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UNITED STATES COURT OF APPEALS
FOR THE FIRST CIRCUIT

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Guidance on Using CJA Form 21 for Duplicating Services (for Attorneys and Copy Companies) (Rev. 2/6/12)

As of May 14, 2009, the First Circuit Court of Appeals has required attorneys appointed under the Criminal Justice Act (CJA) to represent indigent defendants to submit appendices in addition to their briefs. Attorneys using an outside duplicating service to copy their briefs and appendices may use a CJA 21 voucher to obtain direct payment to the duplicating service of the copying costs associated with their briefs and appendices. Here is how it works.

First, the attorney must prepare the brief and appendix and ascertain whether the cost of copying them, when added to any previous costs incurred for interpreters or any other service providers, will exceed **\$800**. If so, the attorney must then obtain a court order authorizing this expenditure (NOTE: The court's experience indicates that most CJA appeals will not require this prior authorization. It is not necessary to serve paper copies of briefs that are filed and served electronically. See Administrative Order Regarding Case Management /Electronic Case Files System (CM/ECF), Rules 1 and 4. Generally only 11 paper copies of a brief and 8 copies of an appendix should be necessary).

Next, the attorney must complete Items 1-14 of the CJA 21 voucher in accordance with the CJA Form 21 Instructions, i.e., provide the name of the case, the description of services (e.g., "Brief and Appendix"), and type of provider, (e.g., "Duplication Services"). Box 13 should state the number of codefendants involved in the appeal, if any. Item 15 (Court Order) should be left blank; where necessary, the court will complete it.

Double-sided copying should be used for appendices, but not for briefs. The expense of printing briefs, regardless of the printing method utilized, is not reimbursable, but the cost of photocopying or similar copying service is reimbursable. See CJA Guidelines, § 230.66.40. After duplicating the briefs and appendices, the copy company must complete Item 16 (Claim for Services) and Item 17 (Payee's Name, Mailing Address, TIN, etc.) of the CJA 21 voucher. An authorized representative of the copying service must then sign and date Box 17 (to certify the services rendered). Thereafter, the attorney must sign and date Box 18 (to certify receipt of the services).

The attorney must not sign Box 18 until the claimant/copy company has completed the required information and signed in Box 17. The voucher must be accompanied by an itemized invoice that specifies the number of copies made, the number of pages copied, and the cost per page, cover, and binding.

Once both signatures are in place, the completed CJA 21 may be submitted to the court for payment by forwarding same to: Donna Barchard, CJA Coordinator, Clerk's Office, United States Court of Appeals, John Joseph Moakley United States Courthouse, 1 Courthouse Way, Suite 2500, Boston, MA 02210. The voucher will be processed and payment will be sent directly to the copy company from the Administrative Office of the United States Courts in Washington, D.C. Payment of properly submitted vouchers typically will be made within 30 days.

For further information, please contact Linda Neary, Administrative Attorney, (617) 748-9103 or Donna Barchard, CJA Coordinator, (617) 748-9057.

/s/ Margaret Carter, Clerk