

Dear Counsel:

Effective December 15, 2010, any voucher submitted for payment by this court must also include the attached form, signed by CJA appointed counsel, certifying that:

- all work reported on the worksheets was performed by appointed counsel,
 - or, if compensation is sought for work performed by anyone else,
- any such work, performed by a person other than appointed counsel, has been reported on a separate worksheet, with the other person clearly identified and that person's business relationship with appointed counsel accurately described.

Unless the court has approved counsel's obtaining the assistance of other attorneys **in advance**, the only people for whom payment may be requested at the CJA attorney rate are *bona fide* partners and associates of appointed counsel.¹

For a person other than a *bona fide* partner or associate of appointed counsel, the amount paid will in no case exceed the amount actually earned by and remitted to the timekeeper. Invoices and any other documentation of payment must be attached to the voucher.

Without advance approval, the sole provision under which persons other than a partner or associate may be paid for legal work is that for paralegals / legal assistants / law clerks. This time must also be reported separately and clearly identified on court-approved paralegal / legal assistants / law clerk worksheets. Paralegals / legal assistants / law clerks are presumptively limited to \$25 per hour and \$500 total per case. Form CJA-21 or CJA-31, should be used for the submission of these claims, not form CJA-20 or CJA-30.

CJA appointed counsel may request payment at the regular CJA rate for their own time spent communicating with others who assist in the case, or for reviewing their work. However, split fees, percentage arrangements, or mark-ups are not allowed.

Questions, requests for prior approval, and requests for payment in excess of the presumptive limits applicable to paralegals / legal assistants / law clerks should be directed to Joseph St. Amant at 504-310-7762 or at joseph_st_amant@ca5.uscourts.gov.

¹ A partner is an attorney with whom appointed counsel practices in an ongoing formal business relationship in which the partners (or shareholders, if the firm has corporate form) share receipts and expenditures through an established mechanism applicable generally to matters handled by the firm. An associate is an attorney employed by appointed counsel or counsel's firm who is provided with office space and general supervision, and whose overhead expenses and payroll taxes must be met by counsel or by the firm. If appointed counsel is an associate of another attorney or of a law firm, the employing attorney, and partners and other associates of the firm, qualify as well.

A partner or associate must also be admitted to practice before a court listed in Federal Rules of Appellate Procedure Rule 46(a)(1) and eligible for admission to the bar of this court. Application for admission to this court's bar is not necessary unless the partner or associate enters an appearance in the case.

Ad hoc arrangements applicable to a specific case or group of cases do not qualify, nor do relationships limited to CJA cases only. Office-sharing agreements, in which expenses but not revenues are shared, must be distinguished as well. In order to avoid later misunderstandings, any question about arrangements with unusual structures should be brought to our attention before anyone other than appointed counsel does work on the case.

**UNITED STATES COURT OF APPEALS
FIFTH JUDICIAL CIRCUIT**

Case Name: _____

Case No.: _____

CERTIFICATION

I certify that I personally performed all work reported on the worksheets provided with this voucher.

OR

I certify that all work performed by anyone other than me has been reported separately from my own work on the worksheets provided with this voucher. The person performing the work is clearly identified, and that person's business relationship with me accurately described.

Appointed Counsel

Date

Please Print Name

The completed form can be submitted via the same methods used for voucher submission, detailed on the front page of our website at <http://www.ce5.uscourts.gov/cja/>. If you email or fax, you do not need to send an original via US mail.