



ADMINISTRATIVE OFFICE OF THE
UNITED STATES COURTS

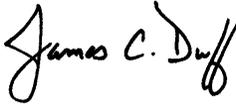
JAMES C. DUFF
Director

WASHINGTON, D.C. 20544

December 29, 2015

MEMORANDUM

To: Judges, United States Courts of Appeals
Judges, United States District Courts
United States Magistrate Judges
Circuit Executives
Federal Public/Community Defenders
District Court Executives
Clerks, United States Courts of Appeals
Clerks, United States District Courts
Senior Staff Attorneys
Circuit CJA Case-Budgeting Attorneys/CJA Supervising Attorneys

From: James C. Duff 

RE: IMPLEMENTATION OF INCREASES UNDER THE CRIMINAL JUSTICE ACT OF
PANEL ATTORNEY HOURLY RATES AND OF SELECT CASE COMPENSATION
MAXIMUMS FOR ATTORNEYS AND SERVICE PROVIDERS
(IMPORTANT INFORMATION)

The judiciary's Defender Services account received sufficient fiscal year 2016 funding in the "Consolidated Appropriations Act, 2016" to increase the Criminal Justice Act (CJA) panel attorney hourly rates from \$127 to \$129 for non-capital work and from \$181 to \$183 for capital work performed on or after January 1, 2016. Where the appointment of counsel occurred before this effective date, the new compensation rates apply to that portion of services provided on or after January 1, 2016.

As set forth below, the change in the non-capital hourly rate results in an increase to three of the four panel attorney case compensation maximum amounts. In addition, the federal pay raise will have an impact on one of the investigative, expert, or other services ("services") maximums.

CJA Panel Attorney Case Compensation Maximums in Non-Capital Representations

The rise in the non-capital hourly rate to \$129 results in a \$100 increase to the waivable case compensation maximum amounts for non-capital representations of \$9,900, \$7,100, and \$2,800, excluding expenses, to \$10,000, \$7,200, and \$2,900, respectively.¹ The other panel attorney case compensation maximum amount of \$2,100 remains the same. The JNet charts, Hourly Rates for CJA Panel Attorneys and Waivable Case Compensation Maximums for Non-Capital Cases, indicate the new and previous hourly rates and case compensation maximums. The charts in the publicly-accessible Guidelines for Administering the CJA and Related Statutes (CJA Guidelines, Vol. 7, Part A, *Guide to Judiciary Policy*) are in the process of being revised.

These new case compensation maximums apply to a voucher submitted by appointed counsel if that person furnished any CJA-compensable work on or after January 1, 2016. The former case compensation maximums apply to a voucher submitted by appointed counsel if that person's CJA-compensable work on the representation was completed before January 1, 2016.

Investigative, Expert, or Other Services Case Compensation Maximum in Non-Capital Representations

The waivable case compensation maximum amount of \$2,400, excluding expenses, which is included in subsection (e)(3) of the CJA, increases \$100 to \$2,500.² The \$2,500 compensation maximum applies to each individual service provider in a non-capital representation. See CJA Guidelines § 310.20.10. These amounts are set forth in the JNet chart Waivable Compensation Maximums for Services Other Than Counsel; the chart in the CJA Guidelines is in the process of being revised.

¹ Subparagraph (d)(2) of the CJA, 18 U.S.C. § 3006A, amended in October 2008, provides that the panel attorney case compensation maximums rise “simultaneously” with aggregate percentage increases in the hourly rate rounded to the nearest \$100, since the case maximums were last amended.

² Subsection (e)(5) of the CJA, amended in May 2010, provides for the case compensation maximum amounts set forth in subsections (e)(2) and (e)(3) for investigative, expert, or other services to increase simultaneously with any cumulative adjustments under section 5303 of title 5 in the rates of pay under the General Schedule (currently calculated based on the determination of the annual Employment Cost Index adjustment), rounded to the nearest \$100.

The new \$2,500 case maximum applies if a service provider furnished any CJA-compensable work in the representation on or after January 1, 2016. The former case compensation maximum applies if the provider's work on the representation was completed before January 1, 2016.

The \$800 limitation, included in subsection (e)(2) of the CJA, has not changed. The \$800 maximum in a representation applies to the total compensation, excluding expenses, allowed for all subsection (e) services combined for which prior judicial authorization was not obtained (absent the court finding in the interest of justice that timely procurement of necessary services could not await prior authorization), not to each service provider individually.

CJA Payment System Instructions

For courts which have implemented eVoucher, the correct hourly rates and case compensation maximums will be updated in the system. Please call the Systems Deployment & Support Office, Support Division Help Desk (210-301-6320), with any system inquiries. For courts which have not yet implemented eVoucher, instructions for ensuring that the proper non-capital case compensation maximums described listed above are attached.

Questions concerning the CJA hourly rates or case compensation maximums may be directed to the Defender Services Office, Legal and Policy Division Duty Attorney, on 202-502-3030, or via email at dso_lpd@ao.uscourts.gov.

Attachment

cc: CJA Panel Attorney District Representatives

**INSTRUCTIONS FOR COURTS THAT HAVE NOT
IMPLEMENTED eVOUCHER:****Instructions to Determine the Applicable Case Compensation Maximums for
Panel Attorneys and Other Service Providers Under the Criminal Justice Act**

For courts that have not implemented eVoucher, it must be determined whether compensation claims submitted on a CJA Form 20 (Appointment and Authority to Pay Court Appointed Counsel) or CJA Form 21 (Authorization and Voucher for Expert and Other Services) are governed by the new panel attorney and investigative, expert, and other services case maximums effective January 1, 2016 for non-capital panel attorney representations. The key rules are:

Attorneys

The new case compensation maximums apply to appointed counsel for a representation if that attorney furnished any CJA-compensable work on or after January 1, 2016. The former case compensation maximums apply to appointed counsel for a representation if that attorney's work was completed before January 1, 2016.

Investigative, Expert, or Other Services

The new case compensation maximum applies if the service provider furnished any CJA-compensable work on or after January 1, 2016. The former case compensation maximum applies if the service provider's work for a representation if that attorney's work was completed before January 1, 2016.

The CJA payment system (6X) signals the case compensation maximum based on the date the voucher is submitted rather than the dates of service, and therefore courts must manually review the vouchers submitted by appointed counsel in non-capital representations (CJA Form 20: Appointment and Authority to Pay Court Appointed Counsel and CJA Form 21: Authorization and Voucher for Expert and Other Services) to determine which case compensation maximum governs. The person responsible for reviewing, processing, or approving claims should look at the CJA Form 20 for panel attorney claims (Item 19, "Certification of Attorney/Payee for the Period of Service") and the CJA Form 21 for investigator, expert, and other service provider claims (Item 17, "Claimant's Certification for Period of Services") to determine whether the panel attorney furnished any CJA-compensable work on or after January 1, 2016. If so, the new case compensation maximums apply (see JNet charts for amounts of new and previous case compensation maximums). ***(PLEASE NOTE: If the voucher is entered into the CJA payment system on or after January 1, 2016, the warning message indicating that circuit approval is required will not activate at the former case maximum levels, even when they apply. The warning messages are only generated based on the new case compensation maximums.)***