

## MCALLEN DIVISION

### COMPENSATION - FILING OF VOUCHERS

#### A. GENERAL

All vouchers must be submitted through the court's eVoucher system.

All vouchers must itemize the dates services were rendered, a description of the legal services rendered in representation of the client, and the time expended in rendering the legal services.

Expenses must be itemized and documented.

In an extended or complex case, vouchers must be submitted monthly unless otherwise directed by the court.

#### B. ALLOWABLE EXPENSES - COURT APPOINTED COUNSEL (CJA 20 or 30)

Out of pocket expenses reasonable incurred may be claimed on the CJA 20 or 30 vouchers, and must be itemized and reasonably documented. Expenses for investigations or other services under subsection (e) of the Act are not out of pocket expenses. Thus, such expenses should not be claimed on the CJA 20 or 30 vouchers. A CJA 21 or 31 voucher, Authorization and Voucher for Expert or Other Services, should be filed by the attorney on behalf of the investigator or other expert. Out of pocket expenses may include:

##### 1. Travel Expenses

- (a) Travel by a privately owned automobile should be claimed at the rate prescribed for federal judiciary employees who use a private automobile for conducting official business, plus parking fees, ferry fees, and bridge, road and tunnel tolls. Other means of transportation should be claimed on an actual expense basis. (Local toll fees are not recoverable.)
- (b) **Costs for traveling from an attorney's office/duty station and the courthouse will not be reimbursed.**
- (c) **Travel time shall not be charged as an expense except where travel is away from the duty station where the courthouse is located.**
- (d) Counsel's expenses for meals and lodgings incurred in the representation of the defendant constitute reimbursable out of pocket expenses.
- (e) In determining whether actual expenses incurred are "reasonable," counsel should be guided by the prevailing limitations placed upon travel and subsistence expenses of federal judiciary employees in accordance with existing government travel regulations.

2. Hourly Rates for Appointed Trial Attorneys

- (a) The current hourly rate for in Court appearances and out-of-Court labor, as approved by the Judicial Conference of the United States, is published at [www.txscourts.gov/page/payment-rates](http://www.txscourts.gov/page/payment-rates). Where the hourly rate changes in the midst of an appointment, appropriate adjustments will be recognized. Case compensation maximums that are established by statute or Court rule will be recognized in all cases unless a case becomes extended or complex. Ultimate approval in such cases is made by the Chief Judge of the Fifth Circuit or her/his designee.
- (b) All claims for compensation in excess of statutory case limitation requires both, the voucher and a detailed memorandum supporting and justifying counsel's claim. The memorandum should state that representation was provided in a complex or extended case and that the excess payment is necessary to provide fair compensation. Ultimate approval in such cases is made by the Chief Judge of the Fifth Circuit or her/his designee.
- (c) Fees and Expenses In Capital Cases. Compensation shall be paid to attorneys appointed under this subsection not to exceed the in-court and out-of-court time published rates. Fees and expenses paid for investigative, expert, and other reasonably necessary services that are authorized, in any case, shall not exceed the published rate unless payment in excess of that limit is certified by the court. Amounts in excess shall first be approved by chief judge of the circuit or circuit designee. The Fifth Circuit's Special Procedures for Reviewing Attorney Compensation Requests in Death Penalty Cases and the limits on fees and expenses are on court's website.

3. Compensation Limits for Investigative, Expert and "Other" Services (CJA 21 31)

- (a) With Prior Authorization [www.txscourts.gov/page/payment-rates](http://www.txscourts.gov/page/payment-rates) (per organization or individual, exclusive of reimbursement for expenses reasonably incurred, per individual authorization to perform said service.)
- (b) Without Prior Authorization [www.txscourts.gov/page/payment-rates](http://www.txscourts.gov/page/payment-rates) (Subsection (e)(2)(A) of the Act authorizes the obtaining of investigative, expert and other services without prior authorization but subject to subsequent review, providing the cost of services obtained does not exceed the published rate plus expenses reasonably incurred.)

4. Photocopying

Actual costs not to exceed the published rate will be paid if a copy of the bill is submitted. For in-house copying, actual costs not to exceed the published rate will be paid. The costs of other forms reproduction will not be reimbursable.

5. Courier Service and Other Special Arrangements

For delivery of items that could be mailed or e-filed, expenses will be reimbursed only if normal mail service or e-filing is unavailable or inadvisable. In nonemergency cases, routine documents such as briefs and motions should be prepared early enough to permit use of the mail.

6. Law Students

Use of qualified law students to assist assigned counsel in trial preparation and in drafting briefs and arguments on appeal may be appropriate. Payment under the CJA in such instances may be made to assigned counsel only for compensable time spent by counsel plus allowable expenses. Allowable expenses for the attorney may include compensation paid to law students for legal research, but does not include reimbursement for expenses otherwise incurred by a law student. Submit an electronic CJA-21 or CJA-31 and treat as a paralegal expense (see B5 and B8).

7. Legal Research

- (a) Hours claimed for legal research and writing must identify the issue or issues that were the subject matter of the research;
- (b) In extended or complex cases, the hours claimed for legal research and writing must identify the issue or issues that were the subject matter of the research and the docket number of the relevant pleadings; and
- (c) A copy of bill for the use of equipment for computer assisted legal research must be attached to the compensation voucher.

7. Other Expenses

Other expenses include items such as telephone calls, express delivery, copying (except printing), postage and photographs. "Other" expenses in excess of the published rate must be substantiated by proof of payment, i.e., receipts, canceled checks, and invoices.

## IN COURT HOURLY INSTRUCTIONS

The “in-court” designation was devised to standardize the itemization and documentation of hourly totals and “in-court” services performed by court appointed counsel in the defense of a client under the Criminal Justice Act. Each submission shall include the following:

- a) the date the service was performed
- b) a brief description of the service performed
- c) the time spent performing the service

The time spent performing the service shall be reported in tenths of hours\*. In addition, the time reported should be entered under the appropriate in-court service category, i.e., arraignment and/or plea, motions and requests, bail hearings, etc.

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*	6 Minutes = .1 Hour	36 Minutes = .6 Hour
	12 Minutes = .2 Hour	42 Minutes = .7 Hour
	18 Minutes = .3 Hour	48 Minutes = .8 Hour
	24 Minutes = .4 Hour	54 Minutes = .9 Hour
	30 Minutes = .5 Hour	60 Minutes = 1.0 Hour

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## OUT-OF-COURT HOURLY INSTRUCTIONS

The “out-of-court” designation was devised to standardize the itemization and documentation of hourly totals and “out-of-court” services performed by court appointed counsel in the defense of a client under the Criminal Justice Act. Each submission shall include the following:

- a) the date the service was performed
- b) a brief description of the service performed; and
- c) the time spent performing the service

The time spent performing the service shall be reported in tenths of hours\*. In addition, the time reported should be entered under the appropriate “out-of-court” service category, i.e., Interviews and conferences, obtaining and review records, legal research and brief writing, etc.

**Note: Travel time should not be charged as an expense except where travel is away from the duty station where the courthouse is located.**

## **OTHER EXPENSE INSTRUCTIONS**

The “other” expense designation was devised to standardize the itemization and reimbursable expense incurred by court appointed counsel in the defense of a client under the Criminal Justice Act. Each submission shall include the following:

- a) the date incurred,
- b) a brief explanation of the expense; and
- c) the amount of expense incurred.

Expense items such as mileage and copying should reflect the total miles and pages, respectively, multiplied by the applicable rate. The expenses incurred should then be entered under the appropriate “other” expense category, i.e., mileage, parking, meals, etc. Upload all supporting documentation, i.e., receipts, canceled checks and invoices for all expenses in excess of the published rate to the electronic voucher.