



United States Courts for the First Circuit
Office of the Circuit Executive
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MEMORANDUM

TO: All CJA Panel Attorneys

FROM: Gary Wentz, Circuit Executive
Susan Goldberg, Deputy Circuit Executive

DATE: May 16, 2014

RE: Clarification of Procedures for Using CJA Form 21 for Duplication Services

Attorneys may use CJA Form 21 to request that the United States Court of Appeals for the First Circuit (the “Court of Appeals”) remit payment directly to third party duplication service providers for copying costs associated with appellate briefs and appendices. Although proper submission of a CJA Form 21 results in the Court of Appeals paying the service provider directly, it remains the responsibility of the panel attorney requesting services to ensure that the CJA Form 21 is correctly completed and that all supporting documentation and reimbursement requests comply with the Guidelines for Administering the CJA and Related Statutes¹ (the “CJA Guidelines”), the First Circuit CJA Reference Manual² (the “Manual”) and all other applicable rules, guidance and announcements related to CJA representation. Further, any costs charged by a service provider and included on a CJA Form 21 that the Court of Appeals deems not compensable remain the liability of the panel attorney, not the Court of Appeals.

The proper procedure for completing and submitting a CJA Form 21 for duplication services is as follows:

1. The attorney must determine if the required copy costs will cause expenses for

¹See Guide to Judiciary Policy, Vol. 7, Part A,
<http://www.uscourts.gov/FederalCourts/AppointmentOfCounsel/CJAGuidelinesForms/GuideToJudiciaryPolicyVolume7.aspx>.

²See <http://www.ca1.uscourts.gov/sites/ca1/files/CJA%20Reference%20Manual.pdf>.

experts and service providers to exceed the \$800 maximum allowed without preauthorization. If the \$800 maximum will be exceeded, the attorney must obtain an order from the court allowing same. The attorney should be sure the number of copies requested and technical requirements of the copies comply with the Federal Rules of Appellate Procedure and the First Circuit Local Rules. See, e.g., FED. R. APP. P. 30, 31 & 32; LOC. R. 30.0 & 31.0.

2. The attorney must complete Items 1-14 of the CJA Form 21 in accordance with the CJA Form 21 Instructions.³ Item 13 should state the number of codefendants involved in the appeal, if any.
3. The attorney should submit the copy order to the vendor in accordance with all applicable requirements. See, e.g., CJA Guidelines, § 230.66.40 (stating that the cost of copying briefs and appendices is compensable, but the cost of printing same is not); Manual, § VII.B. (stating that the court will compensate copy costs at a rate not in excess of \$0.10 per page); FED. R. APP. P. 32(a)(1)(A) (stating that briefs should be copied on one side of the paper); LOC. R. 30.0(b) (stating that appendices should be copied on both sides of the paper).
4. After the service provider completes the duplication, an authorized representative of the vendor must complete Items 16 and 17 of CJA Form 21 in accordance with the CJA Form 21 Instructions and provide an itemized invoice, outlining the details of the duplication order for which funds are requested. The itemized invoice should include the following details: the number of copies made, the number of pages copied and the cost per page, cover and binding. Further the itemized invoice should reflect that the payor/addressee of the invoice is the panel attorney who requested the duplication order, not the Court of Appeals.
5. The attorney must review the service provider's itemized invoice for compliance with all applicable requirements and rules, including those set out in ¶¶ 3 and 4, supra, before completing Item 18. The Court of Appeals will reject and return to the attorney for correction any CJA Form 21 and supporting documentation that is not in compliance with all applicable rules and requirements.

³See <http://www.uscourts.gov/FormsAndFees/Forms/CJAForms/InstructionsForCJAForm21.aspx>.

6. After the attorney has confirmed that the CJA Form 21 and its supporting documentation are complete, accurate and in compliance with all requirements, the attorney may submit the CJA Form 21 and accompanying documentation by forwarding same to: Donna Barchard, CJA Liaison, Clerk's Office, United States Court of Appeals, John Joseph Moakley United States Courthouse, 1 Courthouse Way, Suite 2500, Boston, MA 02210.

The Court of Appeals will process correctly completed and submitted vouchers only in the amount deemed compensable under the CJA Guidelines, the Manual and all other applicable rules, and the Administrative Office of the United States Courts will remit payment in the appropriate amount directly to the third party vendor, typically within 30 days of submission. Any amount which the Court of Appeals finds non-compensable will remain the liability of the CJA panel attorney.⁴

⁴For example, if the itemized invoice reflects that the cost per page was \$0.15, rather than \$0.10, the Court of Appeals will pay the service provider only at the \$0.10 per page rate and the panel attorney will be liable for the remaining amount requested via the CJA Form 21.