copy of the receipt is attached when the voucher is submitted for payment.

### LONG DISTANCE CHARGES

Long distance calls must be accomplished by the most economical means possible and claimed on an actual expense basis. Receipts are required for all claims over \$50.

#### *COMPUTERIZED LEGAL RESEARCH*

Reasonable charges for computerized legal research that is specific to the client will be paid. Such research must be accomplished by the most economical means possible and claimed on an actual expense basis. Receipts are required for all claims over \$50 and must indicate to which specific client the charge relates. Flat fees for subscriptions to research services, charges for equipment and the like are considered overhead and are not reimbursable.

#### *FILING FEES*

Parties represented in cases covered by the Act are not required to pay filing fees or print their briefs on appeal.