

UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO



MEMORANDUM

DATE: April 25, 2024

TO : All Criminal Justice Act (“CJA”) Panel Members

FROM: Hon. Raúl M. Arias-Marxuach,
Chief, United States District Judge
Hon. Aida M. Delgado-Colón,
United States District Judge
Chairperson, Criminal Justice Act Committee

RE: Review of Current Local CJA Billing Policies

As part of its ongoing commitment to review and update its local policies and procedures, in consultation with the Office of the Circuit Executive for the United States Courts for the First Circuit and the CJA Committee, as well as feedback from members of the CJA Panel of Attorneys and the Federal Public Defender, the District Court of Puerto Rico would like to inform the following changes to its current local CJA billing policies:

1. **INCREASE OF PRESUMPTIVE STANDARD RATES FOR CERTAIN EXPERTS:**

Consistent with the recommendations of the Judicial Conference Committee on Defender Services in its June 2019 meeting, the District Court hereby amends its [August 28, 2013 Memorandum](#) to reflect the following standard presumptive rates:

Paralegal:	\$75 - \$125
Mitigation Expert	\$125 - \$175
Investigators	\$75 - \$125
Pathologists	\$300
Psychologists	\$250 - \$300
Psychiatrist	\$250
Neuropsychologist	\$275 - \$325

The Court is aware that within the categories of forensic experts, varied fields of expertise are encompassed. Some of these fields are not necessarily available at a local level (i.e., handwriting experts). For these types of expert services, defense counsel remains responsible to submit proper and relevant information and documentation in support of the fees requested.

These presumptive rates shall be effective prospectively for all requests for expert services filed on or after the date of this memorandum. Existing judicially approved expert services rates shall remain unchanged and will not automatically increase as a result of this memorandum.

Presiding judicial officers retain the authority to approve rates outside the revised ranges for good cause and are not precluded from authorizing higher or lower rates, based on the level of experience and skills of the expert or to address unusual difficulties with provider availability.

2. ELIMINATION OF FIXED COMPENSATION FOR TRAVEL TO THE COURTHOUSE AND THE MDC:

The District Court has also determined to amend its [August 28, 2013 Memorandum](#) to eliminate the fixed compensation for travel between counsel's office and the courthouse, and for travel between counsel's office and the Metropolitan Detention Center ("MDC") in Guaynabo. Consistent with §230.60(a) of the *Guide for Judiciary Policy* ("*the Guide*"), counsel shall be compensated "for time spent in necessary and reasonable travel".¹

Counsel should avoid billing travel time that is clearly in excess of what is reasonably required to complete the task. See §230.33.10(d) of the *Guide*.

3. ELIMINATION OF REQUIREMENT FOR COURT APPROVAL TO TRAVEL OUTSIDE OF THE METROPOLITAN AREA FOR INVESTIGATIVE WORK:

The District Court has determined that CJA appointed counsel will no longer be required to obtain prior approval from the presiding judicial officer to travel outside of the metropolitan area to conduct investigative work.

Consistent with CJA guidelines, in performing these tasks counsel should avoid billing time that is clearly in excess of what is reasonably required to complete the task. See §230.33.10(d) of the *Guide*. Since entrees are to be evaluated under a standard of "reasonableness", counsel remains responsible for providing the necessary information to enable proper evaluation of the travel claims.

4. INCREASE IN TIME BILLED FOR REVIEW OF NOTICE OF ELECTRONIC FILINGS ("NEFs"):

The District Court amends its [March 12, 2012 Memorandum](#), to reflect an increase in the amount CJA appointed counsel can bill for review for a certain category of NEFs in multi-defendant cases. Specifically, the District Court has increased the amount CJA appointed counsel may bill under category (c), from 0.1 of an hour to 1.0 hour for every sixty (60) NEFs. Category (c) refers to those NEFs that neither directly relate to the assigned defendant [Category (a)] nor are related to other codefendants that

¹ https://www.uscourts.gov/rules-policies/judiciary-policies/cja-guidelines/chapter-2-ss-230-compensation-and-expenses#a230_10

may be relevant or have an impact in the adequate representation of the assigned defendant [Category (b)]. See [March 12, 2012 Memorandum](#), p. 2, (a) to (c).

5. **ELIMINATION OF EXCESS MEMORANDUM IF AMOUNTS BILLED EXCEED STATUTORY LIMIT:**

The District Court has also determined that it will no longer require from CJA counsel to file a separate “excess memorandum” setting forth the reasons why the amounts billed exceed the statutory limits. CJA appointed counsel will still be required to file with their voucher a completed [CJA Form 26](#) (Statement for a Compensation Claim in Excess of the Statutory Case Compensation Maximum) if the amounts claimed as fees and expenses exceed the statutory limit. The District Court shall review Local Criminal Rule 144(b), so that it accurately reflects CJA counsel’s requirements in lieu of this determination.

The changes listed above supersede all prior memorandums or local policies issued by the Court that address these particular matters. Further, these changes shall take effect immediately. Amended rates listed in item 1 shall apply to **all requests for expert services filed on or after** the date of this memorandum. The remaining four (4) changes listed in this memorandum are effective and apply to all work performed on or after the date of this memorandum.

If you have any questions or need additional information regarding the matters discussed in this memorandum, please contact Clerk’s Office CJA Division at 787-772-3451 or by email at prddb_cja@prd.uscourts.gov.

- c: District Court of Puerto Rico Judicial Officers
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