

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

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Dear First Circuit Court of Appeals CJA Panel Attorneys:

The Court of Appeals sincerely appreciates the substantial and important public service provided by CJA panel attorneys who contribute their time and skill to assure the high quality of criminal defense representation that prevails in the First Circuit. To assure that such advocacy continues notwithstanding the vicissitudes of the current economic climate, and consistent with a recent directive issued by the Judicial Council of the First Circuit, this is to both inform and remind you of the following procedures that apply to CJA billing and voucher review in the First Circuit Court of Appeals. Adherence to these procedures will help assure the prompt processing of your CJA vouchers:

1. PACER services are available to CJA panel attorneys *free of charge for work on CJA cases*. If you have not already done so, you should contact the PACER Service Center (800-676-6856, [www.pacer.gov](http://www.pacer.gov)) to register for a free account for your CJA work. PACER charges should not be claimed as expenses on your CJA vouchers and will not be reimbursed.
2. The Office of Defender Services (ODS) has recently clarified that 18 U.S.C. § 3006A(e)(2)(A), which allows CJA counsel to obtain investigative, expert, and other services up to a certain monetary limit (currently \$800), without prior judicial authorization, applies per case rather than per category of service. That is to say, a total of \$800 *per case* may be spent without prior judicial authorization, but subject to judicial review for reasonableness, rather than separate \$800 limits for paralegals, translators, and duplicating services.<sup>1</sup> Amounts spent on services obtained

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<sup>1</sup> These are the types of service providers usually seen in an appeal. Note that the court reimburses translations at the rate of \$.165 per word.

*with* prior authorization do not count towards this \$800 limit. Once the *total cost* of non-preauthorized services (excluding expenses) reaches \$800, prior authorization for additional services is required unless the court finds that, in the interest of justice, timely procurement of necessary services could not await prior authorization. Because the latter showing is often difficult to make in an appeal, you should track the cumulative costs of all service providers to know when prior authorization is required.

3. All paralegal time must be billed on the CJA 21 voucher for investigative, expert, and other service providers, instead of as expenses on counsel's CJA 20 voucher. The same policy applies to law students, but law students who receive course credit for work on a CJA case are not compensable.

4. CJA counsel must file motions for permission to hire a contract attorney to work on a CJA appeal. The motion must identify the contract attorney's name, level of experience, and proposed hourly rate of compensation. A contract attorney is any attorney who does not qualify as the CJA panel attorney's partner or associate under the definition set forth below.<sup>2</sup>

5. Appellate CJA counsel should seek advance approval before working on any ancillary matters. See 18 U.S.C. § 3006A(c), CJA Guidelines, § 210.30.20(f). Such matters

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<sup>2</sup> 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.

arise very rarely in an appeal. Prior authorization will help assure counsel that work undertaken is compensable.

We thank you in advance for your adherence to the foregoing measures. In addition, please note that future announcements pertinent to CJA panel members will be posted on the First Circuit's website. You should monitor this site regularly to keep apprised of important information concerning CJA matters. To access new CJA information, please go to <http://www.ca1.uscourts.gov> and select the "CJA Materials" Tab. Then click on the link titled "CJA Panel Announcements." This letter will be the first item that appears there.

Once again, on behalf of the First Circuit Court of Appeals, thank you for your service on behalf of indigent criminal appellants and to the administration of justice generally.

Very truly yours,

/s/ Margaret Carter, Clerk