DISTRICT OF ARIZONA CRIMINAL JUSTICE ACT BILLING GUIDE

VERSION 1.3

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I. INTRODUCTION

An attorney appointed under the Criminal Justice Act (CJA), 18 U.S.C. § 3006A, to represent a financially eligible individual in a matter before the United States District Court for the District of Arizona ("District") is entitled to reasonable compensation for work performed; reimbursement of properly documented expenses; and expert, investigative, or other services reasonably necessary for adequate representation. Appointed attorneys have an obligation to work in a cost-effective manner while still providing full and effective representation to the client.

To facilitate timely processing of payment and funding requests, the Court has adopted this billing guide with instructions on how to obtain resources for a case and submit compensation claims. In addition to following this guide, CJA attorneys should be familiar with the District of Arizona's CJA Plan, the Guide to Judiciary Policy, Volume VII, Appointment of Counsel in Criminal Cases ("CJA Guidelines"), and the Ninth Circuit's CJA Policies and Procedures and CJA Compensability Handbook. Other resources are available on the Court's website at www.azd.uscourts.gov under Attorneys > CJA Panel Information.

For payment or eVoucher help, consult the District's eVoucher Attorney User Manual or other eVoucher instructional guides, or contact the CJA Voucher Review Unit:

Phoenix Division
(602) 322-7150
cja_evoucher@azd.uscourts.gov

Tucson Division
(520) 205-4234

For CJA Panel questions or issues, including training opportunities, case consultations, and help locating service providers, contact:

Denise Aguilar
CJA Resource Counsel
(602) 647-8860
denise_aguilar@fd.org

Jessica Turk
CJA Resource Counsel
(520)879-7531
jessica_turk@fd.org

For questions about budgeting or organizing eDiscovery, contact:

Suzanne Morris
Ninth Circuit Case Budgeting Attorney ("CBA")
(415) 355-8982
smorris@ce9.uscourts.gov

II. ATTORNEY SERVICES

A. Setting Up an eVoucher Account

To set up an eVoucher account, complete the District's eVoucher registration form with a wet signature, scan it into PDF format, and email it to cja_evoucher@azd.uscourts.gov. Once you are set up in eVoucher, you will receive an email to create or link to a Login.gov account and set up a Vendor Manager System (VMS) payment account. Additional helpful information is provided in the Tips and Tricks handout and on the Court's CJA Panel Information page.

B. Hourly Rates

Hourly rates for CJA panel attorneys are set by the Judicial Conference of the United States and are usually adjusted each year, depending on the availability of funds. The new rates apply for services performed on or after the effective date. Current and historical rates are available in § 230.16 (non-capital) and § 630.10.10 (capital) of the CJA Guidelines. For capital habeas cases, the hourly rate is set by General Order of the Court and revised regularly. Check the CJA Panel Information section of the Court's website for the current general order in effect.

C. Payment Vouchers

All claims for attorney services must be submitted electronically in eVoucher on a CJA-20 for non-capital cases or a CJA-30 for capital cases. Final vouchers for attorneys are due no later than 45 days after the case is disposed of in district court. Any voucher submitted beyond 45 days but less than one year after case disposition must attach a letter demonstrating good cause for the untimely submission. For cases that have been closed for one year or more, counsel must file a motion and obtain an order in CM/ECF to submit their voucher. Submission of untimely vouchers will be considered by the Court when assessing reappointment to the panel.

When a panel attorney is substituted by another attorney, the substituted attorney should prepare and submit a final voucher no later than 30 days after the substitution to allow successor counsel to be advised of remaining funding.

Interim vouchers are generally permitted once half the statutory maximum in accrued compensation and expense claims is reached and in 90 day increments thereafter.

D. Compensation Maximums

The CJA contains waivable case compensation maximum amounts for various types of non-capital representations. Expenses and service provider fees do not apply towards the statutory maximum. Current statutory maximums are available in CJA Guideline § 230.23.20.

Prior approval by the Chief Judge of the Ninth Circuit or designee is required to exceed the statutory maximum and requires certification by this Court that the representation is "extended or complex" and that the excess payment is necessary to compensate counsel fairly. 18 U.S.C. § 3006A(d)(2).

PRACTICE TIP: The statutory maximum does not reset when an attorney is substituted for another attorney. Rather, the combined fees for all attorneys in a representation count against the maximum. Running a Defendant Detail Budget Report in eVoucher (link on left panel within representation) will show the amount of remaining authorized funds.

E. Authorization to Exceed the Statutory Maximum

Requests for attorney fees in excess of the statutory case compensation maximum should be submitted in eVoucher on a CJA-26 in **advance** of exceeding the limit in **non-budgeted** cases. Budgeted cases require submission of a Budget-AUTH (see Section II.F below).

The CJA-26 in eVoucher must include a completed District of Arizona Confidential Ex Parte Attachment to CJA-26 Request to Exceed the Statutory Maximum. This justification form should contain sufficient detail to show that the case involves extended or complex representation and that the amount is necessary to provide fair compensation. The form must be saved as a PDF and uploaded into eVoucher under the Documents tab. Instructions for creating a CJA-26 are in the Court's CJA eVoucher Attorney User Manual, which is available on the Court's eVoucher Manuals & Instructions page. Please note that it is unnecessary to reenter the same information from the Confidential Ex Parte Attachment into the text boxes on the CJA-26's Justification tab; leave that tab blank.

PRACTICE TIP: The amount requested on the CJA-26's Basic Info tab is the amount OVER the current statutory maximum (or current excess fee limit if a previous request to exceed the statutory maximum was approved by the Court). For example, if the statutory maximum is $13,800 and you need an additional $5,000 for a case total of $18,800, then the amount requested on the CJA-26 Basic Info tab should be $5,000. If circumstances change thereafter and an additional $2,000 is needed to complete the representation, the amount requested on the CJA-26 Basic Info tab should be $2,000, for a new excess fee limit of $20,800.

F. Budgeting

Case budgets in unusually expensive representations help ensure that defense counsel receive the resources needed to effectively represent clients and help the Court assess reasonableness, monitor fairness, and responsibly oversee the expenditure of public funds.

Budgets are **required** in death-eligible prosecutions or capital habeas proceedings under 28 U.S.C. § 2254 or § 2255. Within 30 days of appointment to such a case, CJA counsel should contact a Ninth Circuit Case Budgeting Attorney ("CBA") for budgeting assistance (see contact information on page 3).

Budgets are strongly encouraged in non-capital cases where counsel is likely to spend more than 300 hours on the representation or where total costs (including service provider fees) are likely to exceed 300 times the prevailing CJA panel attorney non-capital hourly rate (e.g., $53,100 if the hourly rate is $177). Counsel should contact the Ninth Circuit CBA early in any potential high-cost representation. Budgets are typically submitted in phases, and reasonable

time spent preparing a budget is compensable.

Budgets are submitted to the Court in eVoucher using the Budget-AUTH form and must include a completed funding application (form provided by the Ninth Circuit CBA), as well as any supporting documentation such as a CV, resume, or project bid if requesting service provider funding as part of the budget. These materials should be uploaded to the Documents tab in PDF format. Instructions for creating a Budget-AUTH in eVoucher are available on the Court's website.

G. Co-Counsel and Associate Counsel

Counsel must obtain prior judicial authorization via motion in CM/ECF for the appointment of a second attorney to serve as co-counsel of record. Co-counsel's fees count toward the representation's statutory maximum.

Requests to enlist the assistance of an in-house or contract associate, who would not be counsel of record, may be submitted via motion in CM/ECF or on a Budget-AUTH in a budgeted case. An associate's fees count towards appointed counsel's statutory maximum. The motion or budget application must identify the associate's name, address, years of experience (both in general practice and criminal defense specifically), requested billing rate, and appointment date. If granted in a non-budgeted case, appointed counsel must email a copy of the Court's order to the CJA Department, which will add the associate to appointed counsel's eVoucher appointment.

In budgeted cases, the CJA Department will add the associate when the Budget-AUTH is approved. Once an associate has been added, either appointed counsel or the associate may add the associate's services and expenses to appointed counsel's CJA-20/30. Appointed counsel must then submit the associate's services and expenses together with their own services and expenses on the same voucher. Payment for an associate attorney is made to appointed counsel, who must then pass on the payment to the associate. Appointed counsel are advised to keep track of these payments for end-of-year tax purposes.

While some delegation of tasks is appropriate and encouraged, an associate may not effectively become the primary attorney on the case and may not appear in court without prior approval of the Court. Appointed counsel remains responsible for the representation, including the coordination of efforts with an associate attorney. Generally, absent a showing of reasonable necessity, only one attorney should bill to attend hearings, joint defense meetings, or client consultations.

> **PRACTICE TIP:** When preparing a motion to enlist an associate, either in CM/ECF or via a Budget-AUTH, ask the Court to authorize the associate to appear in place of appointed counsel for non-substantive matters or to appear with appointed counsel on substantive matters where you can anticipate, at the time of the request, when the associate's assistance in court will be reasonably necessary to the defendant's representation (e.g., trial or hearing on pretrial motions prepared with the associate's help).

H. Billing Basics

1. Attorneys may claim time only for actual and reasonable work that is originally prepared for the case in which the voucher is submitted. By submitting a voucher, the attorney certifies that the services claimed are for original work prepared for the current task and do not include hours for previously prepared documents "recycled" from other cases or filings.

2. Attorneys who expend more time than is claimed for compensation may alert the Court to such unbilled time on the voucher.

3. Time must be billed in tenths of an hour:

MINUTES	TENTHS
1 – 6	0.1
7 – 12	0.2
13 – 18	0.3
19 – 24	0.4
25 – 30	0.5
31 – 36	0.6
37 – 42	0.7
43 – 48	0.8
49 – 54	0.9
55 – 60	1.0

4. Describe work in sufficient detail to allow reviewers to gauge the reasonableness of tasks without unnecessarily revealing privileged communications.

EXAMPLES:

Date	Service	Time	Description
2/5/23	Interviews and Conferences	0.2	Met with AUSA re discovery
2/5/23	Obtain/Review Rcds	3.2	Reviewed 302s re Count 1 (Bates Nos. 001-225)
2/6/23	Travel Time	1.5	RT office to CCA-Florence (split with CASE #)
2/6/23	Interviews and Conferences	1.6	Met with client
2/17/23	Legal Research and Brief Writing	5.2	Researched whether the search of client's car without a warrant was unlawful; drafted motion to suppress (Doc. 112)
2/20/23	Obtain/Review Rcds	2.0	Reviewed approx. 150 pages of cell site data, took notes, and drafted timeline

5. When counsel spends time in common for more than one CJA client (such as driving to a detention center to see multiple clients) or represents one client in multiple cases, the time must be split between the cases. However, any mileage or other expenses (i.e. parking) must be billed to only one of the representations. A cross-reference should appear on each voucher.

6. Unless in trial, ten or more hours billed in a single day across all cases is unusual, and the necessity for such time should be explained in the voucher. Attorneys have access in eVoucher to an Attorney Time report to assist in this regard. See How to Review Attorney Time by Date Report.

7. Time must be billed to the day the work was performed. If document drafting or document review occurs over a series of days, the time expended each day must be billed to each specific day.

8. Discrete tasks should be entered into eVoucher separately. However, tasks should be aggregated into a single block of time when multiple tasks performed were less than 0.1 hour each. For example, counsel should aggregate time spent during a single day reading ECF documents.

The aggregate time claimed over the course of the representation for single tasks requiring less than six minutes will be evaluated for reasonableness at the end of the representation and may be subject to a reduction. For example, the total time spent reviewing ECF documents during the representation is aggregated to assess reasonableness.

EXAMPLES:

Date	Service	Time	Description
2/5/23	Obtain/Review Records	0.1	Reviewed multiple ECF filings (Doc. 2-5)
2/13/23	Interviews and Conferences	0.2	Four emails back and forth to AUSA re: discovery issues

9. Counsel should not bill for tasks ordinarily considered clerical. For example, counsel should not bill for accessing, downloading, opening, renaming, saving, printing, or forwarding a Notice of Electronic Filing (NEF). Similarly, counsel ordinarily should not bill for routine scheduling-related tasks (e.g., communications related solely to availability of an individual or the Court) or for entering calls, meetings, due dates, or court appearances in a calendar, except in unusual situations where extraordinary overhead-type expenses are necessary to prepare and conduct an adequate defense. If this is the case, please explain on the voucher. Other tasks considered clerical include but are not limited to filing or lodging electronic documents in CM/ECF; emailing courtesy copies or proposed orders; mailing items (though postage expenses are covered by CJA); arranging legal visits and legal calls; contacting CJA for assistance with voucher submission; and contacting court staff for status or receipt of filings.

10. Reasonable time spent transferring, downloading, or manipulating discovery productions is compensable (i.e., performing quality control; renaming, unitizing, combining, or converting files; checking or running OCR; or consolidating/copying discs onto a single hard drive). Counsel are encouraged to utilize a lower-cost service provider, such as a paralegal, to undertake this type of work. Time spent merely waiting for files to download, copy, transfer, OCR, or convert is not compensable. Counsel should provide as much detail as possible regarding the content and nature of the discovery and how it is being organized (e.g., the byte-size of the production, number of folders/subfolders, file types, etc.).

I. Billing Categories

1. Court Proceedings

- In-court time should be calculated from the time counsel arrives in court or the hearing is scheduled to begin, whichever is later, until the time counsel is dismissed. While hearing times are typically available in the Court's minute entries, counsel should rely on their own written records as to start and end times as minute entries may reflect two or more matters heard during the same proceeding and may not reflect the accurate time for each individual matter. Nonetheless, counsel should confirm the date and time of court appearances in PACER where possible before submitting a voucher.
- In-court time may include up to 0.2 hours of waiting time prior to the start of a scheduled in-person court matter and up to 0.3 hours of wait time prior to the start of initial appearances, as well as time waiting past the scheduled start time. When known, counsel may reference the reason for any delay, e.g., interpreter running late; video-telephone conference ("VTC") connection difficulties. Whenever feasible, counsel should be prepared to undertake substantive work when arriving to court early or if delay occurs (e.g., reviewing notes or discovery; meeting with others) and should report such time in the appropriate out-of-court billing category.
- Time spent meeting with the client, client's family, witnesses, Assistant United States Attorneys, or others before or after a hearing should be claimed as out-of-court time.

2. Interviews and Conferences

- Bill all communications (e.g., emails, letters, phone/video conferences, meetings) and interviews (e.g., investigative interviews and witness depositions) under this category, including with the client, service providers, U.S. Attorney's Office, witnesses, etc.
- Identify the participants, mode of communication, and general topic of conferences, calls, and emails without revealing privileged matters. Initials or other identifiers may be used for witnesses. If unclear, the witness or interviewee's relationship to the case should be indicated to avoid potential delay in voucher processing. When meeting with other CJA billers, all should confirm the time to be billed at conclusion of the meeting to avoid discrepancies. When possible, list the start and end times for VTCs.
- Conferences with the client or Assistant United States Attorney should describe the communication topic only if it does not reveal privileged matters. Otherwise, the topic may be omitted.

- Conferences with family representatives must reference the general subject of the communication unless privileged and be reasonable in nature and duration. In assessing reasonableness, the Court will consider the total amount of time spent communicating with family representatives for duration of the case. Non-substantive communications that do not further the representation are not compensable.

3. Obtaining and Reviewing Records

- When possible, discovery review must include the number of pages, Bates stamp ranges, length and number of audio or video recordings, number of word searches entered into a database, and/or number of search results received and reviewed, as well as the general nature of the materials (e.g., transcripts, investigative reports, medical records, jail calls, video surveillance, photos, etc.).
- Attorneys are expected to review documents at a rate of sixty (60) pages or more per hour. If review takes significantly longer, a brief justification should be provided.
- Claims for reviewing NEFs and associated ECF documents must include the docket number and a brief description of the item reviewed. Attorneys cannot claim time for reviewing NEFs or ECFs generated by their own filings.

4. Legal Research and Brief Writing

- Claims for legal research must briefly describe the issue or purpose of the research. Extraordinary time spent on research should include sufficient detail to justify the work.
- Include the docket number of any filed motion or indicate that the researched motion ultimately was not filed. For the latter, counsel should describe what was prepared and why it was not filed without disclosing privileged or confidential information.
- For preparation of "boilerplate" filings that do not require legal research, only time that was newly expended in adapting previously used documents may be claimed. Examples of "boilerplate" filings often include motions to seal, uncontested motions or stipulations to continue, notices of change of plea hearing, waivers, or any other routine filing involving minimal modification or use of a template.
- Time researching fundamental principles of law well-known to the Court and opposing counsel, or extensively arguing uncontested issues of law or fact, should not be claimed. For example, research relating to basic and general sentencing principles, e.g., "research re *Johnson*, *Booker*, *Gall*, *Kimbrough*, etc.," or "cutting and pasting" legal and historical discussions about *Booker* and its progeny is not considered

reasonable or compensable. Such knowledge is considered a prerequisite to serving on the CJA panel.

- Where facts and legal research are essential to an argument for a reduced sentence, the briefing must be tailored to the specific case to be compensable.

5. Travel Time

- Include the origin and destination, whether roundtrip or one-way, and the actual mileage driven (or method of transport if not driving, e.g., walking).
- If travel time is split with other cases, list the case number and/or defendant names for the other cases.
- See Section III for additional information related to travel.

6. Investigative or Other Work

- Includes researching witnesses, inspecting evidence or a crime-scene, retrieving evidence or other case-related property, preparing for a hearing or trial, drafting requests to enlist service providers, reviewing service provider bills to certify that work was undertaken, budgeting the case, and reviewing defense-generated materials.
- Retrieving a client's personal property is generally not compensable absent a demonstrated representational purpose (e.g., the property has potential evidentiary value or is needed to further the representation, such as clothing for trial or a court hearing). Time billed for retrieving personal property must explain the representational purpose and may not exceed two hours without good cause shown. If the sole purpose of the trip is to retrieve personal property that lacks evidentiary value, travel time and mileage is not compensable.

J. Recordkeeping

Counsel and service providers must maintain contemporaneous time and expense records for all CJA services, including work performed by associates and support staff. Information entered into eVoucher timesheets satisfies counsel's record-keeping requirement provided the information is entered as soon as feasible after performing the work. Counsel are strongly encouraged to enter time into eVoucher daily.

Records are subject to audit and must be retained for three years after approval of the final voucher in a case. In addition, the Court will conduct an annual review of attorneys who have claimed compensation of more than 1,000 hours in the preceding fiscal year and may require a self-audit or independent audit.

III. TRAVEL

A. Travel Time

Time spent on necessary and reasonable travel is compensable and must be divided between cases if the travel was for the benefit of multiple representations. This includes travel to a detention facility, Court, U.S. Attorney's Office, or investigative-related destination. Travel time to a post office, copy center, or office supply store is not normally compensable (absent extraordinary, case-specific circumstances). Travel to the U.S. Attorney's Office to pick up discovery or to prior counsel's office to pick up a case file should be undertaken by a lower-cost provider if available (e.g., paralegal or investigator) and while already at the courthouse for another purpose if possible. Counsel should arrange delivery by mail or courier where feasible if the cost is significantly lower than travel time plus expenses. Only time spent in or awaiting transit is compensable. Accordingly, if a trip necessarily and reasonably requires overnight lodging, compensable travel time to the destination from the traveler's office terminates upon arrival at the place of accommodation.

Whenever feasible, attorneys and service providers should perform case-related work while traveling (e.g., sitting at an airport or on a plane). Absent authorization from the presiding judge via a Travel-AUTH, compensable travel time is limited to ten hours per day.

Time spent drafting a request for travel authorization is compensable. However, time spent making travel arrangements, whether undertaken by an attorney, paralegal, or other provider, is not compensable.

B. Travel Computations

Computation of mileage and time claimed for travel is based on the address as listed on the voucher. If travel is to/from any other address, the full address must be stated in the voucher entry or attachment except that attorneys or service providers with both an external office and a home office may reference "home office" in the billing description if they have provided that address to the CJA Voucher Review Unit. If an address changes during a given voucher period, the prior address must be listed in the relevant entries. Otherwise, time and mileage will be calculated using the profile address at the time of voucher submission (unless the reviewer is aware from CJA records of the date the address changed).

For car travel, the Court relies on Google Maps to determine the maximum allowable claim pursuant to this billing guide. Occasional variables such as excessive congestion, weather, or construction may be considered when justified. Travel time is measured as driving time only. Thus, time spent parking, going through security, or walking from the vehicle to the courtroom is not compensable.

If traveling by a mode other than a car (e.g., walking), please indicate that in the voucher entry.

This policy establishes a consistent and efficient standard by which the Court can evaluate the reasonableness of claims for mileage and travel time.

C. Travel Limits

Roundtrip travel to CCA-Florence should not exceed 3.0 hours. Roundtrip travel to FCI-Tucson should not exceed 0.8 hours. Roundtrip travel by car between office and courthouse should not exceed 1.6 hours and 60 miles. Roundtrip travel by foot between office and courthouse should not exceed 0.4 hours.

D. Traveling Without Prior Authorization (Within District)

Reasonable travel within the District (including tribal lands/reservations that cross the State of Arizona border) does not require prior authorization unless an overnight stay is anticipated.

E. Requesting Travel Authorization (Out-of-District or Overnight)

Advance authorization is required for all travel outside the District or for overnight stays within the District. Absent authorization, the attorney must demonstrate the travel was necessary and prior authorization could not have been obtained.

Attorneys must seek prior authorization at least two weeks in advance of travel requiring airfare, overnight lodging, or rental car via Travel-AUTH in eVoucher. If requesting authorization within two weeks of travel, counsel must explain the exigency. The request must include: (1) estimated expenses including airfare, ground transportation (e.g., car share or rental car if requested), lodging, and meals (limited to government per diem rate); and (2) justification for the travel including purpose, itinerary, and duration. The National Travel Service (NTS) (1-800-445-0668) is available to provide cost estimates. See: Creating a Travel-AUTH in eVoucher.

When dates of authorized travel change due to unforeseen events, the travel should take place within two months of the previously approved travel dates. Otherwise, a new Travel-AUTH must be submitted.

F. Travel Expenses (Out-of-District or Overnight)

When traveling outside the District or for overnight stays within the District, attorneys and service providers are reimbursed for actual travel expenses subject to the same limitations and regulations as a judiciary employee and up to the allowable General Services Administration (GSA) per diem rate. For information on per diem rates, visit the GSA website at https://www.gsa.gov/travel-resources.

While travel **time** must be split between multiple representations, any associated travel **expense** must be billed to only one of the representations under CJA Guidelines § 230.50(f). The vouchers should each cross-reference the case to which the expense was billed.

1. Airfare

For air travel, travelers must seek the most economical government coach fare. Travel time (i.e., attorney or service provider fees) may be considered when determining whether a direct flight is most economical. Refundable tickets should be purchased whenever possible.

a. *National Travel Service*

For approved travel, attorneys may contact the National Travel Service (NTS) at 1-800-445-0668 to book government-rate airfares. Inform NTS that the airfare will be paid by the U.S. Courts/District of Arizona CJA Travel account, which eliminates the need for the traveler to pay out-of-pocket for the airfare. Attorneys may still earn frequent flyer points when using NTS.

b. *Direct Booking*

Attorneys are permitted to make travel arrangements without going through NTS. However, reimbursement for airfare will be limited to the GSA city-pair rate. In addition, if the traveler purchases a non-government fare and needs to change or cancel the reservation, the traveler is liable for any change fee or other cost. Therefore, use of NTS is strongly encouraged.

2. Privately Owned Vehicle

Travel by privately owned vehicle (POV) is reimbursed at the mileage rate prescribed for federal judiciary employees who use a private automobile to conduct official business. The rates are updated by the GSA and intended to cover gas and wear and tear. The CJA eVoucher program automatically computes the appropriate mileage rate based on the date of travel.

3. Car Rental

Reimbursement for a rental vehicle is permitted when a rental is more economical than using a personal vehicle or flying. The cost to rent a vehicle (including gasoline) may not exceed the amount otherwise claimed for mileage if driving a personal vehicle. If the rental vehicle is also used for personal travel during the rental period, counsel is responsible for associated costs, e.g., gasoline.

Car rentals must be authorized in advance except for within-District, one-day rentals where the cost of renting is less than mileage reimbursement for a personally owned vehicle. A government contract rate may be available if the travel is for official purposes and booked via NTS.

A government contract rental includes full insurance coverage for damages resulting from an accident while performing official travel. The cost of collision damage waiver or insurance is included in the government rate and should not be purchased separately. If a traveler uses a personal credit card to pay for a rental vehicle, the rental agreement must specifically state that it is a "U.S. Government business rental."

A traveler may choose not to go through NTS but has the responsibility of insuring the car, either through personal insurance, payment with a personal credit card that supplements insurance for rentals, or by purchasing at their own cost the rental company's insurance. The cost of collision damage waiver or insurance on the rental vehicle is not reimbursable by CJA.

The cost of a full-size car is reimbursable. Charges for upgrades, such as for a premium-sized vehicle, van, or sport utility vehicle, are not reimbursable unless there is a specific business purpose for the upgrade. If the rental charges do not include the cost of gas or other incidental expenses of operation, the traveler should pay the costs and

itemize them on the Expenses tab of the reimbursement voucher.

4. Other Ground Transportation

Taxis, Uber, Lyft, shuttles, and public transit are permitted modes of transportation. These expenses, including gratuity of no more than 20%, should be claimed on an actual expense basis. A voucher that includes taxi or car service fares over $75 must have a certification from the traveler that a less expensive means of transportation was unavailable or impractical to obtain or that the use of a taxi or car service resulted in the greatest advantage to the judiciary.

5. Lodging

CJA travelers may be eligible for government hotel rates and should request the lowest available rate when making hotel reservations. Travelers may also use NTS to make hotel reservations but must provide a personal credit card to secure and pay for the reservation. Alternative lodging arrangements, such as renting a private home through an on-line service, are discouraged because cancellation fees for such services are not reimbursable; if used, maximum reimbursement is limited to the per-night government lodging rate (including booking or cleaning fees but excluding taxes).

6. Subsistence Expenses

Reimbursement for meals, including gratuity of no more than 20%, is allowable only when the traveler has received authorization for overnight travel. Only actual expenses, within federal per diem limitations, are eligible for reimbursement; CJA travelers may not claim the flat per diem rate for reimbursement. In addition, travelers may seek reimbursement only for their own subsistence expenses.

7. Non-reimbursable Expenses

Alcoholic beverages, entertainment (e.g., movie rentals), travel insurance, parking fines or fees for traffic violations, personal automobile expenses, expenses incurred traveling by indirect routes for personal reasons, and use of taxis to obtain meals are not reimbursable.

8. Required Receipts

Itemized receipts must accompany reimbursement claims for meals and lodging, regardless of amount. Meal receipts must include an itemization of food/beverages purchased; a credit card slip or statement that lists only the total charged is insufficient. Reimbursement claims for other travel expenses, such as parking or ground transportation, must include a receipt or note that a receipt was not provided (e.g., a parking meter).

IV. NON-TRAVEL EXPENSES

A. Overview

Reasonable out-of-pocket expenses incurred in connection with a representation may be claimed by counsel or a service provider and are not included in the statutory maximum. All expenses must be itemized on the Expenses tab of a payment voucher, with receipts attached to

the Documents tab. For example, when claiming reimbursement for postage for mailing a letter to a client, state "postage for letter mailed to client" or when claiming reimbursement for copies, state "copies of motion to provide to client" and indicate how many pages were copied. Vouchers with insufficient itemization or documentation may be returned. Prior court authorization should be sought for any individual expense over $750.

B. Photocopying

The most fiscally responsible method of copying should be used. Coordination among counsel for co-defendants is encouraged. Any claim for in-house photocopying must identify the date, number of pages copied, and actual cost per page. The maximum charge for in-house copying is $0.15 per page for black and white and $0.25 for color. Reimbursement for commercial copying paid out-of-pocket and billed as an expense on a payment voucher must include a receipt for services if the cost exceeds $50.

For high-cost photocopying or exhibit preparation at a commercial copy center, counsel should consider seeking prior authorization via an AUTH in eVoucher. Such an AUTH facilitates both prior authorization for the expense and direct payment to the copy center, alleviating the need for counsel to pay out-of-pocket and later seek reimbursement. If photocopy services are authorized via an AUTH, counsel must create a CJA-21 or CJA-31 to facilitate payment to the vendor, attaching an invoice to the Documents tab and listing the cost on the Services (not Expenses) tab.

C. Postage

Postage is reimbursable. Any mailing expense over $50 must be accompanied by a receipt.

D. Digital Storage Devices

The cost of digital storage devices (e.g., external hard drives) may be claimed as an expense if it will remain with the client file or be reused in other CJA representations. Proof of payment is required for any device exceeding $50.

E. Computer-assisted Legal Research

The cost of computer-assisted legal research (CALR) services, such as Lexis and Westlaw, may be reimbursed provided the research pertains to the particular CJA representation and is reasonable. Counsel must attach to the voucher a copy of the bill with the relevant charges highlighted or otherwise indicated, along with proof of payment. Prior authorization should be sought if CALR expenses are expected to exceed $500.

F. Non-reimbursable Expenses

1. General office overhead such as secretarial help (whether regularly or specially employed), rent, telephone services, and office equipment or supplies are not reimbursable. Routine office tasks such as copying, filing, mailing copies, and billing are not compensable even if performed by the attorney. The statutory hourly rate is intended to include compensation for these overhead expenses.

2. Time spent on services of a personal nature unconnected to the legal

representation is not reimbursable (e.g., arranging for the placement of a client's minor children, disposition of a client's non-case-related property, providing legal assistance in matters unrelated to the criminal case, etc.). CJA counsel also cannot be reimbursed for money spent on personal items for a client, such as food, clothing, or haircuts.

3. PACER fees are not reimbursable because attorneys providing services under the CJA are entitled to a fee-exempt account, which may be obtained by contacting the PACER Service Center at 1-800-676-6856. Further information is available in the Activating CJA Privileges handout on the PACER website at www.pacer.uscourts.gov.

4. Fact witness fees, travel costs, and expenses for service of subpoenas for fact witnesses or records are not payable with CJA funds. These expenses are paid by the Department of Justice (DOJ) pursuant to Fed. R. Crim. P. 17 and 28 U.S.C. § 1825. Contact the United States Marshals Service for payment procedures. Additional information is available in the USMS Public Defender's Handbook.

5. Expenses incurred in taking fact witness depositions (notarial fees, interpreters, transcripts, etc.) are paid by the DOJ regardless of which party requested the deposition. *See* Fed. R. Crim. P. 15 and CJA Guidelines § 320.40.20(a). The cost of attendance at the deposition for fact witnesses for either party also are paid by DOJ under Fed. R. Crim. P. 17(b).

6. Transcripts of federal court hearings must be ordered in eVoucher on an AUTH-24. Attorneys may not pay directly for federal (versus state) court transcripts and then seek reimbursement from CJA funds. See: How to Order CJA Transcripts.

7. Expenses associated with continuing legal education are not reimbursable.

8. Counsel generally may not pay a service provider directly and then seek reimbursement.

9. While not required, receipts for non-travel expenses under $50 facilitate faster voucher review and are encouraged.

V. EXPERT, INVESTIGATIVE, AND OTHER SERVICES

A. Hourly Rates

The Court has approved a schedule of presumptive hourly rates for various service provider categories as set forth in the Notice Regarding CJA Service Provider Rates in the CJA Panel Information section of its website. In addition, it has approved half/full-day rates for interpreters as set forth in the Notice Regarding CJA Interpreter Rates also on its website. When engaging an interpreter, the Court expects CJA counsel to maximize the interpreter's services (e.g., scheduling multiple client visits on the same day).

Attorneys should negotiate with experts for the lowest reasonable hourly rates and pursue other cost-saving measures that do not affect the quality of representation (e.g., request a reduced travel rate for high-cost experts, coordinate travel for defense team meetings with other tasks such as court appearances, and utilize video or phone conferences for defense team meetings where feasible). In multi-defendant cases, counsel should take reasonable steps to coordinate efforts to reduce costs, including joint applications for funding of investigators or other services.

The Court may approve a rate exceeding the District's presumptive maximum for good cause. Factors that may be considered include the uniqueness of the service or the service provider; the education, training, or specialization of the service provider; the lack of availability of this or similar service providers; complexity of the case; and any time limitations that may affect how quickly the service needs to be completed. Any request to exceed should be submitted with an AUTH in eVoucher.

B. Services Without Prior Authorization

For service provider fees under $1,000 per representation (not per provider), CJA attorneys may obtain services without prior authorization. The combined fees of all services on a case count towards the $1,000 no-auth limit, but reimbursable expenses do not. Current and historical limitations on services without prior authorization are available in §310.20.30(a) of the CJA Guidelines.

C. Requesting Authorization and Using Engagement Letters

For services exceeding $1,000 per representation, counsel must submit an AUTH in eVoucher identifying the service provider, funds requested, hourly rate, and number of requested hours. Counsel must complete and attach to the AUTH the AZD AUTH Supplemental Information in Support of Request for Authorization to Enlist Service Provider form available on the Court's website, along with the provider's resume, CV, license, or other relevant documentation.

Attorneys are responsible for tracking CJA service provider fees and advising providers, in writing, of the details of an authorization. To this end, CJA attorneys are encouraged to use written engagement letters identifying the hourly rate, authorized compensation amount, and requirement for contemporaneous timekeeping. A sample engagement letter can be found in Appendix 5 of the Ninth Circuit's CJA Policies and Procedures.

Providers must keep track of expended time and notify counsel before exceeding the authorized amount if additional funds will be needed. For additional funds, counsel must submit a new AUTH in eVoucher, selecting "Request Additional Funds" as the Authorization Type and attaching the AZD AUTH Supplemental Information form, prior to exhaustion of the existing authorization.

D. Nunc Pro Tunc Requests

Nunc pro tunc requests for services exceeding $1,000 or supplemental funding for an already-authorized provider are disfavored. In the rare instance when prior court approval is not feasible, attorneys may request *nunc pro tunc* approval on the AUTH in eVoucher, explaining why timely procurement of necessary services could not await prior authorization.

If counsel has utilized but not exceeded the available $1,000 of services not requiring prior authorization (see Section V.B above) and then determines that additional funding above $1,000 for the same provider will be necessary but has not yet billed the provider's time in eVoucher using the "No Authorization Required" CJA-21/31 eVoucher option, *nunc pro tunc* requests are permissible.

> **PRACTICE TIP:** If evident at start of the case you will likely need more than $1,000 in investigative, paralegal, or other expert fees, prepare an AUTH for the needed fees at the outset to (1) preserve the $1,000 available for services without prior authorization for other providers, and (2) avoid the need for a *nunc pro tunc* request. If you enlist a provider using the no-auth $1,000 and then determine that additional funding above $1,000 will be needed, submit a *nunc pro tunc* request with the AUTH indicating that the provider has not yet exceeded $1,000 and including the expended (but not yet billed) fees as part of the total requested authorization. Doing so will preserve the no-auth $1,000 for other services and avoid needing to create two CJA-21/31s to pay the provider's bill (one using the "No Authorization Required" option and the other using "Existing Authorization").

E. Compensation Maximum

Compensation for investigative, expert, and other services is subject to a waivable case compensation maximum amount. For non-capital cases, the statutory maximum for providers is set forth in CJA Guidelines § 310.20.10(a) (currently $3,000 for each individual service provider, excluding expenses). For capital cases, the waivable compensation maximum is $7,500 in combined fees and expenses for all service providers, as set forth in 18 U.S.C. § 3599(g)(2).

Approval by the Chief Judge of the Ninth Circuit or designee is required to exceed the statutory maximum and requires certification by this Court that the excess amount is necessary to provide fair compensation for services of an "unusual character or duration." 18 U.S.C. § 3006A(e)(3) (non-capital); 18 U.S.C. § 3599(g)(2) (capital).

F. Payment Vouchers

All claims for service providers must be submitted electronically in eVoucher on a CJA-21 for non-capital cases or a CJA-31 for capital cases. Final vouchers for service providers are due no later than 45 days after the case is disposed of in district court. Any voucher submitted beyond

45 days but less than one year after case disposition must attach a letter demonstrating good cause for the untimely submission. For cases that have been closed for one year or more, counsel must file a motion and obtain an order in CM/ECF to submit the voucher. Counsel may not pay the service provider directly and then request reimbursement as an expense on their CJA-20/30.

Because attorneys must certify on CJA-21/31 that the services were rendered, time spent by counsel to review a provider's bill is compensable. However, time spent creating or filling out the CJA-21/31 is a non-compensable administrative task, whether done by the provider or the attorney. Attorneys should make every effort to timely submit payment vouchers for service providers. Attorneys can summarize the attached invoice and do not need to enter line-item entries for service providers. Except for approved flat-fee arrangements, service provider time must be billed in tenths of an hour.

Interim vouchers may be submitted every 90 days.

G. Qualifications

Except for interpreters, the following requirements apply to the use of all expert, investigative, and other services:

1. Professional services for which licensing is required in the State of Arizona may not be procured without confirmation by counsel that the service provider holds a valid license and is in good standing. Counsel must attach the confirmation along with the provider's resume/CV to the documents tab of the AUTH.

2. For professional services where prior authorization from the Court is unnecessary (see section V.B. above), counsel must attach the confirmation along with the provider's resume/CV to the documents tab of the payment voucher along with the provider's invoice.

3. For services where licensing is not a requirement, qualifications must be confirmed in the form of a resume/CV attached to the documents tab of the AUTH request in eVoucher.

4. For services where prior authorization from the Court is unnecessary (see section V.B. above), the provider's resume/CV should be attached to the documents tab of the payment voucher along with the provider's invoice.

With respect to interpreting services, a resume is not required. However, counsel is encouraged to seek the services of "language-skilled" interpreters in lieu of federally certified or professionally qualified interpreters to minimize CJA costs. At this time a language-skilled interpreter is defined as one who does not qualify as federally certified or professionally qualified but can satisfactorily demonstrate the ability to interpret impartially from English to a designated language and from that language into English.

H. Court-Ordered Mental Health Examinations

Mental health examinations conducted pursuant to 18 U.S.C. § 4241 (mental competency to stand trial) or 18 U.S.C. § 4242 (insanity at time of offense) are considered "non-defense" purpose examinations. The costs are paid by the Department of Justice and claims for these examinations should be submitted to the U.S. Attorney's Office. A motion and proposed form of order must be filed in CM/ECF.

I. Engaging Relatives

Under CJA Guidelines §310.20.05, prior to engaging any relative to perform CJA compensable services other than as associate counsel in the same law firm, counsel should provide notification of the relationship and potential services to the presiding judicial authority. This notification may be attached to the Documents tab of an AUTH for such services.

The Court may, in the interest of justice, and upon finding that timely procurement of necessary services could not await prior notification, approve payment for such services up to the dollar threshold for obtaining services without prior authorization (see Section V.B above).

"Relative," as the term is defined in 5 U.S.C. § 3110, means father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, or half-sister.

Revision Log

Version Date	Version No.	Description	Author
3/14/2023	1.0	Finalized version.	K. Reynolds
4/14/2025	1.1	Table of Contents added. Updated hyperlinks and dollar amounts referenced throughout. Introduction section updated to add new CRC. Attorney Services section II.C. & Expert Services section V.F are each updated regarding late letters for cases disposed for more than 45 days "…must attach a late letter ~~addressed to the assigned judge~~ demonstrating good cause…" Attorney Services section II.C. updated: Interim vouchers are generally permitted once half the statutory maximum in accrued compensation and expense claims is reached and in 90 day increments thereafter. Attorney Services section II.I. Billing Categories> 1. Court Proceedings updated to "In-court time may include up to 0.2 hours of waiting time prior to the start of a scheduled in-person court matter and up to 0.3 hours of wait time prior to the start of initial appearances, as well as time waiting past the scheduled start time. …" Attorney Services section II.I. Billing Categories> 2. Interviews and Conferences updated: "…Conferences with family representatives must reference the general subject of the communication unless privileged and be reasonable in nature and duration. …" Attorney Services section II.I. Billing Categories> 6. Investigative or Other Work updated: "…Time billed for retrieving personal property must explain the representational purpose and may not exceed two hours without good cause shown. …"	K. Reynolds

		Attorney Services section II.K. 1,400 Limitation is removed. Travel section III.B. updated: "… Occasional variables such as excessive congestion, weather, or construction may be considered when justified. …" Non-Travel Expenses section IV.A. updated: "…Prior court authorization should be sought for any individual expense over $750. Expert Services section V.F. updated: Interim Vouchers may be submitted every 90 days.	
1/29/2026	1.2	Updated hyperlinks and dollar amounts referenced throughout.	K. Reynolds
10/9/2026	1.3	Updated hyperlinks.	K. Reynolds