

UNITED STATES GOVERNMENT

memorandum



To : All Criminal Justice Act (“CJA”) Panel Attorneys

From : 
Aida M. Delgado-Colón
Chief U. S. District Judge
Chair, CJA Panel Committee

Date : March 12, 2012

Subject : **New Criminal Justice Act Billing Policy for Review of Notices of Electronic Filings (NEF) in Mega-Cases**

The Criminal Justice Act (“CJA”) was enacted to ensure that indigent defendants receive competent representation in criminal cases, while ensuring that appointed attorneys, that is, those who have voluntarily elected to serve, are compensated for their services.

The District of Puerto Rico is unique by virtue of being the district with the highest volume of criminal multi-defendant cases in the Circuit. “Mega-cases” are locally defined as those cases with more than 20 codefendants.

The ever-increasing number of mega-cases in the District of Puerto Rico and our obligation to contain the cost of prosecutions while not affecting the quality of constitutionally competent legal representation have prompted additional fiscal measures for responsibly disbursing attorneys fees to CJA attorneys. Accordingly, in an effort to ensure that CJA funds are adequately used, the following measures are being implemented.

Please take note that while this billing policy applies only to mega-cases, its adoption in other cases will simplify the auditing process. For cases with fewer defendants, attorneys may continue to bill for their review of NEF’s and any associated documents based on the standard of “reasonableness” and the “grouping of related and relevant” documents there is a need to review.

**CRIMINAL JUSTICE ACT BILLING POLICY
FOR REVIEW OF NOTICES OF ELECTRONIC FILINGS (NEF) IN MEGA-CASES**

CJA regulations provide that attorneys are allowed to bill for efforts or practices that “are relevant and reasonably necessary” for an adequate defense. In keeping with this requirement, CJA attorneys will continue to monitor matters that are attendant to codefendants as these “**are relevant**”

and reasonably necessary” for an adequate representation. Compensation for this function will be made under the following guidelines:

(a) Counsel may bill **reasonable time spent** reviewing the text of a NEF and any associated documents **that directly relate to the assigned defendant**. The document number of the NEF and any associated documents along with any necessary explanation, must be noted in the CJA Voucher so the Court can assess the reasonableness of the time entry. Counsel is strongly encouraged to group entries that relate to their assigned client.

(b) Counsel may bill **reasonable time spent** reviewing the text of a NEF and any associated **documents related to other codefendants** that may be relevant or have an impact in the adequate representation of the assigned defendant. Examples include dispositive motions, judgments, in limine motions, orders and plea agreements among others. Inasmuch as these entries and documents are not directed to your client, a short but clear explanation as to how the review is relevant shall be made. That will enable the Court to assess the reasonableness and relevance of the time spent for review. Grouping of these entries is strongly encouraged.

(c) Counsel may bill for the time spent reviewing either the text or the notices of other NEFs and any associated documents at a rate of 0.10 of an hour for every sixty (60) NEFs contained in the total docket at the time that the voucher is filed. If the review of the NEF was individually billed (under subsections (a) and/or (b) above), these should be subtracted to avoid double counting. Inasmuch as these entries and documents are not directed to your client, a short but clear explanation as to how the review is relevant shall be made

The Court strongly believes that the successful implementation of this billing policy will simplify the billing and auditing of time entries under Item 16 (b), thereby reducing the processing time of CJA Vouchers. This will result in CJA Panel Members receiving payment for their services in a more expeditious manner.

This policy supersedes all prior memorandums providing guidance on how to group and bill for reviewing NEFs. The policy was discussed and approved by all District Judges during the March 8, 2012 Judges’ Meeting. It has also been cleared with Judge Rogeriee Thompson, First Circuit CJA Reviewing Judge.

In order to facilitate the auditing process, counsel shall identify and distinguish the entries for “obtaining and reviewing discovery” from entries for “review of electronic notices and/or entries.” Both activities **are to be entered** under Item 16(b): “Obtaining and reviewing records”. **This policy shall apply to all voucher entries dated after the effective date of this notice.**

Any questions regarding this policy should be directed to CJA Clerk Mayra Meléndez at the Office of the Clerk of Court by telephone at (787)772-3057 or by e-mail: prddb_cja@prd.uscourts.gov.

Effective date: March 12, 2012