



ADMINISTRATIVE OFFICE OF THE
UNITED STATES COURTS

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Director

WASHINGTON, D.C. 20544

January 7, 2021

MEMORANDUM

To: Judges, United States Court of Appeals
Judges, United States District Courts
United States Magistrate Judges
Circuit Executives
Federal Public/Community Defenders
District Court Executives
Clerks, United States Courts of Appeals
Clerks, United States District Courts
Senior Staff Attorneys
Circuit CJA Case-Budgeting Attorneys

From: James C. Duff 

RE: ADDITIONAL INFORMATION ON INCREASES TO THE CRIMINAL JUSTICE ACT
PANEL ATTORNEY HOURLY RATES AND **CASE COMPENSATION MAXIMUMS**
(IMPORTANT INFORMATION)

This memorandum updates my [December 31, 2020 memorandum](#) regarding increases to the hourly rate and case compensation maximums under the Criminal Justice Act (CJA), 18 U.S.C. § 3006A. As noted in that memorandum, the “Consolidated Appropriations Act of 2021,” enacted on December 27, 2020, allowed for inflationary adjustments to the capital and non-capital CJA panel attorney hourly rates. Implementation of these inflationary adjustments, however, was contingent on the President issuing an Executive Order finalizing 2021 federal civilian pay rates. The President issued such an Executive Order on the evening of December 31, 2020.

Below is information about implementing the inflationary adjustments to the panel attorney hourly rates based on the President’s Executive Order. The new hourly rates and case compensation maximums provided below were effective January 1, 2021. The hourly rates and case compensation maximums listed in my December 31, 2020 memorandum are superseded by the rates and maximums contained in this memorandum.

CJA Panel Attorney Hourly Rate Increases

The panel attorney hourly rates increase to \$155 for non-capital work and \$197 for capital work. The new rates apply to services performed on or after January 1, 2021. Where the appointment of counsel occurred before January 1, 2021, the new hourly compensation rates apply to that portion of services provided on or after the effective date.

CJA Panel Attorney Case Compensation Maximums (in Non-Capital Cases¹)

Because of the increase in the non-capital hourly rate, the waivable case compensation maximum amounts for non-capital representations increase to \$12,100, \$8,600, and \$2,600.² (The \$3,400 case compensation maximum does not change.)

The new case compensation maximums apply to a voucher submitted by appointed counsel if that person furnished any CJA-compensable work on or after January 1, 2021. The former case compensation maximums apply to a voucher submitted by appointed counsel if that person's CJA-compensable work on the representation was completed before January 1, 2021.

Investigative, Expert, or Other Services Case Compensation Maximums

The federal pay adjustment also increases the case compensation maximum for investigative, expert, or other services. The new waivable case compensation maximum amount with prior authorization is \$2,700. The \$2,700 maximum, which excludes expenses, applies to each individual service provider in a non-capital representation.³ (The case compensation maximum amount without prior authorization remains \$900.)

The new case compensation amount applies to a voucher submitted by a service provider if that provider furnished any CJA-compensable work in the representation on or

¹ There are no case compensation maximums for appointed counsel in capital cases. *See Guide to Judiciary Policy*, Vol. 7A, § 630.10.20 and § 635.

² The CJA provides that the panel attorney case compensation maximums for non-capital representations rise simultaneously with aggregate percentage increases in the hourly rate, rounded to the nearest \$100, since the case maximums were last amended by Congress. 18 U.S.C. § 3006A(d)(2).

³ *Guide*, Vol. 7A, § 310.20.10(b). This limitation does not apply in capital representations; the case maximum for investigative, expert, or other services in capital representations is governed by a different statute, 18 U.S.C. § 3599(g)(2), and has not changed.

after January 1, 2021. The former case compensation amount applies if the provider's work on the representation was completed before January 1, 2021.

eVoucher System Instructions

The new hourly rates and case compensation maximums will be updated in eVoucher and an announcement will be sent to verify the completion of the update. Please call the National Support Desk at (210) 536-5000 with any eVoucher inquiries. If a court's CJA administrator updates the court's service rates or excess fee limits tables before the national update is completed, there will be no negative impact.

* * *

The JNet charts ([Current CJA Rates and Case Compensation Maximums](#) and [History of CJA Rates](#)) indicate the new and previous hourly rates and case compensation maximums. The charts in the publicly accessible *Guide to Judiciary Policy*, Volume 7A (*CJA Guidelines*) are in the process of being revised.

Questions concerning the CJA hourly rates or case compensation maximums may be directed to the Defender Services Office, Legal and Policy Division Duty Attorney at (202) 502-3030, or via e-mail to dso_lpd@ao.uscourts.gov.

cc: CJA Panel Attorney District Representatives