

EMAIL to CJA Panel  
FEBRUARY 20, 2014

RE: Vouchers for Polygraph Examination/Expert Services

This is a reminder that the CJA guidelines for investigative, expert and other services provide that such services must be “necessary to adequate representation” and that the defendant must be found “to be financially unable to obtain” the services. See Vol. 7 Defender Services, Part A, Ch. 3 sec. 310; see also 18 U.S.C. § 3006A(e)(1). Although pre-approval is not typically required for expenditures for qualifying services that do not exceed \$800, see 3006A(e)(2), services for polygraph examinations and other non-routine expert witness services and related expenses should be pre-approved because the magistrate judge may conclude that such services are not necessary to reasonable representation. (For example, see Email to CJA Panel, dated June 5, 2012, RE: Vouchers for “Other” Services . . . ).

**For this reason, a CJA Attorney risks having a Magistrate Judge not authorize a voucher for the expenditure of any CJA funds, even below \$800, for polygraph examinations and other non-routine expert witness services and related expenses that has not been pre-approved.**

If you have any question about whether a service, of any kind, is a non-routine expense, please err on the side of obtaining pre-approval in order to avoid a situation where an expert or other service provider is not paid or the CJA Attorney becomes personally liable for the non-approved expense.