

EMAIL to CJA Panel  
JUNE 5, 2012

RE: Vouchers for “Other” Services and Duplicating Discovery for Defendant

This is a reminder that the CJA guidelines for investigative, expert or 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). And subsection 310.40 sets out the information that should be included in claims for services other than counsel. “Other” services that could be performed by the appointed CJA attorney should be pre-approved under § 3006A(e)(1), even those services for which the voucher will not exceed \$800.00. When evaluating whether these “other” services are “necessary,” significant factors are the cost for the “other” services when compared with the CJA attorney’s hourly rate and ensuring that there is not a duplication of services.

CJA vouchers have been submitted recently for “other” services that appear to be the type which should be routinely handled by the CJA attorney, such as, legal consultation and research for calculating and presenting arguments regarding the Sentencing Guidelines. It is expected that an appointed CJA attorney is fully competent, without assistance, in reviewing, evaluating and making arguments regarding sentencing guideline computations; accordingly, an expenditure for such a service should be the exception and only incurred in unusual circumstances.

**For this reason, the Magistrate Judges will not authorize a voucher for the expenditure of any CJA funds, even below \$800, for any type of “legal” or “sentencing guideline” service that has not been pre-approved.**

CJA attorneys are cautioned that any expenditure for “other” services that could be performed by the attorney, regardless of the amount, is subject to review and potential denial unless justified by the circumstances. If in doubt, please submit a request for the expenditure prior to engaging the services of the vendor.

Finally, a number of voucher requests have been received seeking to make a duplicate copy of **all** discovery materials received from the Government for the defendant’s use. Expenditure of CJA funds for this purpose also should be the exception and justified prior to engaging the vendor. If a CJA attorney believes that the circumstances of the case justify an expenditure for a complete duplicate copy of discovery for a defendant, please submit a request for this specific expenditure, even if less than \$800, to the Magistrate Judge.