

The Sixth Amendment guarantees the rights of criminal defendants, including the right to a public trial without unnecessary delay, the right to a lawyer, the right to an impartial jury, and the right to know who your accusers are and the nature of the charges and evidence against you.

The Criminal Justice Act provides for legal representation of defendants who are financially unable to retain their own counsel.

Representation includes investigative, expert and other necessary services which may be required in addition to legal representation.

## INTRODUCTION

The Criminal Justice Act (CJA), 18 U.S.C. § 3006A(a)(1), of the *Guide to Judiciary Policy* (the Guide) requires the United States District Court, with the approval of the judicial council of the circuit, implement a plan for providing adequate representation to any individual who is financially incapable of retaining counsel. This includes any individual who is:

- a. charged with a felony or with a Class A misdemeanor;
- b. a juvenile alleged to have committed an act of juvenile delinquency as defined in 18 U.S.C. § 5031 (see: 18 U.S.C. § 5034 (on appointment of counsel); Guide, Vol 7A, § 320.50 (on appointment of a guardian ad litem));
- c. charged with a violation of probation;
- d. under arrest, when such representation is required by law;
- e. entitled to appointment of counsel in parole proceedings;

[Note: The reference to representation at parole proceedings was deleted from the CJA according to the November 1, 1987 repeal of 18 U.S.C. chapter 313. However, the savings provisions of the Sentencing Reform Act of 1984, as amended by the United States Parole Commission Extension Act of 2013 (Pub. L. No. 113-47 (October 31, 2013)), state that existing law pertaining to parole will remain effective for 31 years after November 1, 1987, with regard to persons specified in the savings provisions, and certain laws relating to parole will remain effective until the expiration of the sentence received by other persons specified in the savings provisions. This includes laws governing the right to counsel in parole proceedings.]

- f. charged with a violation of supervised release or faces modification, reduction, or enlargement of a condition, or extension or revocation of a term of supervised release;
- g. subject to a mental conditioning hearing under 18 U.S.C. § 311 (see: Guide, Vol 7A, § 220.30(f) and § 230.23.20(i)(5));
- h. in custody as a material witness;
- i. entitled to the appointment of counsel under the sixth amendment to the Constitution, or faces loss of liberty in a case and federal law requires the appointment of counsel;
- j. seeking to set aside or vacate a death sentence under 28 U.S.C. § 2254 or § 2255; or

- k. is entitled to appointment of counsel in connection with prisoner transfer proceedings under 18 U.S.C § 4109.

Whenever the U.S. magistrate judge or the court determines that the interests of justice so require, representation may be provided for any financially eligible person who is: (1) charged with a petty offense (Class B or C misdemeanor or an infraction) for which a sentence to confinement is authorized; or (2) seeking relief under 28 U.S.C. §§ 2241, 2254, or 2255 (but see: Guide, Vol 7A, § 210.20.10(j) on the mandatory appointment of counsel in death penalty habeas corpus cases and § 220.45 on the requirement for appointment of counsel for an evidentiary hearing);

## **I. APPLICATION FOR CJA PANEL**

### **A. PURPOSE OF CJA PANEL**

To improve overall quality of representation for indigents in this court, the Judges have established a Criminal Justice Act Panel Committee whose duty shall be to screen applications by attorneys to a rotating panel available for appointment under the CJA Act. Such appointments will be made after qualifications and experience of the applicants are thoroughly reviewed and evaluated by the Committee.

### **B. HOW TO APPLY**

For Membership to the Criminal Justice Act Panel, an application may be obtained by contacting the Chief Magistrate Judge's Office at (404) 215-1375 or submitting an application to 2027 U.S. Courthouse, 75 Ted Turner Drive, S.W., Atlanta, Georgia 30303. Membership applications are also located on the Court's website in the Criminal Justice Act main page. The membership review process can take several weeks.

## **II. RESPONSIBILITIES**

### **A. ATTORNEY'S RESPONSIBILITY**

In addition to the responsibility of adequately representing an individual in court, a CJA Panel Attorney must maintain complete and accurate records with respect to time spent in court, time spent out of court, copy logs, travel, travel expenses, mileage and other expenses which may arise and are allowed as reimbursable items under the CJA Act. The voucher must provide the CJA Clerk with a description of the work done to enable the CJA Clerk to determine the reasonableness of the CJA voucher. Vouchers must be submitted with the Court's CJA eVoucher billing program. Receipts and supporting documents must be attached to a voucher for payment. Failure to comply with this may result in a delay of payment to counsel or any service provider.

## B. CJA CLERK'S RESPONSIBILITY

The responsibility of the Clerk's Office CJA Clerk is to perform an objective audit of all vouchers being submitted for payment. The CJA Clerk will check for proper billing rates, mathematical errors, eligibility for reimbursement and compliance with guidelines with regard to statutory limits, etc.

## C. JUDGE'S RESPONSIBILITY

The responsibility of the Judicial Officer is to authorize payment of vouchers for fees that are reasonable and necessary using his or her discretion. The Judicial Officer will also forward any vouchers exceeding the statutory limits to the Eleventh Circuit Court of Appeals for final approval.

# III. OTHER IMPORTANT INFORMATION

## A. WHERE TO SUBMIT VOUCHERS

Do not send vouchers directly to chambers. All vouchers must be submitted with the Court's eVoucher billing program which can be accessed on the Court's website at the tab "For Attorneys."

## B. INTERIM BILLINGS

Permission must be granted for any panel attorney to submit more than one voucher per representation by Court order, written or verbal communication. An interim voucher requires a court order and consists of more than one submission on a schedule requiring an approved budget, or supplemental voucher which is one voucher plus a 'final' voucher, two total submissions.

## C. ITEMIZATION INSTRUCTIONS

All time and expense entries must be itemized by category. Failure to itemize will result in the voucher being rejected.

Voucher entries must contain the date the service was performed, a description of the activity performed and the time spent performing the activity or service.

## D. TRAVEL

While travel time spent in common on more than one CJA representation must be prorated, the entire amount of mileage expenses applicable to more than one CJA representation must be billed to one representation. The supporting materials to the voucher on which the expenses are billed must cross-reference the other CJA representations.

Out-of-district travel requires preapproval by a judge. Air travel must be arranged by the Court.

#### E. SUBMIT BY

Vouchers shall be submitted no later than 45 days after the final disposition of the case, unless good cause is shown (§ 230.13 Time Limits, the Guide). Vouchers for expert service providers may be submitted upon completion of the service.

#### F. PAYMENT AUDIT REVIEW

All CJA payments are subject to post-audit; contemporaneous time and attendance records, as well as expense records, must be maintained for three years after approval of the final voucher.

Please see the additional information contained in this website for forms and rates.

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