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# **PRACTICE AND PROCEDURE IN THE COURT OF APPEALS**

## **I. Appellate CM/ECF**

### **A. Electronic Filing**

Effective January 1, 2010, electronic case filing is mandatory for all attorneys filing in the First Circuit. For complete information on electronic filing, see the First Circuit public website at [www.ca1.uscourts.gov](http://www.ca1.uscourts.gov). Although electronic filing is mandatory, the clerk's office will always work with attorneys if there is a special problem.

Before filing electronically for the first time, attorneys must complete the two electronic learning modules (ELMS) available on the First Circuit website. It is not enough that attorneys are already proficient in electronic filing in the district court or some other circuit. The appellate system is significantly different from the district court system.

Attorneys should review the court's Administrative Order (also available on the website) before filing. This Order sets forth the relevant rules governing electronic filing, including what documents can and cannot be filed electronically and when copies are required.

Attorneys also need to register with PACER as a First Circuit Appellate ECF filer before filing electronically. Attorneys should not wait until the last minute to do so. The registration is initially through PACER but it must then be processed by the First Circuit.

In order to register, attorneys must be a member of the First Circuit bar. So, attorneys should take care of this as soon as possible if they intend to litigate in this court. The clerk's office will expedite the process when necessary, but it is preferable not to wait until the last minute.

There is a very detailed CM/ECF User's Guide available on the First Circuit website. The Guide includes FAQs (and there is a direct link to these FAQs on the website). Although the First Circuit clerk's office encourages users to review the training and other website materials before calling, it does have an excellent ECF Help Desk.

### **B. Requesting Notice in Cases of Interest**

Attorneys with an Appellate ECF Filer account can sign up to receive Notices of Docket Activity (NDA's) in any public case, regardless of whether they are associated with the case. This may be of interest to attorneys who want to monitor the docket in someone else's case because of the issues involved. To request notice in cases of interest, users

should login to Appellate CM/ECF, select Utilities, and then select Notice for Cases of Interest. Within the utility, the user can select specific cases. For more information on how to access and use this utility, please refer to the CM/ECF User Guide on the Court's website. Standard PACER access fees are assessed to view linked documents in the NDA's.

It is also possible for members of the general public (e.g., the press) and attorneys who are not members of our bar and do not intend to become Appellate ECF Filers (because they don't practice before the First Circuit) to sign up to receive NDA's in cases of interest. Such persons must first register for an Appellate ECF "non-filing" account. Further directions are available on the Court's website on the CM/ECF page.

## **II. Privacy Concerns and Redaction**

Federal rules went into effect in 2007 that require filers to redact certain information before filing with the court, whether the document is filed in paper or electronically. See Fed. R. App. P. 25(a)(5), Fed. R. Civ. P. 5.2, Fed. R. Crim. P. 49.1, and Fed. R. Bank. P. 9037. Generally, the rules require that filings be redacted to show no more information than:

- the last four digits of a Social Security or taxpayer identification number
- a year of birth
- a minor's initials
- the last four digits of a financial account number, and
- in criminal cases, the city and state of a home address.

The responsibility for redacting documents in compliance with the rules rests solely with counsel and the parties. The Clerk will not review documents for compliance with the redaction requirements. In reviewing for necessary redactions, counsel should pay special attention to documents in attachments, addenda, or appendices.

Attorneys should exercise caution in including other sensitive information in their public filings, such as, for example, medical records, information regarding an individual's cooperation, and sensitive information regarding the victim of criminal activity. Documents that are filed electronically - - or are scanned and attached to the docket by the Clerk's Office - - are readily available on the Internet.

### III. Motion Practice & Filing Tips: Some Common Problems

#### A. Motions in General

1. *Adequate Detail and Background.* Make sure that your motion sets forth in adequate detail the grounds for your request - - even for procedural motions. For example, when filing a motion for extension of time, request a specific date and show good cause. Relatedly, provide enough background in the motion for someone whose first exposure to the case may be that motion. This is especially important where the motion requires some evaluation of the merits- - e.g., a motion for bail pending appeal- - and is filed before briefing.
2. *Attachments.* Make sure that any relevant parts of the record are attached to the motion. For example, if filing a motion for bail pending appeal, attach a copy of the district court bail ruling and any other parts of the record that are necessary to decide the motion.
3. *E-Filing v. Paper Filing.* Most motions are required to be filed electronically. However, motions to seal, and sealed and other non-public documents must be filed in paper. The court's Administrative Order Regarding Case Management/Electronic Case Files System should be carefully consulted on this.
4. *Paper Copies.* Paper copies are required of electronically filed briefs and appendices. Otherwise, paper copies of electronically-filed documents are not required, unless specifically requested by the clerk's office. Thus, unless asked, do not file paper courtesy copies of electronically-filed motions.
5. *Scanned Documents.* Documents must be formatted for electronic filing by converting the original word processing document into Portable Document Format ("PDF"). However, exhibits which are submitted as attachments to electronically filed documents may be scanned and attached if the filer does not possess a word-processing file version of the document.
6. *Emergency Motions.* See IOP V.D., which encourages filers to contact the clerk's office in advance to advise of filing of an emergency motion, and indicates that any motion seeking expedited relief should specify the date by which a ruling is requested and the reasons supporting expedition. If at all possible, don't wait until something ripens into an emergency before filing a motion that could have been filed earlier.
7. *After-hours Filing.* Although documents may be filed electronically 24/7

through CM/ECF, the filer should not expect that the filing will be addressed outside regular business hours unless the filer contacts the Clerk's Office in advance to make special arrangements. Such arrangement will be made if there is an emergency. Counsel should also remember that, while a case-initiating document may be filed electronically, it is not possible to file additional documents electronically through CM/ECF until that case has been opened by the Clerk's Office. Accordingly, if counsel anticipates the need to file an emergency document after-hours and a case hasn't been opened on appeal, counsel should contact the Clerk's Office.

8. *Other Tips.* Try to minimize the number of motions filed. If possible, put the complaint or argument in the appellate brief rather than in a separately-filed motion. Also, when possible, consult with the other side before filing a motion and try to agree. Maybe a motion won't be needed or the area of difference can be narrowed.

B. Some Specific Types of Motions/Applications

1. *Motions for Bail Pending Appeal.* There are two important things to say plainly at the outset in a bail motion. First, what is the reporting date, so the court knows how quickly action is needed. Second, whether bail has been sought from the district court. The bail motion should be submitted first to the district court and acted on by the district court before the bail motion is filed in the court of appeals.
2. *Applications for a Certificate of Appealability.* A certificate of appealability issues “only if the applicant has made a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2). In practice, relatively few certificates of appealability are granted at the court of appeals level. In practical terms, then, the application for a certificate of appealability may be the only opportunity the appellant will have to explain why the district court erred in denying the § 2255 petition (or a 2254 or 2241 petition). Consequently, the application should be complete. As with motions seeking bail relief, the issuance of a certificate of appealability should be determined in the first instance by the district court and sought from the Court of Appeals only if denied or denied in part below. See Section IV. B. below for more information about certificates of appealability.
3. *Motions to Expedite Appeal, Briefing.* Try to get the other side's assent; propose a schedule.
4. *Motions to Seal, 1st Cir. R. 11.0, 28.1.* A whole brief or appendix typically won't be sealed. Before filing a motion to seal an entire brief, determine if

you could instead make reference to sealed material in a supplemental brief to be submitted separately under seal. The motion to seal itself is not sealed, so if the motion to seal needs to refer to confidential information, that confidential information should be stated in an accompanying affidavit or declaration, which can be sealed. Motions to seal should not be filed electronically.

5. *Motions for Leave to File Oversized Briefs.* The First Circuit strongly encourages short, concise briefs and other filings, so try to avoid the need to file a motion for enlargement of size. Any such motion must specify the additional length sought and provide detailed grounds for why additional space is necessary. Motions for leave to file oversized briefs must be filed at least 10 days in advance of the brief's due date. See 1st Cir. R. 32.4.
6. *Extension Motions.* Motions for an extension of time are discouraged. However, should counsel need additional time to file the brief, a motion should be filed well in advance of the deadline for filing the brief.
7. *Motions to File Supplemental Appendix.* Clarify that what is being included is part of the record; otherwise, you are really seeking leave to supplement the record.

C. Briefs and Appendices

1. *Briefs.* Although the brief (including the addendum, required by 1st Cir. R. 28.0) and appendix must be filed electronically, paper copies of briefs are still required to be filed. The clerk's office will review the electronically-filed brief and appendix and, if the filings are compliant with federal and local rules, will send a notification requiring the attorney or party filing electronically to file nine identical paper copies so that they are received by the court within seven days. The court may shorten the time period for filing paper copies if it becomes necessary in a particular case. Please note that an appendix is required in all counseled appeals, including appeals where counsel is appointed under the Criminal Justice Act; an appendix is not required where the appellant is proceeding pro se.
2. *Addendum.* The brief of the appellant must include an addendum containing the judgments, decisions, rulings, or orders appealed from. For additional information regarding the content of the addendum, and the page limit, see 1st Cir. R. 28.0. The addendum must be bound at the rear of the appellant's brief. The electronic version of the brief and addendum should be a single PDF.

3. *Sealed Documents.* Sealed or otherwise non-public documents should never be included in a public appendix or addendum. A common problem is that counsel attempts to include a presentence investigation report or statements of reason in an addendum or appendix. Briefs and appendices including such materials will be treated as noncompliant and will need to be corrected. However, these materials may be filed in a separate Supplemental Addendum or Appendix clearly marked "SEALED." See 1st Cir. R. 11.0.
4. *Scanned Documents.* Documents must be formatted for electronic filing by converting the original word processing document into Portable Document Format ("PDF") (resulting in what is referred to as a "native PDF" or "text PDF"). Accordingly, the brief should not be scanned. However, documents in the addendum which are unavailable in native PDF may be scanned and attached.
5. *Tips for Assembling the Addendum/Appendix.* Attorneys can create an appendix or addendum for their appellate briefs using the "Create Appendix" feature in the district court CM/ECF docket activity report. For instructions, see "Instructions for Creating an Appendix Using the Create Appendix Function" posted on the First Circuit's website on the Forms & Notices page.
7. *Format and Content.* With respect to format and content requirements, we can't stress enough how important it is to familiarize yourself with the Federal Rules of Appellate Procedure and local rules, particularly Rules 28, 30, 32, and the corresponding local rules. Read the briefing notice, as this will list common, avoidable errors. Refer to the website, particularly the "Checklist for Briefs." If you complete each section on the checklist, it is unlikely that your brief will be noncompliant.

D. Resources

1. *Website resources.* The court's website is [www.cal.uscourts.gov](http://www.cal.uscourts.gov). Clerk's Office contact information, hours of operation, and directions are available on the court's website under the "About the Court" tab by selecting the "Clerk's Office." Additional Clerk's Office information is available by clicking the buttons on the homepage to Dockets, Opinions, and the court calendar or by selecting the tabs for Rules & Procedures, Forms & Fees, or Criminal Justice Act Materials. Counsel who are interested in receiving copies of this court's opinions electronically may sign up via a link on the Opinions page. Similarly, counsel who wish to hear audio recordings of the court's oral arguments may sign up via a link on the Calendar page. Under the "Case Information" tab, there are links to information on

electronic filing, including training materials, a User's Guide, and the Help Desk phone number, available by selecting the CM/ECF tab.

2. **Call the Clerk's Office.** Case managers can answer many routine questions, though they are not attorneys; where appropriate, you will be directed to legal staff. However, Clerk's Office employees cannot provide legal advice.

#### IV. Clerk's Office Expectations of Criminal Defense Counsel

It goes without saying that counsel should prepare a well-researched, well-written, and procedurally-compliant brief and that counsel should effectively argue the case. However, defense counsel has additional responsibilities. The following are some common problems and tips from the perspective of the Clerk's Office.

##### A. Direct Criminal Appeals

##### 1. *Trial Counsel's Continuing Obligations in Direct Criminal Appeals*

Under Local Rules 12.0(b) and 46.6(a), an attorney who represented a defendant in a criminal case in the district court is responsible for representing the defendant on appeal until relieved by the court of appeals. 1st Cir. R. 46.6 sets out the procedure for withdrawal. Typically, counsel is permitted to withdraw when new counsel is appointed/retained or the defendant elects to proceed pro se. In the meantime, counsel should file an appearance and complete the case opening forms.

The purpose of the local rule is to ensure that the defendant doesn't "slip through the cracks" during the transition between the district court and appeals court and that an indigent defendant has the necessary legal assistance in filing the paperwork to obtain new counsel (e.g., application to proceed in forma pauperis, if necessary, and the form for selection of counsel). Although trial counsel is responsible for meeting all court deadlines until allowed to withdraw, the court of appeals routinely grants briefing extensions until new counsel is in place. The court will also grant extensions for filing opening forms if appropriate.

Since trial counsel has a continuing obligation to represent the defendant on appeal until relieved by the court of appeals, a motion to withdraw should be filed in the court of appeals (not the district court). A common problem is that counsel files a post-judgment motion to withdraw in the district court, the motion is allowed, and counsel thinks that he/she is relieved of any further duties. Counsel has continuing obligations in the court of appeals until the court of appeals allows withdrawal.



1st Cir. Rules 12.0(b) and 46.6(a) apply regardless of whether trial counsel was appointed or retained and also regardless of whether counsel files the notice of appeal or the defendant does so pro se. Further, these rules apply even if counsel is not a member of the First Circuit bar. Defense counsel who practice in the district courts in the First Circuit must be prepared to appear in the court of appeals and should join the First Circuit bar. The admission fee is waived for CJA counsel who have a pending case.

A motion to withdraw in the court of appeals should be accompanied by a notice of appearance of replacement counsel or a completed CJA Selection of Counsel Form. In exceptional circumstances where these cannot be obtained (e.g., the client is uncooperative and refuses to complete the necessary paperwork), counsel may file an affidavit explaining the difficulty and move to withdraw. Although the court of appeals may insist that counsel make further efforts, it typically will allow withdrawal once reasonable efforts have been exhausted.

A unique circumstance that sometimes arises is that the defendant files an incurably tardy, pro se notice of appeal, and the clerk's office issues a show cause order directed to both sides. In these circumstances, the court will typically require trial counsel to respond to the show cause order and hold any request for appointment of new counsel pending a determination as to whether the appeal will be allowed to proceed. If trial counsel concludes that there is no non-frivolous argument to be made that the appeal can proceed, counsel should file an Anders-like response saying so.

2. *Forwarding the Case File to New Counsel*

When new counsel is appointed, former counsel is expected promptly to forward the case file to new counsel. If copies of parts of the record are missing from the file (and new counsel is not local), the Clerk's Office will copy and mail relevant parts of the record not available through PACER. Where at all possible, new counsel and former counsel should communicate directly.

3. *Transcripts*

Within 14 days of case opening or the time set by an appointment order, counsel must forward to the court of appeals' clerk's office a completed transcript report/order form (and, if transcripts are sought at government expense, a completed CJA Form 24). If the court reporter files the transcripts but neglects to provide counsel with a copy, counsel should contact the court reporter directly.

Transcripts are now filed electronically and are available through PACER. If the transcripts are funded under the Criminal Justice Act, appointed counsel should have remote access to these transcripts even during the 90-day period when they are not remotely available to the general public. If the necessary permissions have not been set, counsel should promptly contact the court reporter supervisor. If necessary, the Case Manager Supervisor in the court of appeals can be contacted for assistance.

#### 4. *Defaults*

Counsel is responsible for meeting all court of appeals deadlines. Where necessary, counsel should file a motion for an extension of time. Under no circumstances should counsel allow the appeal to go into default. A default sends a very bad message to the client and reflects very poorly on defense counsel. The clerk's office tracks default closely. A pattern of defaults may result in a CJA attorney not being reappointed to the panel or the initiation of disciplinary action.

Sometimes counsel will allow an appeal to fall into default during the time period after the appeal is first docketed and before new counsel is appointed or enters an appearance. Trial counsel has a continuing responsibility to represent a defendant on appeal, and should meet all court of appeals deadlines, until allowed to withdraw by the court of appeals. If appropriate, counsel may seek an extension of time to file opening forms or the brief.

If the client is no longer interested in pursuing the appeal, counsel should file a motion for voluntary dismissal pursuant to Fed. R. App. P. 42(b). The motion should be accompanied by a signed statement from the defendant. If newly-appointed counsel concludes that there are no non-frivolous issues and the client does not want to voluntarily dismiss the appeal, counsel should file an Anders brief and move to withdraw.

If the problem is that counsel is truly unable to meet a deadline (but has been cautioned against further extensions), counsel should file a written extension motion explaining the situation. In rare circumstances, health problems or other personal difficulties may pose special problems. In these circumstances, appointed counsel should consult with the Clerk or Chief Deputy Clerk. It may be appropriate for counsel to withdraw and for replacement counsel to be appointed.

The court expects attorneys to balance their caseloads in such a way that they can ordinarily meet deadlines. Although the press of other business

may require an occasional extension request, the court looks with disfavor on multiple extension requests, especially in cases arising from a guilty plea where the record is relatively short. CJA counsel should not ask for, or accept, cases if they cannot reasonably expect to meet court deadlines.

5. *Communication with the Client*

Periodically, the Clerk's Office receives letters from defendants requesting information about the status of their case, complaining that counsel has not answered their letters or telephone calls, and requesting copies of filings. Counsel should keep their clients regularly informed about the status of the case (even if the status is that there has been no change). Further, counsel should provide their clients with copies of briefs, as well as a copy of all court orders, opinions, and judgments.

6. *Anders Briefs*

Anders briefs, accompanied by a motion to withdraw, are filed by attorneys who believe the criminal appeal is completely frivolous. The relevant procedures are set forth in 1st Cir. R. 46.6(c)(4). Any such brief should be filed only after counsel has ordered and reviewed all relevant transcripts, including trial, change of plea, and sentencing transcripts, as well as the presentence investigation report. Counsel should be sure that the entire record is available to the court.

7. *Post-judgment Responsibilities*

Under the First Circuit's CJA plan, see 1st Cir. R. 46.5, appointed counsel has an obligation to file a petition for a writ of certiorari if the defendant loses the appeal and wishes to apply for certiorari, unless such a petition would be frivolous. If counsel concludes that there are no reasonable grounds for filing a petition, counsel should file a motion to withdraw. The relevant procedures are set forth in 1st Cir. 46.5(c).

A motion to withdraw should be filed early in the 90-day period for seeking certiorari since the court of appeals may disagree with counsel's frivolousness assessment and require the filing of a petition. Further, even if counsel is allowed to withdraw, the defendant may wish to file a pro se petition. Under no circumstances should counsel simply let the deadline for filing a certiorari petition lapse.

B. *Habeas Appeals*

In habeas cases, which include challenges to both state convictions under 28 U.S.C.

§ 2254 and federal convictions under 28 U.S.C. § 2255, appointment of counsel on appeal is discretionary even if counsel was appointed in the district court. 1st Cir. Rules 12.0(b) and 46.6(a) requiring counsel in the district court to follow a criminal case in the court of appeals do not apply. Nonetheless, if counsel files the notice of appeal, the clerk's office will consider that attorney to be counsel of record. Accordingly, it is very important that the issue of representation be clarified as soon as possible.

If a certificate of appealability has been denied in the district court, the First Circuit will usually not appoint counsel to file a motion for a certificate of appealability. Instead, the court of appeals will review the filings in the district court and any memorandum in support of a certificate of appealability filed in the court of appeals and will make a determination whether the appeal can go forward. If a certificate of appealability has been granted by the district court, the court of appeals is somewhat more likely to appoint counsel

In order to clarify whether you are going to get appointed and paid for work, the safer practice, when an appeal is docketed in the First Circuit, is to move for the appointment of counsel, and to move to extend the time for filing a memorandum in support of a certificate of appealability (or brief, if a certificate has been granted) until the court decides whether to appoint counsel. If the motion for appointment is denied, you must make a decision whether you are going to continue to represent the defendant on a pro bono basis or withdraw.

If you do not intend to continue representation, you should promptly move to withdraw. Otherwise, the defendant may assume that you are prosecuting the appeal and miss the opportunity to file a pro se memorandum or brief. If the defendant has not already sought appointment of counsel, you should explain this avenue. If appointment of counsel has been denied, you should explain the defendant's right to proceed pro se. If the court of appeals grants a certificate of appealability after denying a motion for appointment of counsel, it may be worth filing a renewed motion for appointment since the court is more likely to appoint counsel if a certificate has been granted.

C. Crack Cocaine Amendment Appeals, 18 U.S.C. § 3582(c)(2)

The First Circuit also views appointment of counsel in crack cocaine amendment appeals as discretionary, at least in most cases. CJA attorneys that were appointed in the district court in crack cocaine amendment cases should promptly file a motion in the First Circuit for reappointment or to withdraw. Few motions for reappointment are allowed. It is very important to clarify the issue of appointment and representation as soon possible. Otherwise, counsel risks doing work and not getting paid. It is equally important that the defendant know whether he is proceeding pro se or whether counsel is representing him.

# BEST PRACTICES FOR FILING A CJA FORM 24 IN THE US COURT OF APPEALS FOR THE FIRST CIRCUIT

Last updated on January 11, 2024

|   |  |
|---|--|
| <b>Box 1:</b> Enter the four-character code for the authorizing court "01AC," which represents the First Circuit Court of Appeals.  | <div>1. CIR./DIST./ DIV. CODE<br/>01AC</div>   |
| <b>Box 2:</b> Enter the full name of the person represented.  | <div>2. PERSON REPRESENTED<br/>John Doe</div>  |
| Voucher Number and Box 3 should be left blank.  |  |
| <b>Box 4:</b> Enter the district court case number <i>including the defendant number</i> . If the litigant is the sole defendant, the defendant number is "1."<br><br>This information can be found on the general docket for the First Circuit here:<br><div>Originating Court Information:<br/>District: 0104-3 : 1:20-cr-9999-ABC-1</div>  | <div>4. DIST. DKT./DEF. NUMBER<br/>1:20-cr-9999-ABC-1</div>  |
| <b>Box 5:</b> Enter the Court of Appeals case number.   | <div>5. APPEALS DKT./DEF. NUMBER<br/>22-9999</div>   |
| <b>Box 6:</b> Only enter a secondary case number if the appeal is consolidated with another appeal.   |  |
| <b>Box 7:</b> Enter the case title.<br><br>This information can be found on the general docket for the First Circuit here:<br><div>Court of Appeals Docket #: 22-9999<br/>US v. John Doe</div>  | <div>7. IN CASE/MATTER OF (Case Name)<br/>US v. Doe</div>  |
| <b>Box 8:</b> Select "Appeal," regardless of the type of offense charged in the district court.   | <div>8. PAYMENT CATEGORY<br/><input type="checkbox"/> Felony <input type="checkbox"/> Petty Offense<br/><input type="checkbox"/> Misdemeanor <input type="checkbox"/> Other<br/><input checked="" type="checkbox"/> Appeal</div>           |
| <b>Box 9:</b> Select the appropriate party type on appeal ("Appellant" or "Appellee").  | <div>9. TYPE PERSON REPRESENTED<br/><input type="checkbox"/> Adult Defendant <input type="checkbox"/> Appellant<br/><input type="checkbox"/> Juvenile Defendant <input type="checkbox"/> Appellee<br/><input type="checkbox"/> Other</div> |
| <b>Box 10:</b> Enter the appropriate representation type. <ul style="list-style-type: none"><li>TD: Trial Disposition (trial, plea, pretrial, conviction, sentence);</li><li>CA: Other Appeal (revocation, 3582, compassionate release, post-conviction);</li><li>HA: Habeas Appeal (2254, 2255); or</li><li>D1-D4: Death Penalty.</li></ul><br>This information can be found on the general docket for the First Circuit here: | <div>10. REPRESENTATION TYPE<br/>(See Instructions)</div>  |

**Case Type Information:**

- 1) criminal
- 2) conviction and/or sentence
- 3) -

**Box 11:** Enter the offenses charged, citing the U.S. Code, Title, and Section. This information can be found on the district court docket here:

**Pending Counts**

18:922(g)(1) AND 924(a)(2) PROHIBITED PERSON  
IN POSSESSION OF A FIREARM AND  
AMMUNITION: FELON  
(1)

11. OFFENSE(S) CHARGED (Cite U.S. Code, Title & Section)

18 U.S.C. §§ 922(g)(1) and 924(a)(2)

**Box 12:** Enter the proceeding in which the transcript will be used. You may enter just "appeal."

12. PROCEEDING IN WHICH TRANSCRIPT IS TO BE USED (Describe briefly)

Appeal

**Box 13:** Enter all the proceedings to be transcribed as provided on the Transcript Order Form, including the type of proceeding and the date of which the hearing took place. Please note that **one CJA 24 must be filed per court reporter**.

If you are requesting the opening statements, arguments, rebuttal, voir dire, and jury instructions, these must be listed in Box 13 and selected in 14C.

**Box 14:**

A:

B: If you require expedited transcripts, please select the timeframe that is most appropriate. Please note, if you require any type of expedited transcripts, you must file a motion to expedite along with your voucher.

B. ☐ 14-Day Transcript ☐ 7-Day ☐ 3-Day ☐ Next-Day ☐ 2-Hour ☐ Realtime Unedited

C: Select the appropriate hearings for which you are requesting.

D:

**Box 15:** Sign and date the voucher. Provide your phone number and select "Panel Attorney."

**15. ATTORNEY'S STATEMENT**

As the attorney for the person represented who is managed above, I hereby affirm that the transcript requested is necessary for adequate representation. I, therefore, request authorization to obtain the transcript services at the expense of the United States pursuant to the Criminal Justice Act.

s/ Richard Roe

01/01/2022

Signature of Attorney

Date

Richard Roe

Printed Name

Telephone Number: 555-5555

☒ Panel Attorney ☐ Retained Attorney ☐ Pro-Se ☐ Legal Organization

# Sample

CJA 24 AUTHORIZATION AND VOUCHER FOR PAYMENT OF TRANSCRIPT (Rev 10/23)

|   |                  |   |              |  |           |   |                  |
|---|------------------|---|--------------|--|-----------|---|------------------|
| 1 CIR./DIST./DIV. CODE<br><b>01AC</b>   |                  | 2 PERSON REPRESENTED<br><b>John Doe</b>   |              | VOUCHER NUMBER   |           |   |                  |
| 3 MAG DKT./DEF NUMBER   |                  | 4 DIST DKT./DEF NUMBER<br><b>1:20-cr-9999-ABC-1</b>   |              | 5 APPEALS DKT./DEF NUMBER<br><b>22-9999</b>  |           | 6 OTHER DKT. NUMBER                                       |                  |
| 7 IN CASE/MATTER OF (Case Name)<br><br><b>United States v. Doe</b>  |                  | 8 PAYMENT CATEGORY<br><input type="checkbox"/> Felony <input type="checkbox"/> Petty Offense<br><input type="checkbox"/> Misdemeanor <input type="checkbox"/> Other<br><input checked="" type="checkbox"/> Appeal |              | 9 TYPE PERSON REPRESENTED<br><input type="checkbox"/> Adult Defendant <input checked="" type="checkbox"/> Appellant<br><input type="checkbox"/> Juvenile Defendant <input type="checkbox"/> Appellee<br><input type="checkbox"/> Other   |           | 10 REPRESENTATION TYPE<br>(See Instructions)<br><b>TD</b> |                  |
| 11 OFFENSE(S) CHARGED (Cite U.S. Code, Title & Section) <i>If more than one offense, list (up to five) major offenses charged, according to severity of offense.</i><br><b>18 U.S.C. §§922(g)(1) and 924(a)(2)</b>  |                  |   |              |  |           |   |                  |
| <b>REQUEST AND AUTHORIZATION FOR TRANSCRIPT</b>   |                  |   |              |  |           |   |                  |
| 12 PROCEEDING IN WHICH TRANSCRIPT IS TO BE USED (Describe briefly)<br><b>Appeal</b>   |                  |   |              |  |           |   |                  |
| 13 PROCEEDING TO BE TRANSCRIBED (Describe specifically). <i>NOTE: The trial transcripts are not to include prosecution opening statement, defense opening statement, prosecution argument, defense argument, prosecution rebuttal, voir dire or jury instructions, unless specifically authorized by the Court (see Item 14).</i><br><b>01/01/2020 Hearing (DE 5), 01/02/2020 Voir Dire (DE 6)</b>  |                  |   |              |  |           |   |                  |
| 14 SPECIAL AUTHORIZATIONS   |                  |   |              |  |           |   | JUDGE'S INITIALS |
| A Apportioned Cost _____ % of transcript with (Give case name and defendant)  |                  |   |              |  |           |   |                  |
| B <input type="checkbox"/> 14-Day Transcript <input type="checkbox"/> 7-Day <input type="checkbox"/> 3-Day <input type="checkbox"/> Next-Day <input type="checkbox"/> 2-Hour <input type="checkbox"/> Realtime Unedited   |                  |   |              |  |           |   |                  |
| C <input type="checkbox"/> Prosecution Opening Statement <input type="checkbox"/> Prosecution Argument <input type="checkbox"/> Prosecution Rebuttal<br><input type="checkbox"/> Defense Opening Statement <input type="checkbox"/> Defense Argument <input checked="" type="checkbox"/> Voir Dire <input type="checkbox"/> Jury Instructions   |                  |   |              |  |           |   |                  |
| D In this multi-defendant case, commercial duplication of transcripts will impede the delivery of accelerated transcript services to persons proceeding under the Criminal Justice Act  |                  |   |              |  |           |   |                  |
| 15 ATTORNEY'S STATEMENT<br><br>As the attorney for the person represented who is managed above, I hereby affirm that the transcript requested is necessary for adequate representation. I, therefore, request authorization to obtain the transcript services at the expense of the United States pursuant to the Criminal Justice Act.<br><br><u>s/Richard Roe</u> <u>01/01/2022</u><br>Signature of Attorney      Date<br><u>Richard Roe</u> <u>555-5555</u><br>Printed Name      Telephone Number<br><input checked="" type="checkbox"/> Panel Attorney <input type="checkbox"/> Retained Attorney <input type="checkbox"/> Pro-Se <input type="checkbox"/> Legal Organization |                  |   |              | 16 COURT ORDER<br><br>Financial eligibility of the person represented having been established to the Court's satisfaction the authorization requested in Item 15 is hereby granted.<br><br>_____<br>Signature of Presiding Judge or By Order of the Court<br><br>_____      _____<br>Date of Order      Nunc Pro Tunc Date |           |   |                  |
| <b>CLAIM FOR SERVICES</b>   |                  |   |              |  |           |   |                  |
| 17 COURT REPORTER/TRANSCRIBER STATUS<br><br><input type="checkbox"/> Official <input type="checkbox"/> Contract <input type="checkbox"/> Transcriber <input type="checkbox"/> Other   |                  |   |              | 18 PAYEE'S NAME AND MAILING ADDRESS  |           |   |                  |
| 19 SOCIAL SECURITY NUMBER OR EMPLOYER ID NUMBER OF PAYEE  |                  |   |              | Telephone Number: _____  |           |   |                  |
| 20  | TRANSCRIPT       | INCLUDE PAGE NUMBERS  | NO. OF PAGES | RATE PER PAGE  | SUB-TOTAL | LESS AMOUNT APPORTIONED                                   | TOTAL            |
|   | Original         |   |              |  |           |   |                  |
|   | Copy             |   |              |  |           |   |                  |
|   | Expense (Remise) |   |              |  |           |   |                  |
| <b>TOTAL AMOUNT CLAIMED:</b>  |                  |   |              |  |           |   |                  |
| 21 CLAIMANT'S CERTIFICATION OF SERVICE PROVIDED<br>I hereby certify that the above claim is for services rendered and is correct, and that I have not sought or received payment (compensation or anything of value) from any other source for these services.<br><br>Signature of Claimant/Payee _____ Date _____  |                  |   |              |  |           |   |                  |
| <b>ATTORNEY CERTIFICATION</b>   |                  |   |              |  |           |   |                  |
| 22 CERTIFICATION OF ATTORNEY OR CLERK I hereby certify that the services were rendered and that the transcript was received<br><br>_____<br>Signature of Attorney or Clerk      Date  |                  |   |              |  |           |   |                  |
| <b>APPROVED FOR PAYMENT — COURT USE ONLY</b>  |                  |   |              |  |           |   |                  |
| 23 APPROVED FOR PAYMENT<br><br>_____<br>Signature of Judge or Clerk of Court      Date  |                  |   |              |  |           | 24 AMOUNT APPROVED  |                  |

# Transcript Report/Order Form

|   |   |
|---|---|
| <p>■ For "District Court Case No.," enter the district court case number <b><i>including the defendant number</i></b>. If the litigant is the sole defendant, the defendant number is "1."</p>                          | <p>District Court Case No. _____</p>  |
| <p>■ For "District", select the appropriate district court from the "District of" drop-down menu.</p>   | <div style="border: 1px solid black; padding: 2px;"> <p>District of <span style="border: 1px solid black; padding: 1px;">PLEASE SELECT</span></p> <p>f Appeals <span style="border: 1px solid black; padding: 1px;">PLEASE SELECT</span></p> <p><span style="border: 1px solid black; padding: 1px;">Massachusetts</span></p> <p><span style="border: 1px solid black; padding: 1px;">Puerto Rico</span></p> <p><span style="border: 1px solid black; padding: 1px;">New Hampshire</span></p> <p><span style="border: 1px solid black; padding: 1px;">Maine</span></p> <p><span style="border: 1px solid black; padding: 1px;">Rhode Island</span></p> </div> <p style="color: red; font-weight: bold; margin-top: 5px;">REPORT</p> <p>locket entry</p> |
| <p>■ For "Date Notice of Appeal filed," enter the date that the notice of appeal was filed as reflected on the docket (which may be a different date than the case opening notice was sent by the appellate court).</p> | <p>Date Notice of Appeal filed _____</p> <div style="background-color: yellow; padding: 5px; margin-top: 10px; text-align: center;"> <p><b>Date NOA Filed:</b><br/><b>09/11/2023</b></p> </div>   |
| <p>■ If transcripts are being ordered, place a check mark beside both Section A and Section B.</p>  | <p>A. _____</p> <p>B. _____</p>   |
| <p>■ When ordering a copy of an already produced transcript, enter the requested transcript in <b><i>both</i></b> the Transcript Report section <b><i>and</i></b> the Transcript Order section.</p>                     |   |

## TRANSCRIPT REPORT

Transcript Not Necessary for this Appeal    
 Transcript Already Filed in District Court. List each transcript by docket entry number and date and type of proceeding (attach separate page if necessary) 01/01/2020 Hearing (DE 5)

## TRANSCRIPT ORDER

Name of Court Reporter Jane Doe  
 Phone Number of Reporter 555-9999

A. ☒ This constitutes an order of the transcript of the following proceedings [check appropriate box(es) and indicate dates of hearing(s)]:

| PROCEEDING(S)  | HEARING DATE(S)   |
|--|-------------------|
| <input checked="" type="checkbox"/> Jury Voir Dire   | 01/02/2020 (DE 6) |
| <input type="checkbox"/> Opening Statement (plaintiff)   |                   |
| <input type="checkbox"/> Opening Statement (defendant)   |                   |
| <input type="checkbox"/> Trial   |                   |
| <input type="checkbox"/> Closing Argument (plaintiff)  |                   |
| <input type="checkbox"/> Closing Argument (defendant)  |                   |
| <input type="checkbox"/> Findings of Fact/Conclusions of Law   |                   |
| <input type="checkbox"/> Jury Instructions   |                   |
| <input type="checkbox"/> Change of Plea  |                   |
| <input type="checkbox"/> Sentencing  |                   |
| <input type="checkbox"/> Bail hearing  |                   |
| <input type="checkbox"/> Pretrial proceedings (specify) <span style="border: 1px solid black; padding: 0 20px;"> </span>   |                   |
| <input type="checkbox"/> Testimony (specify) <span style="border: 1px solid black; padding: 0 20px;"> </span>              |                   |
| <input checked="" type="checkbox"/> Other (specify) <span style="border: 1px solid black; padding: 0 20px;">Hearing</span> | 01/01/2020 (DE 5) |

NOTE: Any form that fails to specify in adequate detail those proceedings to be transcribed will be considered deficient.

B. ☒ I certify that I have contacted the court reporter and the following financial arrangements for payment of the transcript have been made:

- ☐ Private funds.
- ☐ Government expense (civil case). IFP status has been granted and a motion for transcript at government expense has been allowed. (Attach a copy of the order to each copy of this order form.)
- ☐ Criminal Justice Act. A CJA Form 24 has been approved by the district court judge.
- ☒ Criminal Justice Act. A CJA Form 24 is attached for authorization by the court of appeals.
- ☐ Federal Public Defender/Government Counsel - no CJA Form 24 necessary.

Filer's name Richard Roe Filer's Signature s/Richard Roe



## Frequently Asked Questions

### 1. Are CJA Attorneys entitled to PACER Fee Exemptions?

Attorneys on the CJA Panel are entitled to PACER fee exemptions in connection with research performed for their CJA cases. CJA users can request that CJA privileges be activated on their PACER account by emailing [pacer@psc.uscourts.gov](mailto:pacer@psc.uscourts.gov). In the email, include your PACER account number and the district in which you have been appointed to the CJA panel. Further information about CJA PACER exempt status can be found [here](#).

### 2. How do I access eVoucher?

- ❖ Browser capability with eVoucher as of 03/2022
  - **Windows:** Chrome 62, Edge 16, Firefox 57, Internet Explorer 10.1 with Compatibility Mode, Internet Explorer 11
    - Windows: Add "uscourts.gov" to your compatibility view settings.
    - Windows: Ensure your cache setting is "Every time I visit the webpage."
  - **Apple Macintosh:** Safari 10.1

### 3. Why can't I change "billing type" in eVoucher?

The billing type radio buttons will activate once the social security number is confirmed in the Attorney Info section. Log out of eVoucher, then sign back in for the change to take effect.

The screenshot shows the 'Attorney Info' and 'Billing Info' sections of the eVoucher system. The 'Attorney Info' section includes fields for Bar Number, Tax Identification Number, Social Security Number (highlighted in yellow), and contact information (First Name, Last Name, Email, Phone, Cell Phone, Fax, Address 1, City, State, Address 2, Address 3, Country). The 'Billing Info' section includes a Billing Type dropdown (highlighted in yellow) with options for 'Individual' and 'Non-individual', and a Billing Code field with a 'Verify' button.

#### 4. How do I add the billing code in eVoucher?

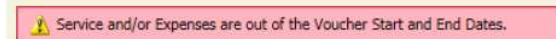
The billing code will automatically populate once the Attorney Info section is complete.

**Attorney Info**  
Last name: [text]  
First name: [text]  
Middle: [text]  
Last name: [text]  
Date: [text]  
Main Email: [text]  
2nd Email: [text]  
3rd Email: [text]  
Phone: [text] Cell Phone: [text] Fax: [text]  
Address 1: [text] City: [text]  
Address 2: [text] State: [dropdown] Zip: [dropdown]  
Address 3: [text] Country: [dropdown]  
Billing Info  
Billing Code: [text] [Save]

#### 5. Why isn't my case assignment in eVoucher?

When CJA counsel from the district court continues representation on appeal, an order confirming their CJA status must issue before the forms become available in eVoucher. The client must complete the form for selection of counsel indicating his/her wish for continued representation. The form for selection of counsel is included with the case opening notices.

#### 6. Why am I receiving a "CJA 20 out of date" error?



First, click on the "Claims Status" tab and verify the start and end dates of the voucher.

Note the start date cannot precede the appointment date, which can be found on the "Basic Info" tab, Box 13.

Second, click on the "Services" tab, sort by date, and verify that no service entries predate the start date or succeed the end date.

Third, click on the "Expenses" tab, sort by date, and verify that no expense entries predate the start date or succeed the end date.

#### 7. How is the CJA 21 voucher submitted?

Attorneys or service providers may create a CJA 21 voucher in eVoucher. If the attorney creates the voucher, they submit it to the service provider to review in eVoucher. The service provider then **returns it to the attorney**, who must submit it to the Court.

If the service provider creates the voucher, they submit it to the attorney to review and the attorney must submit it to the Court.

#### 8. eVoucher keeps timing out - what should I do?

The eVoucher program only recognizes "action" items – like hitting the Save button – as activity and will periodically time out for security purposes. It is good practice to save your work often to prevent loss of data and timing out.

#### 9. Who should I contact if I need assistance with eVoucher or have CJA-related questions?

Contact the CJA Coordinator Kaitlin Copson by phone at 617-748-9066 or by email at [Kaitlin\\_Copson@cal.uscourts.gov](mailto:Kaitlin_Copson@cal.uscourts.gov).

## CJA 20 Checklist

### ☐ Final Disposition

- If the case is affirmed:
  - Have you withdrawn pursuant to Local Rule 46.5; or
  - Filed a writ with the Supreme Court of the United States?
- If the case is vacated, reversed, dismissed, or transferred:
  - Has mandate issued?
- If filing an interim voucher:
  - Has the court granted your motion for interim payment filed electronically via CM/ECF?

### ☐ Services

- Import service with sufficient detail and do not block-bill (i.e., listing multiple tasks under a single time entry).
- Ensure that non-compensable and overhead tasks are not included. See CJA Reference Manual.
- If associates are being used, include the associate's initials, see infra Confirmation, followed by a detailed description of the work completed.
- Check that there are no duplicate time entries entered.

### ☐ Expenses

- Ensure that all expenses comply with First Circuit policy and are supported with appropriate documentation or explanation as provided in the CJA Reference Manual. See also infra Documents.

### ☐ Claims Status

- Start date cannot be prior to the date of appointment found in box 13 of Basic Info

### ☐ Documents

- Non-travel receipts are required for expenses over \$50.
- All travel receipts are required.
- Explanation of lateness is required if the voucher is submitted more than 45 days from final disposition.
- CJA 27 and/or memo in support if **case total** exceeds statutory maximum.
  - Add current attorney services total to attorney service totals of previous counsel and/or all interim vouchers.
- ❖ 10 MB limit per file. No limitation on number of files attached.

### ☐ Confirmation

- Attorney Notes: If associates were used, include the full name of associates with the corresponding initials used in Services. Ex: John Doe ("JD"). See supra Services.

# **United States Court of Appeals for the First Circuit**



## **CJA REFERENCE MANUAL**

*Updated January 3, 2025*

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*In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defense.*

*U. S. Constitution, amend. VI.*

## **INTRODUCTION**

This manual is designed to inform the CJA panels of the First Circuit of the policies and procedures that apply to appellate CJA vouchers in the First Circuit Court of Appeals. The policies and procedures set forth in this manual are intended to ensure that CJA panel attorneys are compensated for services rendered that are "necessary for adequate representation." See 18 U.S.C. § 3006A(a). It is further intended to provide reasonable assurance that public funds are protected from loss, waste, and abuse, and that defense services consistent with the best practices in the legal profession are provided in the most efficient and cost-effective manner.

The judges of the First Circuit Court of Appeals are grateful for the valuable public service provided to persons unable to afford representation by the dedicated CJA panel attorneys of the First Circuit.

## **I. General Principles**

- A. Philosophy of the CJA.** The Criminal Justice Act (CJA) allows appointed counsel to be compensated for "time reasonably expended" and expenses "reasonably incurred." See 18 U.S.C. § 3006A(d)(1). The First Circuit greatly values the work of CJA panel attorneys. They make a substantial and important contribution to ensuring the Sixth Amendment right to counsel of indigent defendants throughout the Circuit. Service by CJA counsel necessarily represents a substantial measure of public dedication. See 1st Cir. Rule 46.5(c).
- B. Individual Appointments.** Courts appoint individual attorneys under the CJA, not law firms. However, the Administrative Office of the United States Courts permits CJA panel attorneys to report CJA income as law firm or corporation income rather than as the personal income of the attorney. Upon joining the First Circuit's CJA Panel, attorneys will receive an IRS Form W-9 to notify the court how payment should be reported to the IRS. Panel members must keep their payment and other contact information up-to-date. If there is any change in how income should be reported, counsel must notify the Clerk's Office CJA Coordinator (Kaitlin Copson, 617-748-9066) before submitting a voucher.
- C. Prerequisites.** Appointed CJA counsel are expected to have a working knowledge of key cases and statutes, the Federal Rules of Criminal and Appellate Procedure, the Federal Sentencing Guidelines, local rules, CJA forms and instructions, and the "CJA Guidelines" (i.e., Volume 7 of the Guide to Judiciary Policy, Part A: Guidelines for Administering the CJA and Related Statutes). Excessive time billed for reviewing these authorities should be treated as non-billable overhead.
- D. Fee Waivers.** Appellate filing fees are waived for defendants allowed to appeal *in forma pauperis*. CJA panel attorneys are entitled to free PACER services for work on their CJA cases. Upon appointment to the First Circuit's CJA Panel, an attorney should contact the PACER Service Center (800-676-6856) to register for a free account for CJA work. Appellate CJA counsel are also entitled to a waiver of the First Circuit's bar admission fee.
- E. Voucher Review Process.** All vouchers are reviewed for mathematical accuracy, as well as technical compliance with each form's instructions, the CJA Guidelines, and local rules. The Chief Judge of the First Circuit has delegated the authority to approve vouchers seeking compensation within statutory limits to various administrative attorneys in the Circuit Executive's and Clerk's Offices. The administrative attorneys review the vouchers and their supporting documents and approve amounts under the statutory limits. Vouchers that exceed statutory limits are reviewed by administrative attorneys and sent with their supporting documents to the Chief Judge's judicial designee with a recommendation for payment.



If the court determines that counsel's voucher appears excessive, counsel will be provided with notice and an opportunity to respond to a proposed reduction. Such advance notice is not required if a voucher reduction is based on mathematical or technical errors. See CJA Guidelines, § 230.36(b).

## **II. Transition from District Court to Appeal**

- A. In Forma Pauperis (IFP) Status.** Generally, a party who was determined to be financially unable to obtain an adequate defense in a criminal case in the district court may proceed IFP on appeal without further authorization, unless the district court determines otherwise. See Fed. R. App. P. 24(a).
- B. Continuing Responsibilities of District Court Counsel.** Whether defense counsel in the district court was either appointed or retained, district court defense counsel remain counsel on appeal until the **Court of Appeals** grants defense counsel leave to withdraw under 1st Cir. Rules 12.0(b) and 46.6(a). **A district court order allowing defense counsel to withdraw can not relieve counsel of his or her responsibility to represent the defendant on appeal.** If a defendant requests court-appointed counsel but has not already been granted IFP status, defense counsel must assist the defendant in filing a motion for leave to appeal IFP and accompanying Fed. R. App. P. Form 4 Financial Affidavit, in compliance with Fed. R. App. P. 24. Counsel should also assist the defendant in filing the necessary case opening forms required by the Court of Appeals (i.e., the Docketing Statement, the Form for Selection of Counsel on Appeal, the Transcript Report/Order Form, and any necessary CJA 24 forms).
- C. Motions to Withdraw.** District court counsel's motion to withdraw should be accompanied by a notice of appearance of replacement counsel or a completed Form for Selection of new counsel on appeal. For additional details, see 1st Cir. Rule 46.6. Once allowed to withdraw, district court CJA counsel may secure a voucher for the preliminary work necessary for the appeal by filing a motion for appointment *nunc pro tunc* to the date the notice of appeal was filed. If such a motion is allowed at the outset of an appeal, withdrawing counsel should **promptly** forward the case record to successor or substitute CJA appointed counsel. See § V.E., *infra* at p. 9, on payment of district court "carryover counsel" who represent a defendant only briefly on appeal.
- D. New CJA Counsel on Appeal.** Upon appointment, appellate CJA counsel will receive CJA Forms 20, 21, and 24 from the court (or in a capital case, CJA Forms 30, 31, and 24). The court expects counsel to be familiar with the instructions for completing all CJA forms, which are available at: <http://www.ca1.uscourts.gov/cja-forms-instructions>.

### III. Current CJA Attorney Payment Rates

#### A. Attorney Hourly Rates:

| <i>For Work Performed During</i> | <i>Non-Capital Hourly Rate</i> | <i>Capital Hourly Rate</i> |
|----------------------------------|--------------------------------|----------------------------|
| 1/1/25 and after                 | \$175                          | \$223                      |
| 1/1/24 to 12/31/24               | \$172                          | \$220                      |
| 1/1/23 to 12/31/23               | \$164                          | \$210                      |
| 1/1/22 to 12/31/22               | \$158                          | \$202                      |
| 1/1/21 to 12/31/21               | \$155                          | \$197                      |
| 1/1/20 to 12/31/20               | \$152                          | \$195                      |
| 2/15/19 to 12/31/19              | \$148                          | \$190                      |
| 3/23/18 to 2/14/19               | \$140                          | \$188                      |

#### B. Attorney Non-Capital Appellate Case Compensation Maximums:

| <i>For work completed on or after January 1, 2025</i>                               |          |
|---|----------|
| Felony, Misdemeanor, Civil Asset Forfeiture, and 28 U.S.C. §§ 2254 & 2255 Appeals   | \$9,700  |
| Supervised Release Revocation, Crack Amendment, and Resentencing Appeals            | \$2,900* |
| Material Witness Appeals and Appeals in Other Representations Authorized by the CJA | \$2,900* |

\* for each level of appeal. See CJA Guidelines, § 230.23.20(i).

**Tip:** Appointment of counsel is discretionary in 28 U.S.C. §§ 2254 and 2255 appeals and in crack cocaine amendment appeals under 18 U.S.C. § 3582(c)(2). CJA attorneys that were appointed in the district court should promptly file a motion for reappointment on appeal to clarify their status.

### C. Mileage Rates

| Effective Date  | Rate Per Mile |
|-----------------|---------------|
| January 1, 2025 | \$0.700       |
| January 1, 2024 | \$0.670       |
| January 1, 2023 | \$0.655       |
| July 1, 2022    | \$0.625       |
| January 1, 2022 | \$0.585       |
| January 1, 2021 | \$0.560       |
| January 1, 2020 | \$0.575       |
| January 1, 2019 | \$0.580       |
| January 1, 2018 | \$0.545       |
| January 1, 2017 | \$0.535       |
| January 1, 2016 | \$0.540       |

## IV. **Filing CJA 20 and CJA 30 Vouchers**

- A. **When to Submit.** Generally, counsel must submit CJA vouchers within 45 days of final disposition of the case, unless good cause is shown for delay. “Final disposition” of a case on appeal is either the date a petition for certiorari is filed, or the date appellate counsel, having determined (and notified appellant) that such a petition would be frivolous, is allowed to withdraw. See 1st Cir. Rule 46.5(c).
- B. **How to Submit.** The Court of Appeals accepts CJA 20 and 30 vouchers exclusively through eVoucher, an electronic submission, processing, and payment system ([https://evadweb.ev.uscourts.gov/CJA\\_c01\\_prod/CJAeVoucher/](https://evadweb.ev.uscourts.gov/CJA_c01_prod/CJAeVoucher/)). [The Court also accepts CJA 21 and 31 vouchers exclusively through eVoucher, see § VIII, infra at 13. Counsel should file CJA 24 vouchers electronically through CM/ECF.]

Information regarding eVoucher accounts and browser requirements, as well as user manuals and other eVoucher instructions and resources, is available at <https://www.ca1.uscourts.gov/cja-evoucher>. Questions regarding eVoucher should be directed to Kaitlin Copson, CJA Coordinator, at 617-748-9066.

- C. **Content.** CJA vouchers must be supported by contemporaneous time and expense records. Accordingly, counsel must complete line-item entries for all services completed and expenses incurred. These entries must include the dates that services were performed, the name and role of each service provider, a brief description of the tasks performed, and

the time required for each task. If more than one attorney worked on an appeal, the tasks performed and time billed by each attorney must be identified. Until further notice, time must be billed in tenths of an hour. Block-billing (i.e., the listing of multiple tasks under a single time entry) is not allowed. Time billed for legal research and writing should identify the issues researched. Other task descriptions should be sufficient to enable the voucher reviewer to determine whether the services and time billed were reasonable and necessary for the appeal. Failure to provide sufficient information to permit meaningful review of a claim may result in delay or denial of approval. Vouchers may be returned for correction of non-compliance with technical billing requirements.

- D. Court Filings (Supporting Documents).** Vouchers must be accompanied by a copy of any petition for a writ of certiorari that was filed, a CJA Form 27 or memorandum in support of excess compensation (if applicable), receipts for **all travel expenses**, and receipts for all non-travel expenses over \$50.00. Credit card statements are generally insufficient because they lack the detail required to ascertain whether non-billable charges have been included, particularly for travel-related expenses. If the voucher contains any unusual non-travel expenses over \$500 or is submitted late, counsel should also submit an explanation.
- E. Duty to Keep Contemporaneous Records.** CJA counsel must maintain contemporaneous time and expense records for all work performed, including work performed by partners, associates, and support staff (including any contract attorneys hired with advance authorization). Such records must be maintained for three years after approval of the final voucher. Any overpayments are subject to collection, including deduction of amounts due from future vouchers. See CJA Guidelines, § 230.76, CJA Form 20 Instructions, ¶ 3.
- F. Excess Compensation Claims (CJA 20s only).** If a compensation request (excluding expenses) exceeds the applicable statutory maximum, counsel must submit a concise memorandum or a completed CJA 27 form explaining why (1) the appeal was extended or complex, (2) excess payment is necessary to provide fair compensation, and (3) the total time and expenses billed were “reasonable and necessary” for the particular appeal.

An appeal is "extended" if more time is reasonably required for total processing than the average appeal. An appeal is "complex" if the legal or factual issues in a case are unusual, thus requiring the expenditure of more time, skill and effort by the lawyer than would normally be required in an average case. See CJA Guidelines, § 230.23.40(b).

Courts generally consider the following factors in determining whether payment in excess of the CJA statutory maximum is necessary to provide fair compensation for an appeal:

- whether the appeal is from a trial, guilty plea, habeas case, supervised release revocation, or an "other representation" required or authorized by the CJA, see CJA Guidelines, § 230.23.20(i);
- the size of the transcript (number of pages and trial days, if applicable);
- the description and length of other record materials reviewed;

- hours claimed for legal research and writing, identifying each issue researched plus:
  - number of issues and pages in each brief;
  - whether any appellate issues were briefed in the district court, and if so, what additional work was required on appeal; and
  - whether oral argument was required;
- whether the appeal presented any novel or complex legal issues or complex facts;
- the magnitude and precedential importance of the case, and whether the appeal was resolved with a published or unpublished decision;
- the length and number of issues in any petition(s) for rehearing and/or certiorari;
- any issues researched but not briefed; and
- the manner in which duties were performed, and the knowledge, skill, efficiency, professionalism, and judgment required of and used by counsel; the nature of counsel's practice and any hardship or injury arising from the representation; and any extraordinary pressure of time or other factors under which services were rendered.

See [CJA Form 27](#).

**G. Interim Vouchers.** Interim payments are not favored in appeals, which generally conclude in less time than district court cases. Before undertaking to submit an interim voucher, counsel must file a motion for interim payment that shows that the appeal is extended or complex and that an interim payment is necessary to avoid financial hardship. See [CJA Guidelines](#), § 230.73.10. If the motion is allowed, counsel generally will be allowed to submit one interim voucher and one final voucher at the conclusion of the appeal.

**H. Petitions for Certiorari.** Appellate CJA counsel's time and expenses involved in the preparation of a petition for a writ of certiorari are considered applicable to the case before the First Circuit Court of Appeals and should be included on the voucher for services performed in this Court. See [CJA Guidelines](#), § 220.25(b). Under the First Circuit's CJA Plan and 1st Cir. Rule 46.5, appellate CJA counsel has an obligation to file a petition for a writ of certiorari if the defendant loses the appeal and wishes to apply for certiorari, **unless such a petition would be frivolous**. If counsel concludes that there are no reasonable grounds for filing such a petition, counsel should file a motion to withdraw **early** in the 90-day period for seeking certiorari in case the court disagrees with counsel's assessment. See 1st Cir. Rule 46.5(c). Vouchers are due within 45 days of the final disposition of an appeal unless good cause is shown. See [CJA Guidelines](#), § 230.13. For purposes of submitting an appellate voucher in cases where the appeal was not wholly successful, the "final disposition" of a case on appeal is either the date a petition for

certiorari is filed or the date appellate counsel, having determined and notified defendant that such a petition would be frivolous and of the deadline for filing a petition, is allowed to withdraw. See 1st Cir. Rule 46.5(c).

## **V. Appointed Counsel's Compensation and Expense Claims**

- A. **Generally.** Appointed counsel are encouraged to use lower-billing partners, associates, contract lawyers, paralegals or other means to minimize costs where lead attorney expertise may not be required. Appointed CJA counsel may claim compensation for services furnished by a partner or associate, or with prior authorization by the court, a contract attorney, within the single statutory maximum allowed to appointed CJA counsel. The documents supporting the voucher must separately identify the provider of each service. Extra work resulting from the division of labor is not compensable. Only appointed CJA counsel may bill for time conferencing with subordinate attorneys.
- B. **Definitions.** A **partner** is an attorney with whom CJA appointed counsel practices in an ongoing formal business relationship in which the partners or shareholders share receipts and expenditures. An **associate** is an attorney who is employed by CJA appointed counsel or counsel's law firm, is provided with office space and general supervision, and whose overhead expenses and payroll taxes must be met by CJA appointed counsel or counsel's law firm. Ad hoc and space-sharing arrangements, (e.g., arrangements in which expenses but not revenues are shared), do not qualify attorneys for partner or associate status. A **contract attorney** is any attorney who does not qualify as the CJA panel attorney's partner or associate.
- C. **Rates.** The following rebuttable presumptive rates apply to partners, associates, and contract attorneys:
- Panel Members: \$90/hour
  - Non-Panel Members: \$80/hour

Not every provider will warrant the full rate, but special circumstances, e.g., a special skill or knowledge, might warrant a higher rate.

- D. **Prior Authorization.** Subject to the limitations noted below, advance authorization usually is not required for appellate CJA counsel to utilize partners and associates in non-capital appeals. See CJA Guidelines, § 230.53.10(b). However, appellate CJA counsel **is required** to file motions for permission to hire a contract attorney to perform any work on an appeal. The motion must identify the contract attorney's name, level of experience, proposed hourly rate of compensation, projected number of hours, and tasks to be performed.

**Exception:** Appellate CJA counsel *must* seek advance authorization to bill for partners and associates to appear at oral argument or client conferences with CJA counsel. Although advance authorization is not required for additional counsel to attend these events at no cost, such attendance will not be compensated absent advance authorization. The same rule applies to contract attorneys.

- E. Substitution of Counsel.** If a CJA attorney is substituted for a previous CJA attorney appointed in the same case, the total compensation paid to both attorneys may not exceed the statutory maximum for one defendant, unless the case involves "extended" or "complex" representation and, therefore, merits compensation in excess of the statutory maximum. In such cases vouchers for both attorneys generally will not be approved until the final disposition of the appeal so that the court may make such apportionment between the attorneys as may be just. See CJA Guidelines, § 230.56.

**Exception:** District court counsel who represent a defendant only briefly on appeal (i.e., "carryover counsel") may submit vouchers up to \$1,000 (excluding expenses) upon confirming that they have forwarded the case record to substitute appellate counsel. These vouchers will be processed promptly and need not be preceded by a motion for interim payment.

Absent a motion showing good cause for an interim payment, carryover counsel seeking compensation over \$1,000 (thereby increasing the likelihood that the case will exceed the statutory maximum) may not submit vouchers until the final disposition of the case. Vouchers for carryover and substitute appellate counsel will be considered together so that the court, "may make such apportionment between the attorneys as may be just." Id. If the total claims for compensation exceed the statutory maximum, counsel submitting the higher voucher must submit a memorandum in support of excess compensation.

**Tip:** To keep apprised of when final disposition has occurred, withdrawing counsel should sign up to receive Notices of Docket Activity (NDAs). See First Circuit CM/ECF User's Guide, p. 39. Late vouchers are not favored. Carryover and substitute counsel should make every effort to submit their vouchers simultaneously and as soon as possible after the final disposition of the case. If simultaneous submission is not possible, the first attorney submitting a voucher should inform the court whether and when the other attorney is expected to submit a voucher.

- F. Time Spent on Ancillary and Other Matters Unrelated to Appeal.** Time spent on district court matters, or other matters unrelated to appellate representation, even if incidental to arrest and incarceration, is not compensable on an appellate voucher. Prior court approval is required before appellate CJA counsel undertakes any work on "ancillary matters" for which compensation will be sought under CJA Guidelines, § 210.20.30.

**Tip:** Compensation for preparation and submission of the notice of appeal and any CJA 24s filed in the district court should be claimed on the district court voucher. Compensation for appellate court filings made after the filing of the notice of appeal should be claimed on the appellate voucher.

- G. Overhead.** Costs associated with general office overhead have been factored into the attorney's hourly rates and are not separately reimbursable. Absent extraordinary circumstances, time spent on secretarial or clerical tasks typically performed by nonprofessional staff is not billable, even if the tasks were performed by a lawyer or paralegal and even if counsel does not employ a secretary. Similarly, personnel, rent, and

monthly telephone, cell phone, and internet service costs are not reimbursable. See CJA Guidelines, § 230.66.

Appointed counsel also should not bill for the time it takes to prepare to submit a voucher for payment, a memorandum in support of an excess compensation claim, or a motion for interim payment. Time spent reviewing the Electronic Learning Modules (ELMs) to enable an attorney to submit electronic filings through CM/ECF is also considered non-compensable overhead. Costs associated with educational seminars, books, publications, flat fee computerized research plans, office supplies, and equipment are also generally not reimbursable.

## **VI. Travel and Travel Expenses**

- A. Generally.** Appellate CJA counsel may incur time and expenses spent in necessary and reasonable travel (i.e. to appear in court for oral argument and/or to visit an incarcerated appellant). See CJA Guidelines, § 230.60.
- B. Travel Time.** Appointed counsel's necessary and reasonable travel time is compensable, but professional time spent on non-professional tasks (e.g., traveling to the court, post office, or copy companies to submit or retrieve briefs, appendices, etc.) is not compensable. See CJA Guidelines, §§ 230.60, 230.66.10.
- C. Travel Expenses.** Travel expenses incidental to the representation must be itemized on a separate sheet, indicating the date the expense was incurred. Supporting documentation (e.g., receipts, canceled checks) must be provided, where practical, for all travel expenses. Mileage for travel by privately-owned automobile should be claimed at the rate in effect for federal employees at the time of the travel. Mileage claims must specify the starting location, the destination, and the number of miles traveled. See CJA Guidelines, §§ 230.63.10, 230.63.40.
- D. Prior Authorization.** A motion seeking prior authorization is required for travel in excess of 50 miles (one-way), unless an attorney is traveling in excess of 50 miles to appear at oral argument. See CJA Guidelines, § 230.46.
- E. Overnight Travel.** Overnight lodging expenses may be permitted, if more than 50 miles of travel (one-way) is required. See CJA Guidelines, § 230.46.

Compensable travel time includes only those hours actually spent in or awaiting transit. If a trip necessarily and reasonably requires overnight lodging, compensable travel time from the claimant's office or home (whichever is shorter) terminates upon arrival at the place of accommodation. Similarly, travel time for the return trip should be calculated from the time of departure from the destination to the time of arrival back at counsel's office or home. See CJA Guidelines, § 230.60.

Reasonable expenses for lodging and meals will be reimbursed only when overnight lodging is required. CJA travelers should book their hotel room through National Travel Service (800-445-0668) to receive the government rate. Panel attorneys are entitled to and urged to use government airfares. See Guide to Judiciary Policy, Vol. 19, Ch. 4, §



430.20.30. Attorneys and experts who elect to make their own travel arrangements will be reimbursed only for their actual costs up to the applicable government rate. The CJA authorizes reimbursement only of actual expenses; thus, **CJA travelers may not claim government per diem rates.** Receipts for meals must be sufficiently detailed to establish that reimbursement is not being sought for charges that are not compensable under the CJA (e.g., charges for persons other than CJA appointed counsel, alcoholic beverages, etc.). Expenses not properly documented may be disallowed. See CJA Guidelines, § 230.63.40.

- F. Multi-Purpose Travel.** Double billing is prohibited. Travel *time* spent in common on more than one CJA representation must be prorated, but the travel *expenses* associated with the trip must be billed to only one voucher. The supporting materials to the vouchers must explain the method of billing and cross-reference the cases. See CJA Guidelines, §§ 230.50(d), (e), (f).

If an attorney is submitting a claim under the CJA for time (or expenses), including travel that was spent in common for CJA and non-CJA purposes, the attorney must report such information to the court and explain the rationale for billing all or part of the time (or expenses) under the CJA. See CJA Guidelines, § 230.50(g), CJA 20 Instructions, Item 16.

- G. Prudent Traveler Rule.** CJA counsel are expected to follow the "prudent traveler rule" and to exercise the same care in incurring expenses that a prudent person would exercise conducting personal business using his or her own money. Excess costs, circuitous routes, and services unnecessary or unjustified in the performance of official business are not acceptable. Counsel will be responsible for any additional expenses incurred for personal preference or convenience. See Guide to Judiciary Policy, Vol. 19, Ch. 4, § 410.40.10.

- H. Non-Reimbursable Travel Expenses.** The costs of the following items are never reimbursable and should not be claimed on attorney or service provider vouchers:

- alcoholic beverages
- entertainment-related expenses (e.g., movies, magazines, books, etc.)
- parking fines or fees for traffic violations
- personal expenses (e.g., laundry service, accident insurance, personal effects coverage, etc.).

See Guide to Judiciary Policy, Vol. 19, Ch. 4, § 410.40.10.

## **VII. Other (Non-Travel) Expenses.**

- A. Generally.** Claims for other expenses must be itemized by date and charge reported on the documents supporting the voucher. Receipts are required for all non-travel related expenses exceeding \$50.00. Credit card statements alone may not have sufficient detail to enable payment of the expense. Expenses not properly documented may be disallowed.

- B. Copying.** Photocopying charges may not exceed \$.10 per page and must be supported by an explanation of the items copied. Appellate counsel may use the procedures outlined in the First Circuit's "Clarification of Procedures for Using CJA Form 21 for Duplication Services" to obtain direct payment to copy companies for reproduction of their appellate briefs and appendices, *available at* <http://www.ca1.uscourts.gov/cja-forms-instructions>. A motion for approval is required if counsel anticipates that the cost of reproduction of the brief and appendix will exceed \$1,000.

**Tips:** CJA counsel will be required to bear any additional costs associated with resubmitting corrected briefs and appendices where counsel failed to follow court rules initially.

The cost of specialized typesetting, layout, or binding of appellate or other legal briefs (including Supreme Court booklets) exceeding requirements for individuals represented under the CJA, regardless of the printing method utilized, is not reimbursable. See CJA Guidelines, § 230.66.40.

- C. Computer Assisted Legal Research (CALR).** Appointed counsel's use of computer assisted legal research services may be allowed as a reimbursable out- of-pocket expense, provided that the amount claimed is reasonable. Counsel should attach a copy of the bill and receipt for the use of the service and explanation of the precise basis of the charge (e.g., indicating the extent to which it was derived by proration of monthly charges or by charges identifiable to the specific research). If the amount claimed is more than \$500 or includes costs for downloading and printing, counsel should include a brief statement of justification. See CJA Guidelines, § 230.63.30.
- D. Postage/Expedited Mail/Courier.** Counsel are encouraged to minimize the use of costly express delivery services and to submit paper briefs and related filings by U.S. mail. Single-event postage, expedited mail, and courier expenses exceeding \$50.00 must be supported by itemized receipts that specify the date, nature of service, and cost.

## **VIII. Experts and Other Service Providers on Appeal**

- A. Generally.** Service providers other than CJA appointed counsel in appeals before the First Circuit tend to fall into the following categories: paralegals (either freelance or employed by appellate CJA counsel's law firm), law students (either paid or unpaid), duplicating service companies, and interpreters and/or translators. Service providers generally should be compensated through CJA forms 21 or 31, not as expenses on counsel's CJA 20 or 30 voucher. Service providers must maintain contemporaneous time, attendance, and expense records for three years after approval of the final voucher in the representation. All payments are subject to post-audit. Any overpayments are subject to collection, including amounts due from future vouchers.

**B. Limitations.**

**\$1,000 Per Case Limit for Non-Preauthorized Services.** The CJA, 18 U.S.C. § 3006A(e)(2)(A), allows appointed counsel to obtain a total of **\$1,000 per case (excluding expenses)** in expert and other services without prior court authorization, but subject to "later review" for reasonableness, if that work was performed on or after January 1, 2024. If the services were completed before January 1, 2024, the former case compensation amount (\$900) applies. Absent prior court authorization, service provider costs over the applicable maximum amount will only be approved upon a showing that timely procurement of necessary services could not await prior authorization. Because this showing is difficult to make in an appeal, appellate CJA counsel are encouraged to obtain prior authorization for the total anticipated cost of each type of service provider, including paralegals employed by CJA counsel's law firm.

**\$3,000 Non-Capital Statutory Maximum per Service Provider.** A \$3,000 statutory maximum (exclusive of expenses) applies to each organization or individual service provider used in an appeal if that provider furnished any CJA-compensable work in the representation on or after January 1, 2024. If the provider's work on the representation was completed before January 1, 2024, the former case compensation amount (\$2,800) applies. Services in excess of the applicable amount must be justified with a showing that the excess is necessary to provide fair compensation for services of an unusual character and duration. See 18 U.S.C. § 3006A(e)(3).

- C. Hiring Service Providers.** Once funding for a service provider has been approved, counsel is responsible for communicating with the service provider to ensure compliance with specific terms of the court order. Counsel should ensure that service providers efficiently perform their assigned tasks and do not exceed authorized expenditures absent court approval. Service providers must **fully** complete the CJA 21 or 31, items 16-17 (Claim for Services and Expenses & Claimant's Certification) **before** submitting the form to the attorney to certify that services were rendered and received. Appointed counsel may not sign the certification statement required by the CJA 21 or 31, item 18, until the services have been completed, the provider has submitted a completed CJA 21 or 31 to counsel, and counsel has reviewed the billing information. Appointed counsel should sign boxes 17 and 18 to certify paralegal services provided by counsel's law firm.

- D. Paralegals and Law Students.** The First Circuit Court of Appeals applies a rebuttable presumptive maximum rate of \$35-\$50/hour for paralegal services. Not all paralegals will qualify for maximum rates. Paralegal time must be billed on the CJA 21 or CJA 31 forms, even if the paralegal is employed by appellate CJA counsel's law firm. The \$1,000 limitation on non-preauthorized services applies to paralegals employed by counsel's law firm for work performed on or after January 1, 2024, and the \$900 limitation on non-preauthorized services applies to paralegals employed by counsel's law firm for work completed before January 1, 2024.

**Law Students.** Law students receiving course credit for their CJA work may not be compensated under the CJA. Law students are otherwise subject to the same rebuttable presumptive maximum that applies to paralegal rates (i.e., \$35-\$50/hour). Not all law students will qualify for maximum rates.

- E. Interpreters and Translators.** Interpretation of oral communication may be claimed at a rate not in excess of \$55 per hour (for certified interpreters) or \$32 per hour (for non-certified interpreters). Certification is not required for interpreters used in appeals, where interpreting is limited to out-of-court conferencing. Translations may be reimbursed at the rate of \$.165 per source word.<sup>1</sup>

Contract court interpreters must submit the following information with each voucher: (a) the times of day for which services are being billed; and (b) the number of other vouchers or claims submitted, or to be submitted, for interpreting services provided on the same date for a CJA representation or for a federal court unit, and times of service applicable to other vouchers or claims. See CJA 21 Instructions, Item 16.

- F. Duplicating Services.** See Copying, supra at p. 12.

## **IX. Capital Cases**

- A. Generally.** The First Circuit sees very few capital appeals. Accordingly, this manual highlights only the major distinctions between capital and non-capital representations on appeal. Further guidance is available in the CJA Guidelines, Chapter 6 (Federal Death Penalty and Capital Habeas Corpus Representations).
- B. No Attorney Case Compensation Maximum.** Unlike non-capital cases, there is no statutory maximum for attorney compensation in capital cases, however attorneys remain subject to a reasonableness standard.
- C. Prior Authorization Required for Partners and Associates.** As noted above, non-capital appeals do not require appellate CJA counsel to obtain prior authorization to use partners or associates (unless to appear with CJA appellate counsel at oral argument or client conferences). In contrast, appellate CJA counsel in capital appeals are required to obtain prior court authorization to use the services of attorneys who work in association with them. The employment of such additional counsel must be at a reduced hourly rate and must diminish the total cost of the representation or be required to meet time limits. See CJA Guidelines, § 620.10.10(c).

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<sup>1</sup> As used in this manual, "interpreting" is the *oral rendition* of spoken words or written text from one language into another. "Translating" is the *written rendition* of written text from one language into another. See Taniguchi v. Kan Pacific Saipan, Ltd., 132 S. Ct. 1997, 2004-2005 (2012). Not all interpreters are translators, and not all translators are interpreters. The federal interpreter certification test administered by the Administrative Office of the United States Courts does not test translation skills. Translators can be located through the American Translators Association ([www.atanet.org](http://www.atanet.org)) and the National Association of Judiciary Interpreters and Translators ([www.najit.org](http://www.najit.org)).

**D. Service Providers in Capital Appeals.**

**Non-Preauthorized Services:** The \$1,000 limit on non-preauthorized services performed on or after January 1, 2024 and the \$900 limit on non-preauthorized services completed before January 1, 2024 applies in capital, as well as in non-capital, appeals. See CJA Guidelines, § 660.10.40.

**Per Case Statutory Maximum:** A total of **\$7,500 per case** can be spent on the **compensation and expenses** of other service providers in capital appeals. Payment above this amount requires a showing that the excess was necessary to provide fair compensation for services of an unusual character and duration. See 18 U.S.C. § 3599(g)(2). Service providers in capital cases submit their claims on the CJA 31 form.

**X. Public Disclosure of CJA Vouchers or Payment Information**

Upon requests for disclosure of payments to court appointed attorneys in non-capital cases, the court will consider the stage of the case and other factors to ensure that such disclosures will not impact the right to counsel in CJA panel appointments. Disclosure may be postponed until after all proceedings have concluded. See CJA Guidelines, § 520.10. Disclosure of voucher payments in capital cases is not required until "after disposition of the petition." See 18 U.S.C. § 3599(g)(3).

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**UNITED STATES COURT OF APPEALS**  
FOR THE FIRST CIRCUIT

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## **TEN POINTERS FOR AN APPEAL**

The following pointers may not result in a winning decision on the merits of your appeal, but they will make your road to the decision a smoother one.

- 1. Read and follow the rules of appellate procedure.** The Federal Rules of Appellate Procedure, together with the First Circuit Local Rules, provide guidance on all areas from the size font to use to the required sections of a brief. All too often, attorneys fail to read the First Circuit Local Rules. A copy of the Local Rules, as well as many of the court's forms, including applications for admission, appearance forms, and the court's opinions, are available on the court's website.
- 2. Pay the filing fee.**
  - A. The \$605 filing fee for a notice of appeal must be paid in the district court.
  - B. The \$600 filing fee for a petition for review or petition for writ of mandamus must be paid in the court of appeals.
  - C. Failure to pay the fee or seek in forma pauperis status within 14 days after the case is docketed in the court of appeals will lead to dismissal of the appeal in accordance with 1st Cir. R. 3.0.
- 3. Admission as a prerequisite to practice.** In order to file motions, pleadings, or briefs on behalf of a party or participate in oral argument, attorneys must be admitted to the bar of this court and file an appearance form. 1st Cir. R. 46.0. Counsel should also register to use the court's electronic filing system at the PACER website, <https://pacer.uscourts.gov>. Electronic filing is mandatory for all attorneys practicing in this court unless they are granted an exemption.
- 4. File a corporate disclosure statement when one is required by Fed. R. App. P. 26.1,** upon filing any document in the court of appeals *and* at the beginning of a party's main brief.
- 5. Order the transcripts promptly and completely.**
  - A. See Fed. R. App. P. 10(b), which requires that the transcripts be ordered within 14 days of filing the notice of appeal. Counsel have 14 days after the appeal is docketed to file the transcript order form in the court of appeals.
  - B. See also 1st Cir. R. 10.0, which asks counsel to order the transcripts even before the expiration of the deadline, and warns that an appeal may be

dismissed for want of diligent prosecution if the appellant fails to timely order transcripts.

- C. Even successor counsel on appeal, appointed or retained well past that fourteen-day date, should immediately check the record to ensure that all necessary transcripts have been ordered.
- D. Be specific in your transcript order, specifying the date and type of hearing. "All Trial Transcripts" will not suffice.
  - 1. You must review the district court docket to identify what hearings you wish transcribed.
  - 2. You must complete and file all necessary forms, including a CJA Form 24 voucher if you are appointed counsel or an indigent criminal defendant-appellant.
  - 3. You must maintain contact with the court reporter(s) on the case.
- E. The clerk's office will set a briefing schedule once the record on appeal, including all necessary transcripts, is complete.

## **6. Comply with the Court's deadlines.**

- A. Briefs and appendices should be filed electronically, unless sealed; the clerk's office will then review the electronically tendered filing and, if it is compliant with federal and local rules, send a notification accepting the brief and/or appendix as filed and setting a deadline for the filing of paper copies. Paper copies of these filings do not need to be served again on the parties. Copies of a brief or appendix filed in paper format, or originally tendered as a sealed document, are timely filed if mailed by the due date. Fed. R. App. P. 25(a)(2)(A)(ii).
- B. All other documents, including petitions for rehearing/rehearing en banc, must be received by the Court by the due date. Fed. R. App. P. 25(a)(2)(A)(i).

## **7. Filing motions in accordance with Fed. R. App. P. 25 - 27.**

- A. The title of the motion must indicate on whose behalf it is filed and the purpose of the motion.
- B. Motions for extension of time must establish good cause. Fed. R. App. P. 26(b). Good cause does not mean simply "I didn't get to the brief", "I'm busy", "I'm on vacation", "I need more time" (without explanation for the need); or "the press of other business prevented me from briefing the case on time" (especially if the pressing business are newer cases than the appeal).

- C. When requesting an enlargement, request the amount of time that you need. Do not simply try to enlarge the time from month to month. Specify a date certain, not "one month after production of the transcripts."
- D. Paper copies of motions filed electronically are not required unless requested by the clerk's office. Attorneys and parties filing in paper form must file an original and three copies of any motion, unless the court requires a different number. Fed. R. App. P. 27(d).
- E. The Notice of Docket Activity that is generated by the Court's electronic filing system constitutes service on all ECF filers. 1st Cir. R. 25.0(e). If a certificate of service is required by Fed. R. App. P. 25(d), the certificate should be attached to the document's last page and indicate the following: the date of service; the manner of service; and the names and addresses of the persons served. See Fed. R. App. P. 25(d).

## **8. Joint Appendix and Addendum to Appellant's Brief.**

- A. Joint Appendix. The district courts no longer transmit the full record except upon the rare request of the circuit clerk. Although the electronic district court record is available to the court of appeals whether or not individual documents are transmitted, litigants should ensure that the addendum and appendix, combined, include those parts of the record necessary to understand the issues on appeal. At the same time, the appendix should not be unduly large. Pursuant to Fed. R. App. P. 30(a)(2), counsel may cite to parts of the record not included in the appendix. The pages of the appendix should be double-sided. For additional guidance, see Notice to Counsel Regarding Contents of the Appendix, posted on the court's website.
- B. Addendum to Appellant's Brief.
  - 1. The addendum must contain the judgment or order appealed from, along with any supporting opinion or memorandum issued by the judge or magistrate judge. If the appeal is from a decision reviewing an underlying agency, bankruptcy, or state court decision, the underlying decision must also be included.
  - 2. The addendum may include twenty-five pages of other record documents. 1st Cir. R. 28.0. In order to file an addendum in excess of twenty-five pages, counsel must file a motion to enlarge the page limit. The addendum is in addition to, not in lieu of, an appendix, although documents reproduced in the addendum need not be included in the appendix.
  - 3. Documents that are transmitted to this court under seal, such as



presentence reports, must not be included in an addendum or appendix. In addition, pursuant to a policy of the Judicial Conference of the United States, a statement of reasons in a criminal case is a non-public document. Briefs and appendices including such materials will be rejected as noncompliant. However, these materials may be filed in a separate volume clearly marked "SEALED," with an appropriate motion for leave to file the documents under seal. See 1st Cir. R. 11.0 and 28.0. Sealed documents may not be filed electronically.

## **9. Procedure for withdrawal as counsel in criminal cases.**

Remember that trial counsel in criminal cases remain counsel on appeal, despite the allowance of a motion to withdraw by the trial court, until given leave to withdraw by this Court. 1st Cir. R. 12.0(b) and 46.6(a). The purpose of this rule is to prevent criminal defendants from falling through the cracks due to their lack of knowledge concerning how to gain in forma pauperis status, how to request appointment of successor counsel, and how to comply with this Court's notices and deadlines.

- A. Motions to withdraw in criminal cases must be accompanied by an affidavit from the defendant indicating that the defendant wishes to apply for replacement counsel under the Criminal Justice Act, has retained new counsel, elects to appear pro se, or chooses to withdraw the appeal. 1st Cir. R. 46.6. If defendant requests court-appointed counsel but has not already been granted indigence status, counsel must assist defendant with filing a financial affidavit in compliance with Fed. R. App. P. 24.
- B. Follow 1st Cir. R. 46.6(c)(4) to ensure that you have met all requirements for filing a brief under Anders v. California, 386 U.S. 738 (1967), including a motion to withdraw informing the Court that counsel has reviewed all necessary transcripts, has served the brief and motion on his or her client, and has advised his or her client of the right to file a brief in thirty days.
- C. Motions to withdraw in criminal cases in which the judgment has been affirmed and in which defendant-appellant wishes to apply for a writ of certiorari must be filed well in advance of the deadline for filing such a petition and must conform to all the requirements of 1st Cir. R. 46.5(c).

- 10. Call the clerk's office.** When you have questions that cannot be answered by reviewing the rules or checking the court's docket on PACER, our staff at the clerk's office will be happy to assist you. Please call our main number at (617) 748-9057 and ask to speak with the case manager assigned to your appeal.

## **United States Court of Appeals for the First Circuit**

### **Local Rule 18.0 Stay in Immigration Cases; Notification of Removal Date**

*In order to ensure the orderly presentation of issues placed before this Court in immigration cases and to preserve the Court's ability to make considered decisions in such cases, the Court adopts the following policy, which applies to petitions for review and to appeals from district court habeas proceedings (collectively, for purposes of this rule, "petitions").*

- 1. If the government has scheduled the removal of a petitioner, then the government will file with the Court a notice identifying the earliest date upon which removal may be made. The notice must be filed by the later of: one day after a petition is docketed in the court of appeals and notification is transmitted to the government via the court's CM/ECF system or immediately once removal is scheduled. The absence of any such notice will be deemed a representation by counsel for the government that the government has not yet scheduled the removal of the petitioner.*
- 2. When a first motion for stay of removal is timely filed in this court and notification is transmitted to the government via the court's CM/ECF system, the clerk will enter an administrative order staying removal for ten business days. The government shall file its response to the motion for stay of removal by the later of: two business days after the filing of the first motion for stay of removal; or, ten business days prior to the earliest possible date of removal; provided, however, that any response must be filed within the time period specified by Fed. R. App. P. 27(a)(3)(A). Upon motion and good cause, any of these deadlines, as well as the duration of the stay, may be revised in a particular case. This paragraph applies only to the first timely motion to stay removal filed in an individual case in this court. For purposes of this paragraph only, a first motion to stay removal will be deemed timely if filed by the later of: the docketing of the petition; or two business days after the filing of a notice by the government as provided in paragraph 1, above. If petitioner is pro se, this deadline shall not apply, but any stay motion should be filed as expeditiously as possible.*

# SUPPLEMENTAL INFORMATION STATEMENT FOR A COMPENSATION CLAIM IN EXCESS OF THE STATUTORY CASE COMPENSATION MAXIMUM: COURT OF APPEALS

THIS FORM PROVIDES INFORMATION TO SUPPORT COUNSEL'S CLAIM THAT THE REPRESENTATION GIVEN WAS IN AN EXTENDED OR COMPLEX CASE, AND THAT THE EXCESS PAYMENT IS NECESSARY TO PROVIDE FAIR COMPENSATION. [SECTION 230.23.40](#) OF THE GUIDELINES FOR ADMINISTERING THE CJA AND RELATED STATUTES, VOLUME 7A, *GUIDE TO JUDICIARY POLICY*, DEFINES THE TERMS "EXTENDED" AND "COMPLEX," AND SUGGESTS CRITERIA FOR DETERMINING "FAIR COMPENSATION." THIS FORM SERVES AS COUNSEL'S MEMORANDUM REQUIRED BY [SECTION 230.30\(b\)\(1\)](#) OF THOSE GUIDELINES, AND DOES NOT REPLACE ANY OTHER DOCUMENTATION REQUIRED TO SUPPORT THE PAYMENT REQUEST. IF EXTRA SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS OF PAPER.

ATTORNEY NAME: \_\_\_\_\_ REPRESENTING: APPELLANT \_\_\_\_\_ APPELLEE \_\_\_\_\_

CASE NAME: \_\_\_\_\_

DOCKET NUMBER: \_\_\_\_\_ VOUCHER NUMBER: \_\_\_\_\_

**1** APPEAL FROM: GUILTY PLEA \_\_\_\_\_ TRIAL DISPOSITION \_\_\_\_\_ HABEAS PETITION \_\_\_\_\_ OTHER \_\_\_\_\_

OFFENSE(S) AND NUMBER OF COUNTS ON WHICH CONVICTED: \_\_\_\_\_

LENGTH OF SENTENCE: \_\_\_\_\_

NUMBER OF CO-DEFENDANTS: PRE-JUDGMENT \_\_\_\_\_ CONVICTED \_\_\_\_\_

SIZE OF TRANSCRIPT: \_\_\_\_\_ PAGES

IF NOTEWORTHY, DESCRIPTION/LENGTH OF OTHER MATERIALS REVIEWED: \_\_\_\_\_

NUMBER OF TRIAL DAYS \_\_\_\_\_

**2** DID YOU REPRESENT YOUR CLIENT AT THE DISTRICT COURT LEVEL? YES \_\_\_\_\_ NO \_\_\_\_\_. IF YES, AT TRIAL? YES \_\_\_\_\_ NO \_\_\_\_\_.

HOURS CLAIMED FOR OBTAINING AND REVIEWING RECORDS: \_\_\_\_\_

**3** LENGTH OF APPELLANT'S BRIEF: \_\_\_\_\_ PAGES. NUMBER OF SENTENCING ISSUES: \_\_\_\_\_ NUMBER OF OTHER ISSUES: \_\_\_\_\_

LENGTH OF APPELLEE'S BRIEF: \_\_\_\_\_ PAGES. NUMBER OF ISSUES: \_\_\_\_\_

LENGTH OF APPELLANT'S REPLY BRIEF: \_\_\_\_\_ PAGES. NUMBER OF ISSUES: \_\_\_\_\_

HOURS CLAIMED FOR LEGAL RESEARCH AND WRITING  
PRINCIPAL BRIEF: \_\_\_\_\_

IF APPLICABLE HOURS CLAIMED FOR LEGAL RESEARCH AND  
WRITING REPLY BRIEF: \_\_\_\_\_

CHECK ONE OF THE FOLLOWING: DISPOSITION BEFORE BRIEFING \_\_\_\_\_ SUBMISSION ON BRIEFS \_\_\_\_\_

ORAL ARGUMENT: \_\_\_\_\_ IF APPLICABLE, HOURS CLAIMED PREPARING FOR ORAL ARGUMENT \_\_\_\_\_

**4** PETITION FOR REHEARING/SUGGESTION FOR REHEARING IN BANC FILED BY: APPELLANT \_\_\_\_\_ APPELLEE \_\_\_\_\_

PAGES: \_\_\_\_\_ NUMBER OF ISSUES RAISED: \_\_\_\_\_ RESPONSE IN OPPOSITION: \_\_\_\_\_ PAGES

HOURS CLAIMED FOR LEGAL RESEARCH AND WRITING PETITION/SUGGESTION OR RESPONSE IN OPPOSITION: \_\_\_\_\_

**5** PETITION FOR WRIT OF CERTIORARI FILED BY: APPELLANT \_\_\_\_\_ APPELLEE \_\_\_\_\_ PAGES \_\_\_\_\_

NUMBER OF ISSUES: \_\_\_\_\_ BRIEF IN OPPOSITION: \_\_\_\_\_ PAGES REPLY BRIEF: \_\_\_\_\_ PAGES

HOURS CLAIMED FOR LEGAL RESEARCH AND WRITING PETITION/REPLY BRIEF OR BRIEF IN OPPOSITION (ATTACH COUNSEL'S DOCUMENTS): \_\_\_\_\_

**6** CHECK WHETHER ANY OF THE FOLLOWING APPLY: COMPLEX LEGAL ISSUE(S) \_\_\_\_\_  
NOVEL LEGAL ISSUE(S) \_\_\_\_\_ COMPLEX FACT PATTERN \_\_\_\_\_ LEGAL ISSUE(S) RESEARCHED BUT NOT WRITTEN \_\_\_\_\_  
IF NOTEWORTHY, EXPLAIN IMPACT ON THE NUMBER OF HOURS CLAIMED: \_\_\_\_\_

ITEM 6 (CONTINUED)

7

INDICATE WHETHER ANY OF THE ISSUES WERE BRIEFED AT THE DISTRICT COURT:                    YES                    \_\_\_\_\_                    NO                    \_\_\_\_\_ .  
IF YES, EXPLAIN ADDITIONAL WORK REQUIRED:

8

EXPLAIN ANY EXPENSE (SEE ITEMS 17 AND 18 OF THE CJA 20 VOUCHER) GREATER THAN \$500:

9

EXPLAIN ANY OTHER NOTEWORTHY CIRCUMSTANCES REGARDING THE CASE AND THE REPRESENTATION PROVIDED TO SUPPORT THIS COMPENSATION REQUEST:

INCLUDE, IF APPLICABLE: (A) RESPONSIBILITIES INVOLVED MEASURED BY THE MAGNITUDE AND IMPORTANCE OF THE CASE, INCLUDING PRECEDENTIAL VALUE; (B) MANNER IN WHICH DUTIES WERE PERFORMED AND KNOWLEDGE, SKILL, EFFICIENCY, PROFESSIONALISM, AND JUDGMENT REQUIRED OF AND USED BY COUNSEL; (C) NATURE OF COUNSEL'S PRACTICE AND HARDSHIP OR INJURY RESULTING FROM THE REPRESENTATION; AND (D) ANY EXTRAORDINARY PRESSURE OF TIME OR OTHER FACTORS UNDER WHICH SERVICES WERE RENDERED.

SIGNATURE OF APPOINTED ATTORNEY:

DATE:

## GUIDANCE TO ATTORNEYS IN DRAFTING THE MEMORANDUM REQUIRED FOR A COMPENSATION CLAIM IN EXCESS OF THE CASE COMPENSATION MAXIMUM: COURT OF APPEALS

[Section 230.30\(b\)](#) of the Guidelines for Administering the CJA and Related Statutes, Volume 7A, *Guide to Judiciary Policy*, provides:

In any case in which the total compensation claimed is in excess of the statutory case compensation maximum, counsel will submit with the voucher a detailed memorandum supporting and justifying counsel's claim that: the representation given was in an extended or complex case (**See:** § [230.23.40\(b\)](#)), and that the excess payment is necessary to provide fair compensation (**See:** § [230.23.40\(c\)](#)).

Section 230.23.40(b) of the CJA Guidelines states that a case is **complex** if the "legal or factual issues. . . are unusual, thus requiring the expenditure of more time, skill and effort by the lawyer than would normally be required in an average case," and that a case is **extended** if "more time is reasonably required for total processing than the average case, including pre-trial and post-trial hearings". Section 230.23.40(c) lists the following criteria as useful in determining **fair compensation** in extended or complex cases: responsibilities involved measured by the magnitude and importance of the case; manner in which duties were performed; knowledge, skill, efficiency, professionalism, and judgment required of and used by counsel; nature of counsel's practice and injury thereto; any extraordinary pressure of time or other factors under which services were rendered; and any other circumstances relevant and material to a determination of a fair and reasonable fee.

To assist counsel in writing a "detailed memorandum supporting and justifying counsel's claim that the representation given was in an extended or complex case, and that the excess payment is necessary to provide fair compensation," the following topics are provided for counsel's consideration. Some of these issues may not apply to a particular case or may not be noteworthy for this memorandum. Counsel, of course, may address topics other than those listed below.

Whether appeal is from a guilty plea, trial disposition, habeas petition, or other matter.

Offense(s) and number of counts on which client convicted; length of sentence; and number of co-defendants (pre-judgment and convicted.)

Size of transcript; number of trial days, if applicable; and description and length of other materials reviewed.

Whether appointed counsel represented the client at the district court level, and, if applicable, whether counsel represented the defendant at the trial. Hours claimed for obtaining and reviewing records.

Length of appellant's brief and number of sentencing and other issues; length of appellee's brief and number of issues; length of appellant's reply brief and number of issues; hours claimed for legal research and writing principal brief; and hours claimed for legal research and writing reply brief.

Whether there was a disposition before briefing, submission on the briefs, or oral argument. If applicable, hours claimed preparing for oral argument on principal brief.

Whether a petition for rehearing or a suggestion for rehearing in banc was filed by either party; the number of pages, the number of issues raised, the length of the response in opposition; hours claimed for legal research and writing petition for rehearing/suggestion for rehearing in banc or response in opposition; and, if applicable, hours claimed preparing for oral argument.

Whether a petition for a writ of certiorari was filed by either party; number of pages and issues raised; number of pages of a brief in opposition; number of pages of a reply brief; and hours claimed for legal research and writing petition/reply brief or brief in opposition. Attach counsel's documents.

Whether any of the following factors apply and their impact on the number of hours claimed: complex legal issues, novel legal issues, complex fact pattern, and legal issues researched but not written.

Whether any of the issues were briefed at the district court. The additional work required if any of the issues were briefed at the district court.

Any expense (see Items 17 and 18 of the CJA 20 voucher) greater than \$500.

Any other noteworthy circumstances regarding the case and the representation provided to support this compensation request. Include, if applicable: responsibilities involved measured by the magnitude and importance of the case, including, if applicable, precedential value; manner in which duties were performed; knowledge, skill, efficiency, professionalism, and judgment required of and used by counsel; nature of counsel's practice and hardship or injury resulting from the representation; any extraordinary pressure of time or other factors under which services were rendered.

## Modifying Your Name

### Step 1

To edit your name, click the **Edit** link to the right of your name.

#### Single Login Profile

| Account Information |                  |                       |             |
|---------------------|------------------|-----------------------|-------------|
| First name<br>David | Middle name<br>B | Last name<br>Attorney | Suffix<br>- |

[Edit](#)

### Step 2

Make any necessary changes, and then click **Save changes**.

| Account Information |                  |                       |                    |
|---------------------|------------------|-----------------------|--------------------|
| First name<br>David | Middle name<br>B | Last name<br>Attorney | Suffix<br>-Select- |

[Cancel](#)
[Save changes](#)

## Updating Your Email Address

### Step 1

Click the **Edit** link to the right of your email address.

|   |                      |
|---|----------------------|
| Email address<br>attorneyl210@gmail.com | <a href="#">Edit</a> |
|---|----------------------|

### Step 2

Enter your new email address, confirm it, and then click **Save changes**.

|   |
|---|
| Email address<br>attorneyl210@gmail.com         |
| Confirm email address<br>attorneyl210@gmail.com |

[Cancel](#)
[Save changes](#)

# Updating Your Password

Step 1

Click the **Edit** link to access your password.

Password

\*\*\*\*\*

Edit

Step 2

Make any necessary changes, and then click **Save changes**.

Password Requirements

- Password must be at least 8 characters.
- Password must be alpha-numeric.
- Password must contain at least one lower case and one upper case character.
- Password must contain at least one special character.
- Password cannot be a password used within the past 365 days.

Password

Confirm password

Cancel

Save changes

## How to Create a New CJA-20 Voucher

### STEP 1

On the Home page, expand the **Appointments' List** folder and locate the appropriate appointment. Click the case link.

| Appointments' List   |  |
|--|--|
| Appointments   | Defendant  |
| Case: 1:14-CR-00444-JJ<br>Defendant #: 1<br>Case Title: USA v. James<br>Attorney: Green Jeans        | <b>Defendant: John James</b><br>Representation Type: Criminal Case<br>Order Type: Appointing Counsel<br>Order Date: 01/30/14<br>Pres. Judge: Jeff J Judge<br>Adm./Mag Judge:   |
| Case: 7:11-CR-00099-JJ<br>Defendant #: 1<br>Case Title: USA v. Klein et al<br>Attorney: Green Jeans  | <b>Defendant: Karan Klein</b><br>Representation Type: Criminal Case<br>Order Type: Appointing Counsel<br>Order Date: 01/30/14<br>Pres. Judge: Jeff J Judge<br>Adm./Mag Judge:  |
| Case: 7:10-CR-00002-JJ<br>Defendant #: 2<br>Case Title: USA v. WARNER et al<br>Attorney: Green Jeans | <b>Defendant: JAMES WARNER</b><br>Representation Type: Criminal Case<br>Order Type: Appointing Counsel<br>Order Date: 01/02/14<br>Pres. Judge: Jeff J Judge<br>Adm./Mag Judge: |
| Case: 7:10-CR-00002-JJ<br>Defendant #: 3<br>Case Title: USA v. Lola et al<br>Attorney: Green Jeans   | <b>Defendant: Levon Helm</b><br>Representation Type: Criminal Case<br>Order Type: Appointing Counsel<br>Order Date: 01/02/14<br>Pres. Judge: Jeff J Judge<br>Adm./Mag Judge:   |

### STEP 2

The Appointment Info page displays any vouchers that were created for this appointment. In the Create New Voucher section on the left side of the page, click the **Create** link for CJA-20, unless you see an existing CJA-20 voucher that you have already created in the Vouchers on File section. If you have an associate on your voucher, they appear on the Basic Info page of your voucher. For more information on adding services/expenses on a CJA-20/30, review the Attorney Associates Functionality job aid.

[Home](#)
[Operations](#)
[Reports](#)
[Links](#)
[Help](#)
[Sign out](#)

### Appointment

In this page you will find a summary about this appointment, including a list of vouchers related to this appointment and links to create new vouchers.

[View Representation](#)

### Create New Voucher

**AUTH** [Create](#)  
Authorization for Expert and other Services

**AUTH-24** [Create](#)  
Authorization for payment of fees/expenses

**BUDGET AUTH** [Create](#)  
Authorization for Excess Attorney Fees and/or Expert and other Services on Budgeted Case

**CJA-20** [Create](#)  
Appointment of and Authority to Pay Court-Appointed Counsel

**CJA-21** [Create](#)  
Authorization and Voucher for Expert and other Services

**CJA-24** [Create](#)

### Appointment Info

|  |   |   |
|--|---|---|
| 1. CASE NUMBER<br>0101   | 2. PERSON REPRESENTED<br>Mister Badman  | 3. VOUCHER NUMBER                             |
| 4. CASE MATTER OF (Case Name)<br>USA v. Badman   | 5. FUNDING CATEGORY<br>Felony (including pre-trial diversion of alleged felony) | 6. TYPE PERSON REPRESENTED<br>Adult Defendant |
| 7. OFFENSES CHARGED<br>10-2408.M DEFENSE CONTRACT RELATED FELONIES, CONTRACTORS  |   |   |
| 8. ATTORNEY'S NAME AND MAILING ADDRESS<br>Atty Longoria<br>123 Lane<br>San Antonio, TX 78229<br>Phone: 2102222222<br>Email: <a href="mailto:jaine_longoria@ao.uscourts.gov">jaine_longoria@ao.uscourts.gov</a>   |   |   |
| 9. COURT ORDER<br><input type="checkbox"/> A Associate <input type="checkbox"/> C Co-Counsel <input type="checkbox"/> D Federal Defender<br><input type="checkbox"/> L Licensed Counsel (Capital Only) <input type="checkbox"/> O Appointing Counsel <input type="checkbox"/> P State for Federal Attorney<br><input type="checkbox"/> S Pro Se <input type="checkbox"/> T Retained Attorney <input type="checkbox"/> U State for Pro Se <input type="checkbox"/> X Administrative<br><input type="checkbox"/> V Standby Counsel |   |   |
| 10. PRIOR ATTORNEY'S NAME<br>Appointed by: Judge Longoria<br>Date of Order: 6/6/2019<br>Repayment: <input type="checkbox"/> YES <input type="checkbox"/> NO  |   |   |
| 11. LAW FIRM NAME AND MAILING ADDRESS  |   |   |

### Vouchers on File

To group by a particular Header, drag the column to this area.

| Case  | Defendant   | Type                    | Status                           | Date Entered |
|---|---|-------------------------|----------------------------------|--------------|
| 3:13-md-04562-JL<br>Date: 06/06/2019<br>End: 06/07/2019 | Mister Badman (P 4002)<br>Claimed Amount: 4,234.25<br>Approved Amount: 4,234.25 | CJA-20<br>Atty Longoria | Voucher Created<br>FINAL PAYMENT | 06/07/2019   |



**STEP 3**

On the **Services** and **Expenses** tabs, enter your expenses and save your work.

Next, click the **Claim Status** tab, and set the claim start and end dates of services or expenses billed. The Payment Claims section must be completed; be sure to click the appropriate radio button. If you click the **Interim Payment** radio button, you must also specify the payment number. You are also required to answer the two questions at the bottom of the screen.

**Note:** For CJA-30s, you must make a selection from the **Stage of Proceeding** drop-down list.

You can continue to add items and edit the voucher until you are ready to submit the claim to the court. **Note:** At any time, click **Audit Assist** to view any errors or warnings.

The screenshot shows the 'Claim Status' tab in the software. The 'Payment Claims' section has four radio buttons: 'Final Payment' (selected), 'Interim Payment' (with a text box for payment #), 'Supplemental Payment', and 'Withholding Return Payment'. Below this is a reminder: '\*\* Reminder: Please select the appropriate claim status.' Two questions follow: '1. Have you previously applied to the court for compensation and/or reimbursement for this case?' and '2. Other than from the Court, have you, or to your knowledge has anyone else, received payment (compensation or anything of value) from any other source in connection with this representation?'. Each question has 'Yes' and 'No' radio buttons. At the bottom, there are navigation buttons: '< First', '< Previous', 'Next >', 'Last >', 'Save', 'Delete Draft', and 'Audit Assist'. A red arrow points to the 'Payment Claims' section, and another red arrow points to the 'Audit Assist' button.

This screenshot is similar to the previous one but highlights the 'Stage of Proceeding' dropdown menu with a red box. The dropdown list includes: 'Pre-Trial', 'Capital Prosecution', 'a. Pre-Trial', 'b. Trial', 'c. Sentencing', 'd. Other Post Trial', 'e. Appeal', 'f. Petition for the US Supreme Writ of Certiorari', 'Habeas Corpus', 'g. Habeas Petition', and 'h. Evidentiary Hearing'. The 'Pre-Trial' option is currently selected. The rest of the form, including the 'Payment Claims' section and the two questions, is identical to the previous screenshot.

If you save your voucher and do not submit it to the court, you will find your voucher in the My Active Documents section at the top left of your home page. To continue working with the voucher, in the Status column, click the **Edit** link.

If you are an associate for the case and wish to edit your own services/expenses, you must contact the primary attorney who can add “can edit” rights for you.

| My Active Documents  |  |            |   |              |
|--|--|------------|---|--------------|
| To group by a particular Header, drag the column to this area. |  |            | Search: <input type="text"/>                          |              |
| Case   | Defendant                                      | Type       | Status  | Date Entered |
| <a href="#">1:19-CV-96325-...</a><br>Starts:<br>Ends:          | Nick Sing (# 9874)<br>Claimed Amount: 0.00     | BUDGETAUTH | <a href="#">Voucher Entry</a><br><a href="#">Edit</a> | 03/04/2020   |
| <a href="#">1:19-CR-45611-...</a><br>Starts:<br>Ends:          | Theo Thief (# 9877)<br>Claimed Amount: 0.00    | BUDGETAUTH | <a href="#">Voucher Entry</a><br><a href="#">Edit</a> | 07/25/2019   |
| <a href="#">1:19-CR-22558-...</a><br>Starts:<br>Ends:          | Mister Walter (# 1234)<br>Claimed Amount: 0.00 | BUDGETAUTH | <a href="#">Voucher Entry</a><br><a href="#">Edit</a> | 07/25/2019   |

To sort by date, click the **Services** tab. Drag the Date column header up to the blue “group by” area. The services entries are now grouped and sorted by date. Next, click the **Expenses** tab, and repeat the steps for grouping.

Basic Info Services Expenses Claim Status Documents Confirmation

### Services

Date:  Description:

Service Type:

Doc.# (ECF):  Pages:

Hours:  at \$148.00 per hour.

\* Required Fields

| To group by a particular Header, drag the column to this area. |            |                               |     |          |          |
|--|------------|-------------------------------|-----|----------|----------|
| Service Type   | Date       | Description                   | Hrs | Rate     | Amt      |
| b. Bail and Detention Hearing                                  | 03/19/2020 | Detention hearing with Judge. | 2.0 | \$148.00 | \$296.00 |
| a. Arraignment and/or Plea                                     | 03/19/2020 | Arraignment.                  | 2.0 | \$148.00 | \$296.00 |

These services are sorted by date.

| To group by a particular Header, drag the column to this area. |            |               |     |          |            |
|--|------------|---------------|-----|----------|------------|
| Service Type   | Date       | Description   | Hrs | Rate     | Amt        |
| a. Arraignment and/or Plea                                     | 03/06/2020 | Arraignment.  | 2.0 | \$148.00 | \$296.00   |
| b. Bail and Detention Hearing                                  | 03/06/2020 | Bail Hearing. | 1.0 | \$148.00 | \$148.00   |
| a. Interviews and Conferences                                  | 03/11/2020 | Interviews    | 5.0 | \$148.00 | \$740.00   |
| d. Trial   | 03/19/2020 | Trial.        | 8.0 | \$148.00 | \$1,184.00 |

## Linking an Authorization to a CJA-21 Voucher

After your authorization has been approved by the judge, it appears in your Closed Vouchers panel. If desired, click the voucher number link to view the voucher.

### STEP 1

#### Select Your Appointment

To create a CJA-21 voucher and link it to the authorization, in the Appointments' List section, click the defendant case number link.

SDSO Training - Release 6.3.0.0

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> Home

**My Active Documents**

To group by a particular Header, drag the column to this area. Search:

| Case  | Defendant   | Type                    | Status   | Date Entered |
|---|---|-------------------------|--|--------------|
| <a href="#">1:19-CV-96325-...</a><br>Starts: ...<br>Ends: ...             | Nick Sing (# 9874)<br>Claimed Amount: 0.00        | BUDGETAUTH              | Voucher Entry<br><a href="#">Edit</a>                  | 03/04/2020   |
| <a href="#">1:19-CR-45611-...</a><br>Starts: ...<br>Ends: ...             | Theo Thief (# 9877)<br>Claimed Amount: 0.00       | BUDGETAUTH              | Voucher Entry<br><a href="#">Edit</a>                  | 07/25/2019   |
| <a href="#">1:19-CR-22558-...</a><br>Starts: ...<br>Ends: ...             | Mister Walter (# 1234)<br>Claimed Amount: 0.00    | BUDGETAUTH              | Voucher Entry<br><a href="#">Edit</a>                  | 07/25/2019   |
| <a href="#">1:19-CR-12345-...</a><br>Starts: ...<br>Ends: ...             | Mister Badman (# 1234)<br>Claimed Amount: 0.00    | BUDGETAUTH              | Voucher Entry<br><a href="#">Edit</a>                  | 07/26/2019   |
| <a href="#">1:19-CV-33333-...</a><br>Starts: ...<br>Ends: ...             | Shopper Lifter (# 9874)<br>Claimed Amount: 0.00   | CJA-30<br>Atty Longoria | Voucher Entry<br><a href="#">Edit</a>                  | 08/09/2019   |
| <a href="#">1:19-CR-77777-...</a><br>Start: 06/06/2017<br>End: 08/12/2019 | Larry Freeman (# 4444)<br>Claimed Amount: 2,756.0 | CJA-20<br>Atty Longoria | Voucher Entry<br><a href="#">Edit</a><br>FINAL PAYMENT | 08/12/2019   |

**Appointments' List**

| Appointments   | Defendant  |
|--|--|
| <a href="#">Case: 3:19-MJ-04562-JL</a><br>Defendant #: 4562<br>Case Title: USA vs Badman<br>Attorney: Atty Longoria  | <b>Defendant: Mister Badman</b><br>Representation Type: DR 1 - Drugs Minus 2<br>Order Type: Federal Defender<br>Order Date: 06/06/19<br>Pres. Judge: Judge Longoria<br>Adm./Mag Judge:         |
| <a href="#">Case: 1:19-MJ-96325-JL</a><br>Defendant #: 9876<br>Case Title: Voucher vs USA<br>Attorney: Atty Longoria | <b>Defendant: Practice Voucher</b><br>Representation Type: DRA - Drug Minus 2 Appeal<br>Order Type: Federal Defender<br>Order Date: 06/10/19<br>Pres. Judge: Judge Longoria<br>Adm./Mag Judge: |
| <a href="#">Case: 1:19-CR-45611-JL</a><br>Defendant #: 9877<br>Case Title: Thief vs USA<br>Attorney: Atty Longoria   | <b>Defendant: Theo Thief</b><br>Representation Type: Criminal Case<br>Order Type: Federal Defender<br>Order Date: 06/14/19<br>Pres. Judge: Judge Longoria<br>Adm./Mag Judge:                   |

**STEP 2****Create the CJA-21 Voucher**

In the Appointment section, click the CJA-21 **Create** link.

SDSO Training - Release 6.3.6.0

Home Operations Reports Links Help Sign out

**Appointment**  
In this page you will find a summary about this appointment, including a list of vouchers related to this appointment and links to create new vouchers

[View Representation](#)

**Create New Voucher**

**AUTH** [Create](#)  
Authorization for Expert and other Services

**AUTH-24** [Create](#)  
Authorization for payment of transcript

**BUDGETAUTH** [Create](#)  
Authorization for Excess Attorney Fees and/or Expert and other Services on Budgeted Case

**CJA-20** [Create](#)  
Appointment of and Authority to Pay Court-Appointed Counsel

**CJA-21** [Create](#)  
Authorization and Voucher for Expert and other Services

**CJA-24** [Create](#)  
Authorization and Voucher for

**Appointment Info**

|   |  |
|---|--|
| 1. CIR./DIST./DIV. CODE<br>0101   | 2. PERSON REPRESENTED<br>Jebediah Branson                              |
| 3. MAG. DKT/DEF. NUMBER   | 4. DIST. DKT/DEF. NUMBER<br>1:14-CR-08805-1-AA                         |
| 7. IN CASE/MATTER OF (Case Name)<br>USA v. Branson  | 8. PAYMENT CATEGORY<br>Felony (including pre-arrest of alleged felony) |
| 11. OFFENSE(S) CHARGED<br>15:1825.F INSPECTION VIOLATION PENALTIES  |  |
| 12. ATTORNEY'S NAME AND MAILING ADDRESS<br>Andrew Anders<br>110 Main Street<br>San Antonio TX 78210<br>Phone: 210-833-5623<br>Cell phone: 210-555-1234<br>Email: <a href="mailto:lisa_ornelas@aotx.uscourts.gov">lisa_ornelas@aotx.uscourts.gov</a> |  |
| 14. LAW FIRM NAME AND MAILING ADDRESS   |  |

**Vouchers on File**

To group by a particular Header, drag the column to this

| Case  | Defendant   |
|---|---|
| <a href="#">1:14-CR-08805-AA-</a><br>Start: 09/23/2015<br>End: 09/23/2015 | Jebediah Branson (# 1)<br>Claimed Amount: 6,350.00<br>Approved Amount: 6,350.00 |
| <a href="#">1:14-CR-08805-AA-</a>   | Jebediah Branson (# 1)  |

**STEP 3****Authorization Selection**

On the Basic Info screen, in the Authorization Selection section, there are two options: **No Authorization Required** or **Use Existing Authorization**. Click **Use Existing Authorization**.

**Basic Info**

|  |   |            |
|--|---|------------|
| 1. CIR/DIST/DIV.CODE<br>0101                                       | 2. PERSON REPRESENTED<br>Jebediah Branson                                       |            |
| 3. MAG. DKT/DEF NUMBER   | 4. DIST. DKT/DEF NUMBER<br>1:14-CR-08805-1-AA                                   | 5. #       |
| 7. IN CASE/MATTER OF (Case Name)<br>USA v. Branson                 | 8. PAYMENT CATEGORY<br>Felony (including pre-trial diversion of alleged felony) | 9. #<br>Ad |
| 11. OFFENSE(S) CHARGED<br>15:1825.F INSPECTION VIOLATION PENALTIES |   |            |
| EXCESS FEE LIMIT<br>\$11,500.00                                    | PRESIDING JUDGE<br>Albert Albertson   | M#         |

**Authorization Selection**

You can click the **Use Existing Authorization** button to select from a list of :

**No Authorization Required**  
If your voucher compensation is under the statutory limit and does not require prior authorization.

**Use Existing Authorization**  
Select this option to display and select from a list of approved authorizations for this appointment.

**Note**

The system searches for and displays any existing requests for authorization.

**STEP 4****Select Authorization**

The application automatically displays existing requests for authorizations. You must select the appropriate authorization from the list before you can enter the new voucher information; when an authorization is selected, the cell turns light blue.

**Authorization Selection**  
You can click the **Use Existing Authorization** button to select from a list of approved authorizations, or click the **No Authorization Required** button if under the statutory limit.

**No Authorization Required**  
If your voucher compensation is under the statutory limit and does not require prior authorization.

**Use Existing Authorization**  
Select this option to display and select from a list of approved authorizations for this appointment.

**Please Select the Associated Authorization**

|  |   |
|--|---|
| <b>ID Number: 4</b><br>Order Date: 03/04/2014<br>Authorized Amount: \$1,000.00<br>Grand Total Amount: \$1,500.00   | Service Type: Chemist/Toxicologist<br>Estimated Amount: \$1,000.00<br>Notes: Abraham Astley |
| <b>ID Number: 223</b><br>Order Date: 02/01/2017<br>Authorized Amount: \$100.00<br>Grand Total Amount: \$100.00     | Service Type: Interpreter/Translator<br>Estimated Amount: \$5,000,000.00<br>Notes:          |
| <b>ID Number: 223</b><br>Order Date: 08/23/2017<br>Authorized Amount: \$800.00<br>Grand Total Amount: \$800.00     | Service Type: Chemist/Toxicologist<br>Estimated Amount: \$800.00<br>Notes:                  |
| <b>ID Number: 297</b><br>Order Date: 08/23/2018<br>Authorized Amount: \$1,000.00<br>Grand Total Amount: \$1,000.00 | Service Type: Chemist/Toxicologist<br>Estimated Amount: \$1,000.00<br>Notes:                |

**New Voucher Information**

Service Type: Chemist/Toxicologist \*

**STEP 5****Enter the New Voucher Information**

You can search for an existing expert or enter the information for another provider.

**New Voucher Information**

Service Type: Chemist/Toxicologist \*

Description:

**Service Provider**  
You can search one of the service providers already in the system OR you can enter the required information for another provider

Expert: Astley, Rick

Expert Details: 

Expert, Betty  
 Expert, LeVar  
 Expert, Longoria  
 Expert, Misses  
 Phone: 214-555-3434

Voucher Assignment: ☐ Attorney ☐ Expert  
This indicates who will be responsible for filling the voucher claim part

Create Voucher

**Service Provider**  
You can search one of the service providers already in the system OR you can enter the required information for another provider

Expert:

First Name  Middle Name  Last Name \*

Email \*

Phone \*  Fax

Address 1 \*  City \*

Address 2  State (U.S. Only) \*  Zip \*

Address 3  Country \* UNITED STATES

Voucher Assignment \* ☒ Attorney ☐ Expert  
This indicates who will be responsible for filling the voucher claim part

Create Voucher

If the authorization has an increase in the amount, you can see this by comparing the original authorized amount to the grand total amount, which includes the increase.

on button to select from a list of approved authorizations, or click the **No Authorization Required** button

**Please Select the Associated Authorization**

|                              |                                    |
|------------------------------|------------------------------------|
| <b>ID Number: 224</b>        | Service Type: Chemist/Toxicologist |
| Order Date: 03/03/2014       | Estimated Amount: \$500.00         |
| Authorized Amount: \$500.00  | Notes:                             |
| Grand Total Amount: \$800.00 |                                    |

**New Voucher Information**

**STEP 6****Select the Voucher Assignment**

If the service providers or experts have rights to enter their own expenses, the **Voucher Assignment** radio buttons becomes active. Click the appropriate radio button to indicate whether you or the expert will enter the service fees on the voucher.

**New Voucher Information**

**Service Type** Chemist/Toxicologist \*

**Description**

**Service Provider**  
You can search one of the service providers already in the system  
OR you can enter the required information for another provider

**Expert** Astley, Rick

**Expert Info**  
Details  
**Rick Astley**  
110 Main Street  
San Antonio TX 78210 US  
Phone: 210-555-3434

**Voucher Assignment \*** ☐ Attorney ☒ Expert  
*This indicates who will be responsible for filling the voucher claim part*

Create Voucher

**STEP 7****Create the Voucher**

Once you have made your selection, click **Create Voucher**.

Details

110 Main Street  
San Antonio TX 78210 US  
Phone: 210-555-3434

**Voucher Assignment \*** ☐ Attorney ☒ Expert  
*This indicates who will be responsible for filling the voucher claim part*

Create Voucher

If you indicated that the voucher is to be completed by the expert, you will receive a message stating that the voucher has been created and is on the expert's home page. If you indicated that the voucher is to be completed by the attorney, the voucher will open. Fill out the voucher accordingly.

SDSO Training - Release 0.0.0.0

Home Operations Reports Links Help Sign out

**Success**  
The document has been created

Back to:  
[Home Page](#)  
[Appointment Page](#)

**NOTE:** All CJA-21 vouchers, whether created and submitted by you or by the expert, are then returned to the **My Service Providers' Voucher** folder on your home page. You must virtually sign the completed CJA-21 voucher again to submit it to the court for processing



## Importing Service Entries into eVoucher from a .csv File

As of December 2021, eVoucher allows attorneys to import services entries from a .csv file instead of entering each line manually. A .csv file is a simple text file common in spreadsheet applications. When using this function, it is best to import all services entries from the .csv file into a new CJA 20 voucher; as importing additional entries to a partially completed voucher will overwrite already entered entries. ***Court staff are not responsible for helping attorneys create or download .csv files.***

Attorneys submitting a CJA 20 or a CJA 30 Voucher must have each of the following headings in the following order in the .csv file:

|      |       |             |              |      |       |
|------|-------|-------------|--------------|------|-------|
| Date | Hours | Description | Service Type | Doc# | Pages |
|------|-------|-------------|--------------|------|-------|

The date, hours, description, and service type columns in the .csv file must be completed. The information under the Doc# and Pages columns are optional, but the headings are required. **Note:** Time entered into the Hours column should be rounded to the nearest tenth of an hour.

STEP

ACTION

1

Enter the service information into the user's preferred time tracking program.

| A         | B     | C   | D                                     | E     | F     |
|-----------|-------|---|---------------------------------------|-------|-------|
| Date      | Hours | Description   | Service Type                          | Doc.# | Pages |
| 9/2/2021  | 0.1   | Email to/from co-def layer re: visit with Client and need for preliminary hearing   | 15e. Investigative and other work     |       | 1     |
| 9/3/2021  | 0.2   | Attend Arraignment, etc via Zoom  | 15a. Arraignment and/or Plea          |       |       |
| 9/4/2021  | 0.3   | Travel time from Other to Newtown to SA for initial appearance and conference       | 15d. Travel time                      | 3     | 10    |
| 9/5/2021  | 0.4   | Review of court filings as a result of prelim hearing; Copy to Client               | 15b. Obtaining and reviewing records  | 6     | 12    |
| 9/6/2021  | 0.5   | Receiving, reviewing and copying to client all paperwork as a result of arraignment | 15b. Obtaining and reviewing records  | 5     |       |
| 9/7/2021  | 0.6   | Receive & review order scheduling preliminary hearing; Copy to Client               | 15e. Investigative and other work     |       |       |
| 9/8/2021  | 0.7   | Reviewed 3:20-mj-46, 3:20-cr-06   | 15c. Legal research and brief writing |       |       |
| 9/9/2021  | 1     | Reviewed Co. discovery documents, Fed.R.E., and 18 U.S.C. §2251, 2252,              | 15c. Legal research and brief writing |       |       |
| 9/11/2021 | 1     | Travel from pgh to SSJ (no return travel due to travel to ICJ on CJA )              | 15d. Travel time                      |       |       |
| 9/12/2021 | 1.1   | Call to codef lawyer X and AUSA re: status of cases and plea deal                   | 15a. Interviews and Conferences       |       |       |
| 9/14/2021 | 1.3   | Begin to review discovery from initial disclosure; No reports in discovery; Call to | 15b. Obtaining and reviewing records  | 1     |       |

1a

Note: CJA 20 Service Types include:

20 categories

15a. Arraignment and/or Plea

15b. Bail and Detention Hearings

15c. Motion Hearings

15d. Trial

15e. Sentencing Hearings

15f. Revocation Hearings

15g. Appeals Court

15h. Other

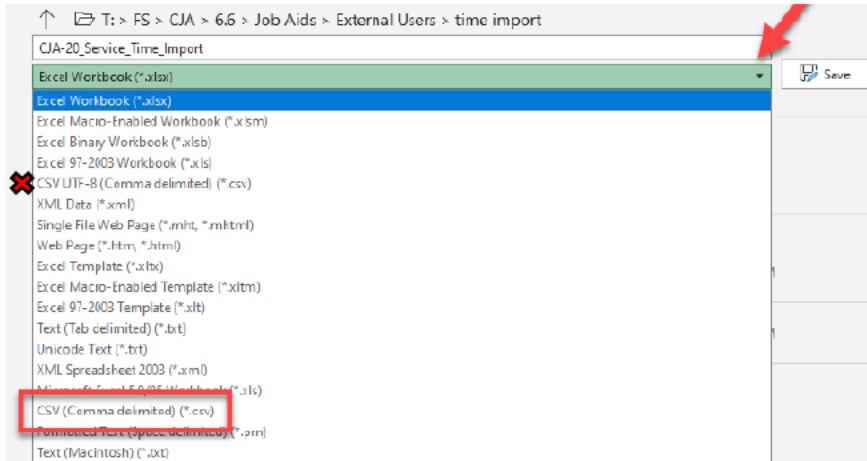

16a. Interviews and Conferences

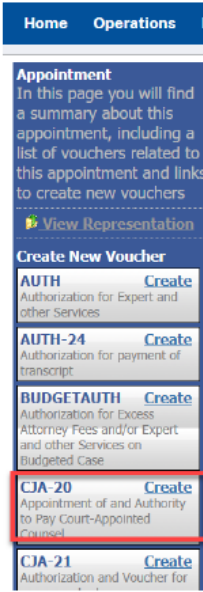
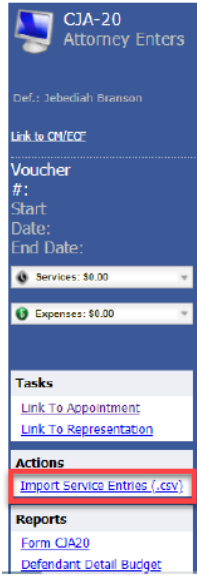
16b. Obtaining and reviewing records

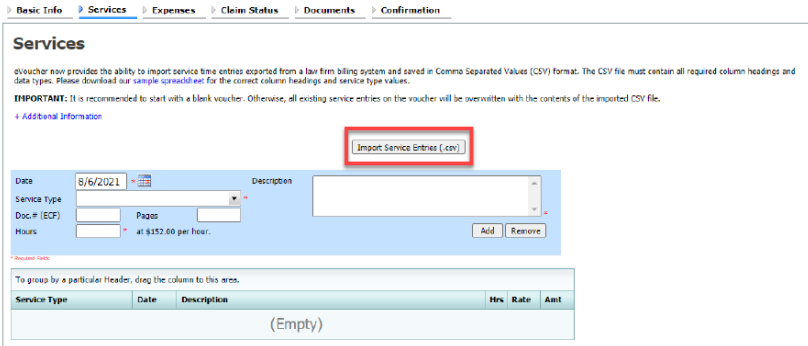
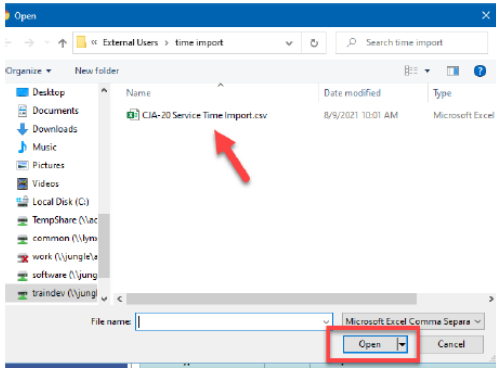
16c. Legal research and brief writing

16d. Travel time

16e. Investigative and other work

|  |  |               |                             |  |                              |   |  |  |  |                                      |                  |   |
|--|--|---------------|-----------------------------|--|------------------------------|---|--|--|--|--------------------------------------|------------------|---|
| 1b   | <p>Note: CJA 30 Service Types include:</p> <table><tr><td>30 categories</td></tr><tr><td>(30) 15a. In-Court Hearings</td></tr><tr><td>(30) 15b. Interviews and Conferences with Client</td></tr><tr><td>(30) 15c. Witness Interviews</td></tr><tr><td>(30) 15d. Consultation with Investigators &amp; Experts</td></tr><tr><td>(30) 15e. Obtaining &amp; Reviewing the Court Record</td></tr><tr><td>(30) 15f. Obtaining &amp; Reviewing Documents and Evidence</td></tr><tr><td>(30) 15g. Consulting with Expert Counsel</td></tr><tr><td>(30) 15h. Legal Research and Writing</td></tr><tr><td>(30) 15i. Travel</td></tr><tr><td>(30) 15j. Other (Specify on Supporting Documentation)</td></tr></table> | 30 categories | (30) 15a. In-Court Hearings | (30) 15b. Interviews and Conferences with Client | (30) 15c. Witness Interviews | (30) 15d. Consultation with Investigators & Experts | (30) 15e. Obtaining & Reviewing the Court Record | (30) 15f. Obtaining & Reviewing Documents and Evidence | (30) 15g. Consulting with Expert Counsel | (30) 15h. Legal Research and Writing | (30) 15i. Travel | (30) 15j. Other (Specify on Supporting Documentation) |
| 30 categories  |  |               |                             |  |                              |   |  |  |  |                                      |                  |   |
| (30) 15a. In-Court Hearings                            |  |               |                             |  |                              |   |  |  |  |                                      |                  |   |
| (30) 15b. Interviews and Conferences with Client       |  |               |                             |  |                              |   |  |  |  |                                      |                  |   |
| (30) 15c. Witness Interviews                           |  |               |                             |  |                              |   |  |  |  |                                      |                  |   |
| (30) 15d. Consultation with Investigators & Experts    |  |               |                             |  |                              |   |  |  |  |                                      |                  |   |
| (30) 15e. Obtaining & Reviewing the Court Record       |  |               |                             |  |                              |   |  |  |  |                                      |                  |   |
| (30) 15f. Obtaining & Reviewing Documents and Evidence |  |               |                             |  |                              |   |  |  |  |                                      |                  |   |
| (30) 15g. Consulting with Expert Counsel               |  |               |                             |  |                              |   |  |  |  |                                      |                  |   |
| (30) 15h. Legal Research and Writing                   |  |               |                             |  |                              |   |  |  |  |                                      |                  |   |
| (30) 15i. Travel                                       |  |               |                             |  |                              |   |  |  |  |                                      |                  |   |
| (30) 15j. Other (Specify on Supporting Documentation)  |  |               |                             |  |                              |   |  |  |  |                                      |                  |   |
| 2  | <p>Once the data has been entered, save the file as a .csv file to the user's desktop.<br/>Note: There might be multiple .csv extensions available. "CSV (Comma delimited)(*.csv)" should be selected.</p>    |               |                             |  |                              |   |  |  |  |                                      |                  |   |
| 3  | <p>Log into eVoucher using your Single Login email address and password and navigate to the First Circuit using the "Accounts" drop-down menu.</p>   |               |                             |  |                              |   |  |  |  |                                      |                  |   |
| 4  | <p>Click on the relevant appointment.</p>    |               |                             |  |                              |   |  |  |  |                                      |                  |   |

|   |  |
|---|--|
| 5 | <p>Click on "CJA 20    Create" on the left-hand side.</p>                             |
| 6 | <p>Click "Import Service Entries (.csv)" on the left-hand side under "Actions."</p>  |

|    |  |
|----|--|
| 7  | <p>Click the "Import Service Entries (.csv)" button.</p>   |
| 8  | <p>Select the appropriate .csv file and click "Open".</p>   |
| 9  | <p>The user will receive either a success message or an error message.</p> <div data-bbox="367 1205 1390 1268"> <p><b>Service entries have been updated!</b><br/>13 entries have been successfully added from <i>CIA-20 Service Time Import_correct.csv</i> and saved to the services table below. <a href="#">Click here</a> to view a report for the entries imported.</p> </div> <div data-bbox="367 1310 1390 1394"> <p><b>Import failed.</b><br/>5 errors were found in <i>CIA-20 Service Time Import.csv</i> during import process. No data was updated. <a href="#">View Report</a>. Correct errors and <a href="#">try again</a>.</p> </div> |
| 10 | <p>If a success message is received, the data in the .csv file has been successfully uploaded to the voucher. Review to ensure that the data is accurate and complete, and then continue to complete and submit the voucher in the usual course.</p>   |
| 11 | <p>If an error message is received, click on "View Report".</p> <div data-bbox="367 1646 1390 1740"> <p><b>Import failed.</b><br/>5 errors were found in <i>CIA-20 Service Time Import.csv</i> during import process. No data was updated. <a href="#">View Report</a>. Correct errors and <a href="#">try again</a>.</p> </div>   |

Use the report to make corrections in *the original .csv file*. Resave the .csv to the user's desktop.

12

Errors Only Full Report

| Case Number: 1-14-CR-09805 |  |         |       | Person Represented: Jehediah Branson |                                       |      |       |
|----------------------------|--|---------|-------|--------------------------------------|---------------------------------------|------|-------|
| Row                        | Errors   | Date    | Hours | Description                          | Service Type                          | Doc# | Pages |
| Row 3                      | Description is missing;  | 2/2021  | 0.2   |                                      | 15a. Arraignment and/or Plea          |      |       |
| Row 9                      | Hours is missing;  | 11/2021 |       | Test                                 | 16c. Legal research and brief writing |      |       |
| Row 10                     | Doc# (ECF) must be numeric value only; Pages must be numeric value only; | 12/2021 | 0.0   | Test                                 | 15c. Motion Hearings                  | -    | --    |
| Row 11                     | Date is missing;   |         | 1     | Test;                                | 16d. Travel time                      |      |       |
| Row 12                     | Description has invalid character(s).                                    | 14/2021 | 1.1   | Test<>                               | 16a. Interviews and Conferences       |      |       |

Return to the "Service" tab in eVoucher and click "try again" in the error message, following the same steps as above.

13

#### Import failed.

5 errors were found in CJA-20 Service Time Import.csv during import process. No data was updated. [View Report](#). Correct errors and [try again](#).

## Modifying Your Court Profile

Your Court Profile section, formerly your My Profile section, contains court-specific information for each eVoucher account you have. You can edit your court profile for each court account you have, in one or more courts. Any changes in your court profile do not affect your Single Login Profile (SLP). From your court profile, you can:

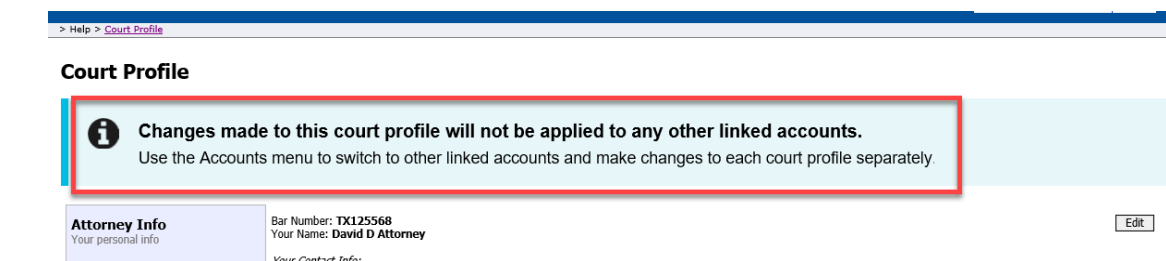
- Edit court account contact information, phone, email address, and/or physical address (Attorney Info section).
- Update your Social Security number (SSN) or employee identification number (EIN), and any firm affiliation (Billing Info section). Copies of a W-9 must be provided to the court, and any changes to the SSN after the first login to that court account must be made through the court.
- Add a time period during which the attorney will be out of the office (Holding Period section).
- Document any CLE attendance.

### Step 1

If given access by your court, you may be able to make changes to your eVoucher account information by clicking the **Court Profile** link on the Home page.



Be aware that any changes made to your court profile are not applied to any of your other linked accounts. This is noted at the top of your court profile page.



**Step 2**

Click **Edit**, **Select**, **Add**, or **View** to the right of each section to open the section and make any edits. Review your court profile and, if applicable, enter any missing information.

> Help > [Court Profile](#)

### Court Profile

|  |   |  |
|--|---|--|
| <b>Attorney Info</b><br>Your personal info                     | Bar Number: <b>TX125568</b><br>Your Name: <b>David D Attorney</b><br><br><i>Your Contact Info:</i><br>Phone: 555-555-5555<br>Fax:<br>deadmail@ao.uscourts.gov<br><br><i>Your Address:</i><br>123 San Antonio Way<br>San Antonio, TX 78228<br>US | <input type="button" value="Edit"/>  |
| <b>Billing Info</b><br>List all available billing info records | Your default billing info is:<br><b>David D Attorney</b><br>Billing Code:0101-000077<br>123 San Antonio Way<br>San Antonio, TX<br>78228 - US<br>Phone: 555-555-5555<br>Fax:   | <input type="button" value="Select"/><br><input type="button" value="Add"/><br><input type="button" value="Edit"/> |
| <b>Holding Period</b>  | No info has been stored.<br>Please click VIEW to type your info.  | <input type="button" value="View"/>  |
| <b>Continuing Legal Education</b>                              | No info has been stored.<br>Please click VIEW to type your info.  | <input type="button" value="View"/>  |

Starting with version 6.4 of eVoucher, the email address used to create your single login profile will be used to log in to all of your CJA eVoucher accounts. You can modify your full name and email address, change your password and security questions, and view and link your other eVoucher accounts from the Single Login Profile (SLP) link. This job aid describes how to modify your account information and security questions. For instructions on how to view and link your other accounts, see the Linking Accounts job aid.

## Modifying Your Single Login Profile (SLP) Account Information

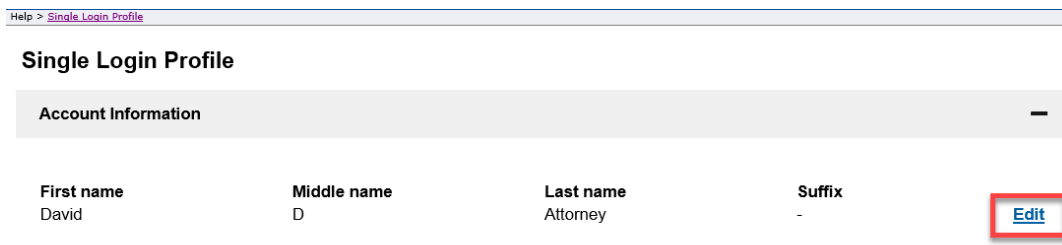
### Step 1

Point to the profile icon, and then click the **Single Login Profile** link.



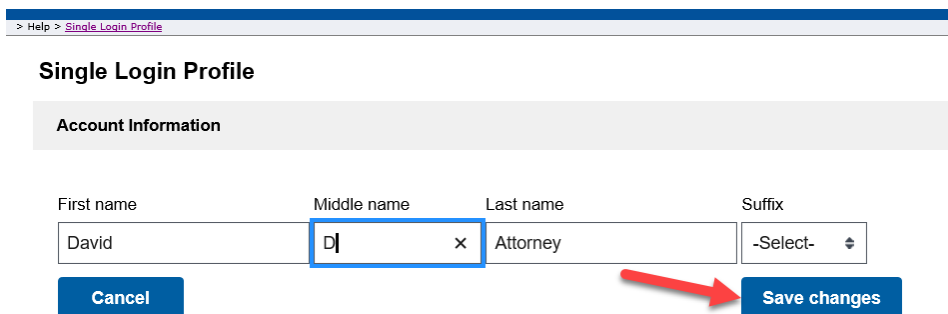
### Step 2

To change your account information; first, middle, or last name; email address; and password; click the **Edit** link.



### Step 3

Make any changes to your account information and click **Save changes**.





**Step 4**

To change your email address, from the same Account Information screen, click the **Edit** link to the right of the email address.

**Single Login Profile**

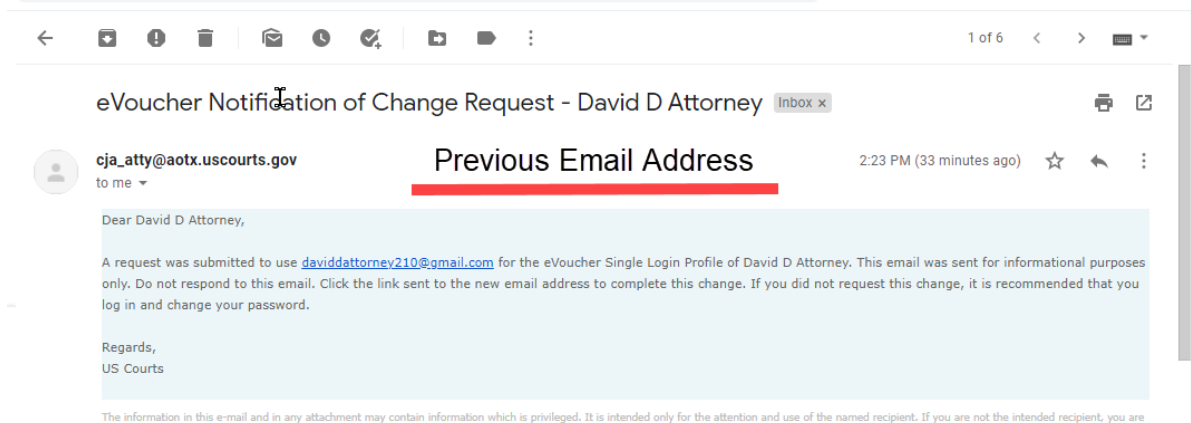
| Account Information  |             |           |        |
|----------------------|-------------|-----------|--------|
| First name           | Middle name | Last name | Suffix |
| David                | D           | Attorney  | -      |
| <a href="#">Edit</a> |             |           |        |
| Email address        |             |           |        |
| aalamay210@gmail.com |             |           |        |
| <a href="#">Edit</a> |             |           |        |

**Step 5**

Make any changes to your email address and confirm those changes. Then click **Save changes**.

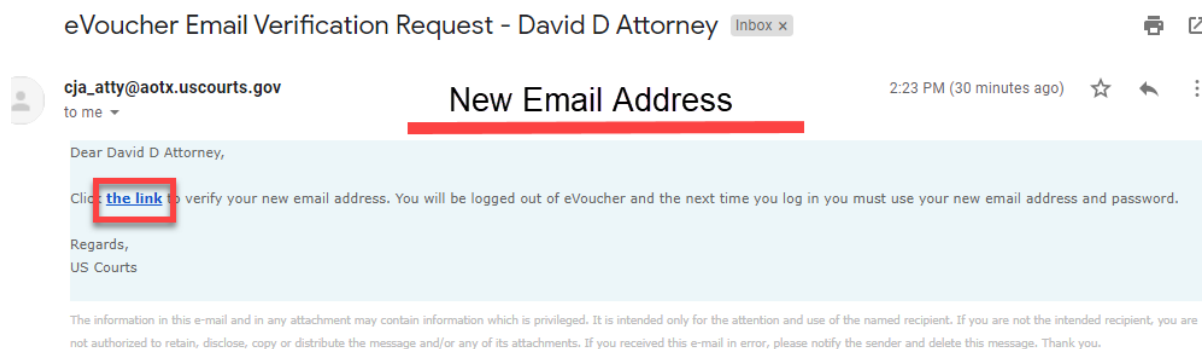
|   |
|---|
| Email address   |
| <input type="text" value="davidattorney210@gmail.com"/> |
| Confirm email address                                   |
| <input type="text" value="davidattorney210@gmail.com"/> |
| <input type="button" value="Cancel"/>                   |
| <input type="button" value="Save changes"/>             |

As a security measure, an email is sent to your previous email address informing you of a change to your email address on your Single Login Profile (SLP).



**Step 6**

A verification email is sent to your new email address. Click **the link** to verify the new address and to re-sign in to eVoucher.



**Note:** When creating a new email address, if the email address format is invalid, is already being used on another single login profile, or does not match the confirmation entry, then the original email address is retained on your Single Login Profile (SLP).

**Step 7**

To change your password, click the **Edit** link to the right of the password.

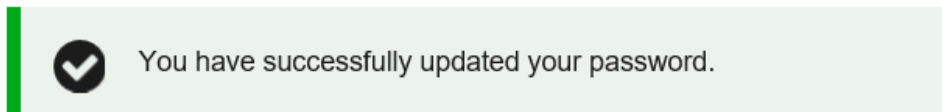
| Account Information  |             |           |        |
|----------------------|-------------|-----------|--------|
| First name           | Middle name | Last name | Suffix |
| David                | D           | Attorney  | -      |
| <a href="#">Edit</a> |             |           |        |
|                      |             |           |        |
| Email address        |             |           |        |
| aalamay210@gmail.com |             |           |        |
| <a href="#">Edit</a> |             |           |        |
|                      |             |           |        |
| Password             |             |           |        |
| *****                |             |           |        |
| <a href="#">Edit</a> |             |           |        |

**Step 8**

Change your password and confirm your changes. Click **Save changes**.

|                        |                              |
|------------------------|------------------------------|
| Password               |                              |
| .....                  |                              |
| Confirm password       |                              |
| .....                  |                              |
| <a href="#">Cancel</a> | <a href="#">Save changes</a> |

A message appears, stating that you have successfully updated your password.





**Note:** If you have forgotten the email address used to set up your Single Login Profile (SLP) or are locked out of your account, you must contact your court to unlock the account. For more information, see the Expired Passwords and Locked Accounts job aid.

## Modifying Your Security Questions

When you created your Single Login Profile (SLP), you chose three security questions to be asked if you forget your password or are locked out of your account. In the Security Questions section, you can modify those security questions and answers.

### Step 1

To change your security question and its corresponding answer, click the plus (+) icon to expand the Security Questions section.

|                          |   |
|--------------------------|---|
| Password<br>*****        | <a href="#">Edit</a>  |
| Security Questions       |  |
| Linked eVoucher Accounts |  |

**Step 2**

Select the question(s) you would like to change, and type the new answer. Then click **Save changes**.

**Security Questions**

Select three security questions and enter your answers.

[Show my Answers](#)

**Question 1**

What street did you live on in third grade?

**Answer 1**

.....

**Question 2**

What was your childhood nickname?

**Answer 2**

.....

**Question 3**

What was your first car?

**Answer 3**

.....

Cancel

Save changes

By default, your answers are concealed. To view them, click the **Show my Answers** link. You are the only person with access to view the answers to your security questions; other court staff cannot view them.

**Security Questions**

Select three security questions and enter your answers.

[Show my Answers](#)

**Question 1**

What was your childhood nickname?

**Answer 1**

.....

You have now successfully updated your account information and security questions.

## 4 UTILITIES

### Notice for Cases of Interest

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Users with a CM/ECF account can opt to receive NDAs in cases they are not associated with. They will not have filing privileges and the “one free look” policy does not apply. Standard PACER access fees will be assessed to view the document.

1. Select **Notice for Cases of Interest** from the **Utilities** menu.
2. The **Email for Cases of Interest** drop down menu is editable. You can either select an email from the list or enter a new one. You are limited to one email address and the email you select will only apply to notices in cases of interest.
3. Indicate whether you want to receive an individual email for each docketing transaction or a daily summary. The noticing frequency you select will only apply to notices in cases of interest.
4. Enter a case number in the **Case Number** field and click **Add**. Repeat as necessary to select additional cases.
5. Click **Save**.

Notice for Cases of Interest for John Doe

Email for Cases of Interest ⓘ

john\_doe@email.com

Frequency

☒ Each transaction

☐ Daily summary

Case Number

Add

Selected

| Case                | Remove All |
|---------------------|------------|
| 08-1333 US v. Smith | ✕          |

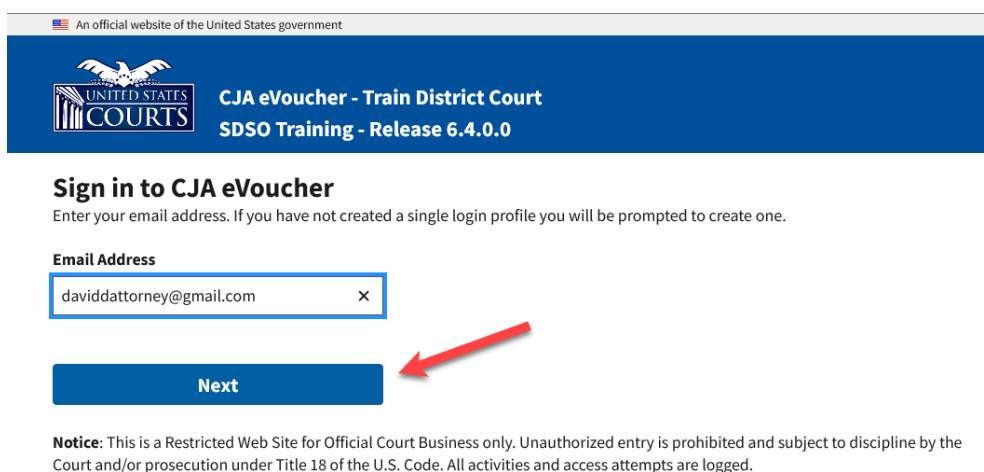
Save

Beginning with eVoucher release 6.4, attorney and expert users of eVoucher must sign in using the unique email address stored on their Single Login Profile (SLP). Follow the steps in this job aid only after you have created your Single Login Profile (SLP). If you have not done so, see the Creating a Single Login Profile (SLP) job aid for instructions on creating a profile.


## Accessing the CJA eVoucher Program

### Step 1

From the eVoucher webpage, enter the email address you used to create your Single Login Profile (SLP) and click **Next**. If you forget this email address, contact the security admin for your court.



An official website of the United States government

 **CJA eVoucher - Train District Court**  
SDSO Training - Release 6.4.0.0

**Sign in to CJA eVoucher**  
Enter your email address. If you have not created a single login profile you will be prompted to create one.

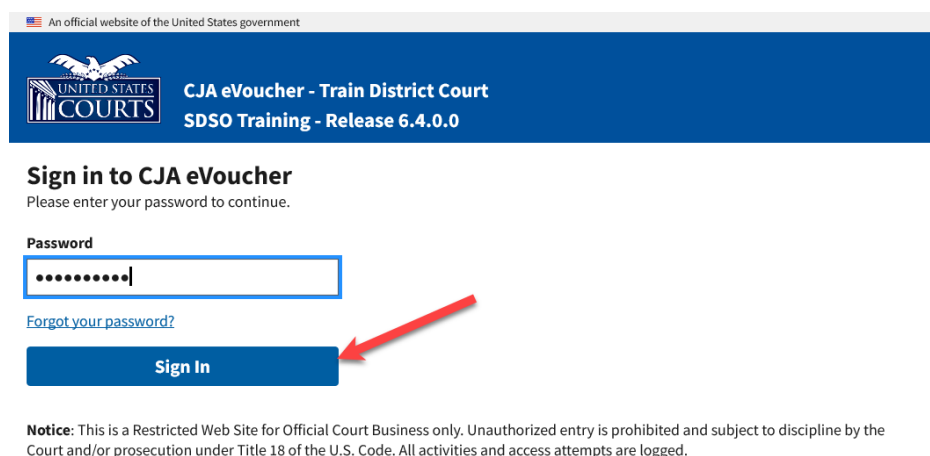
Email Address

**Next**


**Notice:** This is a Restricted Web Site for Official Court Business only. Unauthorized entry is prohibited and subject to discipline by the Court and/or prosecution under Title 18 of the U.S. Code. All activities and access attempts are logged.

### Step 2

Next, enter your password and click **Sign In**. You have now successfully signed in to eVoucher.



An official website of the United States government

 **CJA eVoucher - Train District Court**  
SDSO Training - Release 6.4.0.0

**Sign in to CJA eVoucher**  
Please enter your password to continue.

Password

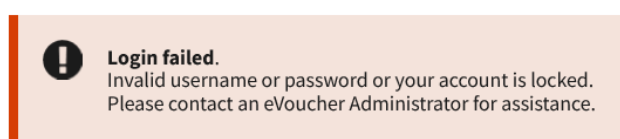
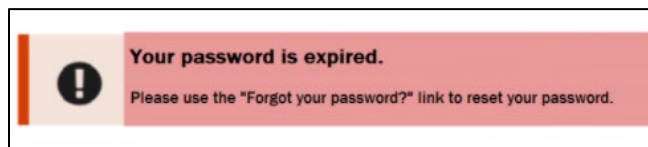
[Forgot your password?](#)

**Sign In**

**Notice:** This is a Restricted Web Site for Official Court Business only. Unauthorized entry is prohibited and subject to discipline by the Court and/or prosecution under Title 18 of the U.S. Code. All activities and access attempts are logged.

## Forgotten or Expired Passwords

If your password is expired, entered incorrectly, or you have forgotten it, an error message appears, stating that your password is expired, invalid, or locked.



### Step 1

To reset your password, click the **Forgot your password?** link.

**Note:** You should follow this same process if you have not reset your password in the last 180 days.

#### Sign in to CJA eVoucher

Please enter your password to continue.

Password

.....|

[Forgot your password?](#)

Sign In

### Step 2

On the Reset your password? page, the email address you entered for your Single Login Profile (SLP) displays. You are prompted to reset your password by answering one of the challenge questions you selected when creating your Single Login Profile (SLP). Enter the correct answer and then click **Reset your password**. You will receive an email notifying you that an unsuccessful attempt was made to log in to your account and that you must reset your password.

#### Reset your password?

Please answer the following challenge question to have a password reset link sent to your email.

Email

daviddattorney@gmail.com

Question: In what city or town was your first job?

Answer

.....

[Back to sign in](#)

Reset your password

**Note:** If you incorrectly answer the first security question, you must answer one of the two remaining security questions. If you incorrectly answer all security questions, your account locks, and you must contact your court to unlock it.

### Step 3

A message appears, telling you to check your email. Go to your email account and locate the email that contains a link to reset your password. Note that the email is valid for only 30 minutes and can be used only once.

#### Reset your password?

Please answer the following challenge question to have a password reset link sent to your email.



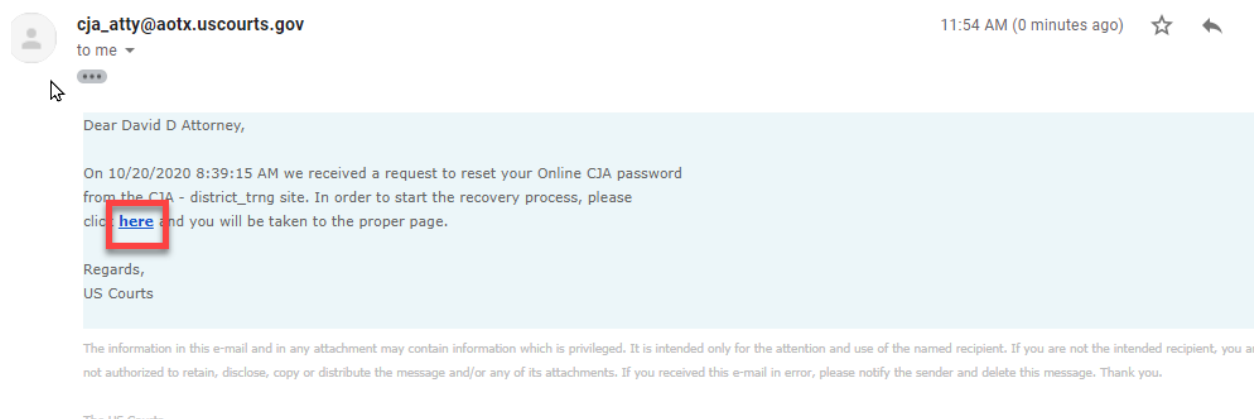
##### Check your email

If the information entered matches our records, we will send an email with instructions on how to reset your password. If you do not receive this email, please check the information provided for accuracy, or contact an eVoucher Administrator for further assistance.

**IMPORTANT:** The link provided in the password reset email is only valid for 30 minutes and can only be accessed one time.

### Step 4

In the email message, click the **here** link to create a new password. You are taken to the Reset your password page, where you must create a new password for your Single Login Profile (SLP).





**Step 5**

Enter your new password, and then confirm it by entering it again. Enter the email address associated with your Single Login Profile (SLP), and click **Reset**.

**i IMPORTANT:** The link provided in the password reset email is only valid for 30 minutes and can only be accessed one time. If necessary, return to the login page and click "Forgot your password? link" to repeat the process.

**Reset your password**

New Password

Confirm Password

Email

**Reset**

Password Requirements +

A message appears, stating that your password was successfully updated. You can now enter your email address, click **Next**, and then enter your new password to log in.

**Sign in to CJA eVoucher**

Enter your email address. If you have not created a single login profile you will be prompted to create one.

**✓ Password updated.**  
Your password was successfully updated.

Email Address

**Next**

**Notice:** This is a Restricted Web Site for Official Court Business only. Unauthorized entry is prohibited and subject to discipline by the Court and/or prosecution under Title 18 of the U.S. Code. All activities and access attempts are logged.

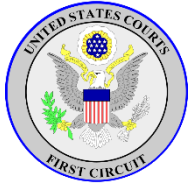
## Locked Accounts

You can attempt to create a Single Login Profile (SLP) or sign in with an existing Single Login Profile (SLP) a maximum of six times. If you attempt a seventh time and are unsuccessful, your account locks and you can no longer enter a correct password at this time. You must contact your eVoucher administrator to unlock your account. Additionally, you will receive an email notifying you that an unsuccessful attempt was made to reset your password.

**Login failed.**

Invalid username or password or your account is locked.  
Please contact an eVoucher Administrator for assistance.

**Note:** If you make fewer than seven consecutive attempts, the allowed number of unsuccessful creation attempts resets to zero after 30 minutes.



UNITED STATES COURTS FOR THE FIRST CIRCUIT  
OFFICE OF THE CIRCUIT EXECUTIVE  
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SUSAN J. GOLDBERG  
CIRCUIT EXECUTIVE  
617-748-9614

FLORENCE PAGANO  
DEPUTY CIRCUIT EXECUTIVE  
617-748-9376

## **MEMORANDUM**

TO: All CJA Panel Attorneys

FROM: Susan J. Goldberg, Circuit Executive

DATE: January 3, 2025

SUBJECT: CJA Hourly Rates and Case Maximum Increases

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Effective January 1, 2025, the Criminal Justice Act (CJA) panel attorney hourly rates, case compensation maximum for certain appeals, and mileage rate for privately-owned vehicles have increased, as provided below.

The CJA panel attorney rates for work performed on or after January 1, 2025 have increased to \$175 per hour for non-capital cases and to \$223 per hour for capital cases. In cases where the appointment of counsel occurred before this effective date, the new compensation rates apply to that portion of services provided on or after January 1, 2025.

The case compensation maximum for felony, misdemeanor, civil asset forfeiture, and §§ 2254 and 2255 appeals has increased from \$9,600 to \$9,700. The new case compensation maximum applies if appointed counsel furnished any CJA-compensable work on or after January 1, 2025. The former case compensation maximum applies to vouchers submitted on or after January 1, 2025 if all CJA-compensable work on the representation was completed before January 1, 2025. The case compensation maximum for supervised release revocation, crack amendment, resentencing, and material witness appeals, as well as appeals in "other" representations required or authorized by the CJA, remains unchanged at \$2,900.

The mileage reimbursement rate for travel by privately-owned automobile has increased from \$0.67 per mile to \$0.70 per mile for travel performed on or after January 1, 2025.



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## **MEMORANDUM**

TO: All Criminal Justice Act (CJA) Panel Attorneys

FROM: Susan J. Goldberg, Circuit Executive

DATE: January 27, 2025

SUBJECT: Increases to CJA Expert and Service Provider Rates in the First Circuit Court of Appeals

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Effective February 1, 2025, the First Circuit Court of Appeals has adopted new rebuttable presumptive expert and service provider rates for vouchers filed under the CJA, 18 U.S.C. § 3006A. See infra p. 2 for a comparison of the new rates and the previous rates. As to partners, associates, and contract attorneys, as defined in the U.S. Court of Appeals for the First Circuit CJA Reference Manual, § V(B), in non-capital cases, compensation may be claimed for a non-CJA panel attorney at 80% of the prevailing appointed CJA counsel rate and for a CJA panel attorney at 100% of the appointed CJA counsel rate.<sup>1</sup> See Guide to Judiciary Policy, Vol. 7A, Ch. 2, § 230.16, available at <https://www.uscourts.gov/administration-policies/judiciary-policies/guidelines-administering-cja-and-related-statutes-6>. Additionally, paralegals may be compensated at \$75 per hour, and translators at \$0.23 per source word. For interpreters, the Court adopted the prevailing overtime hourly rates for contract court interpreters as prescribed by the Director of the Administrative Office of the U.S. Courts. See Federal Court Interpreters, United States Courts, available at <https://www.uscourts.gov/court-programs/federal-court-interpreters>.<sup>2</sup> Finally, the new photocopying rates are \$0.20 per page for outside vendors and \$0.15 per page for in-house photocopying.

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<sup>1</sup> As of January 1, 2025, the hourly rate for Criminal Justice Act (CJA) appointed counsel in non-capital cases is \$175, and 80% of this hourly rate is \$140. See Guide to Judiciary Policy, Vol. 7A, Ch. 2, § 230.16, available at <https://www.uscourts.gov/administration-policies/judiciary-policies/guidelines-administering-cja-and-related-statutes-6>.

<sup>2</sup> As of January 1, 2023, the prevailing overtime hourly rates for court interpreters are \$80 for federally certified interpreters, \$70 for professionally qualified interpreters, and \$44 for non-certified/language skilled interpreters. See Federal Court Interpreters, United States Courts, available at <https://www.uscourts.gov/court-programs/federal-court-interpreters>.

For any services provided prior to February 1, 2025, the previous rates for these experts and services providers will apply. See U.S. Court of Appeals for the First Circuit, June 5, 2013 CJA Announcement, available at <https://www.ca1.uscourts.gov/sites/ca1/files/NoticeReCJABillingProcedures.pdf>, and *infra* p. 2.

|  | <b>Rates for work performed on or after February 1, 2025</b>   | <b>Rates for work performed before February 1, 2025<sup>3</sup></b>                    |
|--|--|--|
| <b>Partners, associates, and contract attorneys in non-capital cases</b> | Non-panel attorneys: 80% of the prevailing appointed CJA counsel hourly rate<br><br>Panel attorneys: 100% of the prevailing appointed CJA counsel hourly rate <sup>4</sup> | Non-panel attorneys: \$80 per hour<br><br>Panel attorneys: \$90 per hour               |
| <b>Paralegals</b>  | \$75 per hour  | \$35-50 per hour   |
| <b>Interpreters</b>  | The prevailing overtime hourly rates for contract court interpreters as prescribed by the Director of the Administrative Office of the U.S. Courts <sup>5</sup>            | Non-certified interpreters: \$32 per hour<br><br>Certified interpreters: \$55 per hour |
| <b>Translators</b>   | \$0.23 per source word   | \$0.165 per source word  |
| <b>Photocopying</b>  | Outside vendor: \$0.20 per page<br><br>In-house: \$0.15 per page   | \$0.10 per page regardless of vendor type  |

<sup>3</sup> See U.S. Court of Appeals for the First Circuit, June 5, 2013 CJA Announcement, available at <https://www.ca1.uscourts.gov/sites/ca1/files/NoticeReCJABillingProcedures.pdf>.

<sup>4</sup> See Guide to Judiciary Policy, Vol. 7A, Ch. 2, § 230.16, available at <https://www.uscourts.gov/administration-policies/judiciary-policies/guidelines-administering-cja-and-related-statutes-6>.

<sup>5</sup> See Federal Court Interpreters, United States Courts, available at <https://www.uscourts.gov/court-programs/federal-court-interpreters>.

**Standard Sitting Dates:**

January: First full week (Boston)

February: First full week (Boston)

March: First full week (Boston and San Juan)

April: First full week (Boston)

May: First full week (Boston)

June: First full week (Boston)

July: Last full week (Boston)

August: no sitting

September: First full week (Boston)

October: First full week (Boston)

November: First full week\* (Boston and San Juan)

December: First full week (Boston)