



MEMORANDUM

August 6, 2012

TO: CJA Panel Attorneys for the
Northern District of Georgia

FROM: Janet F. King
James M. Hatcher
Chief United States Magistrate Judge

SUBJECT: Funding for Expert and Other Services

The attached memo from the Administrative Offices of the United States Courts, Office of Defender Services Assistant Director, Theodore Lidz, will directly affect your billing practices as a CJA Panel Attorney and is provided for your information and action as appropriate.

Based on the attached memo, CJA Panel Attorneys in the Northern District of Georgia will now be required to handle the expert and/or other service expenditures in their CJA cases differently.

Formerly, the statutory limit for expert/other service providers was interpreted by this Court to mean \$800 per service, per case. **This is no longer allowed pursuant to the attached memo.** All expert/other service provider costs will now be combined when calculating the \$800 expenditure limitation. So all expenditures in each case will now be combined and capped at \$800. **Preapproval to spend over \$800 per case is now mandatory.** Once the combined cost of all expert/other services provided in a case reaches the \$800 cap, you will be required to motion the Court for advance approval before you incur any additional costs for any expert/other services. Note: The District and Magistrate Judges authorization for these combined expenditures per case remains \$2,400. Any additional expenditure will require approval by the 11th Circuit.

The new procedures will go into effect on August 6, 2012. If you currently have expenditures in a case that exceed the combined total of \$800, you are encouraged to immediately obtain MJ approval for the limit of \$2,400, and if in excess of that amount,

promptly prepare the necessary paperwork for review by the MJ and submission to the 11th Circuit.

Accurate and timely tracking of the expenditures for each of your cases is more critical than ever. Failure to obtain the necessary approvals could result in the denial of the expenditure.

We have created an optional tab on the CJA Automated Billing Program form on the Court's website for your use to track these expenditures.

CJA Forms 21 and 31 along with the instructions have been updated on the Court's website.

Please let any CJA Clerk know if you have any questions or concerns. Their telephone numbers are, Judith Motz 404-215-1601, Jamee Green 404-215-1301, and Krystal Smith 404-215-1676.

Thank you.



HONORABLE THOMAS F. HOGAN
Director

ADMINISTRATIVE OFFICE OF THE
UNITED STATES COURTS

THEODORE J. LIDZ
Assistant Director

JILL C. SAYENGA
Deputy Director

WASHINGTON, D.C. 20544

Office of Defender Services

July 30, 2012

To: All United States Judges
Clerks, United States Courts
Federal Public/Community Defenders
CJA Supervising Attorneys
Circuit Case-Budgeting Attorneys

From: Theodore J. Lidz 

RE: OBTAINING CRIMINAL JUSTICE ACT SUBSECTION (E) SERVICES WITHOUT
PRIOR AUTHORIZATION (**INFORMATION**)

I write to clarify the application of 18 U.S.C. § 3006A(e)(2), regarding counsel obtaining investigative, expert, and other services without prior judicial authorization.¹ Some CJA voucher reviewers have interpreted this section of the statute to mean that the \$800 limitation for obtaining subsection (e) services without prior authorization applies to each *category* of service provider (*i.e.*, \$800 for investigators, interpreters, etc.). Consistent with the plain language of the statute, however, **the total cost of services obtained without prior authorization may not exceed \$800 and expenses reasonably incurred** (see also CJA Guidelines § 310.20.30). Once the \$800 limitation has been met by any one or combination of service providers, prior authorization must be obtained from the court, unless counsel meets the exigency requirements of § 3006A(e)(2)(B).

¹ This provision of the Criminal Justice Act states:

(2) Without prior request.— (A) Counsel appointed under this section may obtain, subject to later review, investigative, expert, and other services without prior authorization if necessary for adequate representation. Except as provided in subparagraph (B) of this paragraph, the total cost of services obtained without prior authorization may not exceed \$800 and expenses reasonably incurred.

(B) The court, or the United States magistrate judge (if the services were rendered in a case disposed of entirely before the United States magistrate judge), may, in the interest of justice, and upon the finding that timely procurement of necessary services could not await prior authorization, approve payment for such services after they have been obtained, even if the cost of such services exceeds \$800.

CJA Forms 21 and 31, the instructions to the forms, and the on-line reference material for CJA voucher processing have been revised. If you have any question regarding this information, please contact the Administrative Office's Office of Defender Services at 202-502-3030 and ask for the Legal and Policy Branch's duty day attorney.