

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO



NOTICE FROM THE CLERK NO. 10-10
Increases to Waivable Case Compensation Maximum Amounts
for Criminal Justice Act (CJA) Service Providers

Effective May 27, 2010, Congress amended the Criminal Justice Act (CJA) to raise the waivable case compensation maximum amounts applicable to providers of investigative, expert, and other services. See, "Federal Judiciary Administrative Improvements Act of 2010" (Pub. L. No. 111-174).

These rates apply to cases pending on or after May 27, 2010, which is the effective date of the legislation, and to vouchers submitted by providers of investigative, expert, or other services for a representation if that provider furnished any CJA-compensable **work on or after May 27, 2010**. If the providers's work on the representation was **completed before May 27, 2010**, the former case compensation maximums apply.

The applicable case compensation maximums are:

Waivable Case Compensation Maximum Amounts per Individual Service Provider (excluding expenses)			
Non-Capital Cases			Capital Cases
CJA Subsection	for work on representation completed before May 27, 2010	for work furnished during representation on or after May 27, 2010	
(e)(2) (without prior authorization)	\$500	\$800	same as in non-capital cases
(e)(3) (with prior authorization)	\$1,600	\$2,400	\$7,500 for all services combined in a representation (including total fees and expenses) See, 18 U.S.C. §3599(g)(2)

Congress has also provided a formula for increasing these threshold amounts in future years to account for the effects of employment costs without the need for further legislation pursuant to 5 U.S.C. § 5303, based on the determination of the annual Employment Cost Index adjustment. The Administrative Office of the U.S. Courts will provide notice whenever new threshold amounts are effective under this provision.

For further details, please see the attachment to this Notice. For more information, visit the CJA Panel Section of the Court's website at, www.prd.uscourts.gov, or contact CJA Clerk Mayra I. Meléndez at (787)772-3057 or Mayra.Melendez@prd.uscourts.gov.

BY ORDER OF THE COURT.

In San Juan, Puerto Rico, this 8th day of June, 2010.

FRANCES RIOS DE MORAN, ESQ.
CLERK OF COURT

**Instructions to Determine the Appropriate Case Compensation Maximum
Amounts for Providers of Investigative, Expert, and Other Services
Under the Amendments to the Criminal Justice Act
in the Federal Judiciary Administrative Improvements Act of 2010
(Pub. L. No. 111-174)**

With the enactment of increased waivable case compensation maximum amounts for providers of investigative, expert, and other services under subsections (e)(2) (increased from \$500, excluding expenses, to \$800) and (e)(3) (increased from \$1,600, excluding expenses, to \$2,400) of the Criminal Justice Act (CJA), 18 U.S.C. § 3006A, courts must determine whether compensation claims submitted on a CJA Form 21 (Authorization and Voucher for Expert and Other Services) are governed by the new or former threshold amounts.

In addition, in death penalty cases (CJA Form 31 – Death Penalty Proceedings: Ex Parte Request for Authorization and Voucher Expert and Other Services), the compensation maximum amount when there is not prior authorization under subsection (e)(2) of the CJA applies (the increase from \$500, excluding expenses, to \$800). The case maximum with prior authorization is governed by 18 U.S.C. §3599(g)(2), however, which provides an amount of \$7,500 for the fees and expenses of all investigative, expert, and other service providers combined rather than an amount for each individual service provider. The CJA case maximum per individual service provider (the \$1,600 amount increased to \$2,400) when there has been prior authorization does not apply in a death penalty representation.

The new waivable case compensation maximum amounts are effective as follows:

- The new case compensation maximum amounts apply to a provider of investigative, expert, or other services for a representation if that provider furnished any CJA compensable work on or after May 27, 2010.
- The former case compensation maximum amounts apply to a provider of investigative, expert, or other services for a representation if that provider's work was completed before May 27, 2010.

The appropriate person responsible for reviewing, processing, or approving claims should look at Item 17 ("Claimant's Certification for Period of Service") of the CJA Forms 21 and 31 to determine whether the provider of investigative, expert, and other services furnished any CJA compensable work on or after May 27, 2010. If so, the new case compensation maximum amounts apply to that service provider's voucher on the representation: \$800, excluding expenses, without prior authorization, and \$2,400, excluding expenses, with prior authorization (as stated above, in death penalty cases, this second threshold is governed by 18 U.S.C. §3599(g)(2)). If, on the other hand, all services were performed before May 27, 2010, the former case compensation maximum amounts apply: \$500, excluding expenses, without prior authorization, and \$1,600, excluding expenses, with prior authorization.