

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

IN RE:

CORONAVIRUS (COVID-19)
PUBLIC EMERGENCY

MISC. NO. 20-0088 (GAG)

**Amended Temporary Order Regarding Interim Compensation to
Counsel and Service Providers Appointed Under the Criminal Justice Act**

On September 22, 2020, *Miscellaneous Order No. 20-0088*, Docket 24, was entered allowing for the filing of Interim Vouchers, pursuant to §230.73.10 and §310.60.10 of the Guidelines for Administering the Criminal Justice Act. On October 1st, a letter sent on behalf of the CJA Panel and the Puerto Rico Association of Criminal Defense Lawyers (PRADCL) was received requesting the amendment of Misc. Order No. 20-0088, on the grounds that the court was “imposing unnecessary restrictions” and “placing additional financial pressure on appointed counsel during a pandemic”.

The Court is very much aware of the economic effects that the COVID-19 pandemic may have imposed on the legal community and society in general. Implying, however, that the Court is aggravating and/or contributing to such hardship is not only baseless, but unwarranted. It must be highlighted that the Court of Appeals for the First Circuit issued an Order authorizing District Courts to allow payment of interim vouchers. However, if allowed, the terms and conditions under which filing was to be conducted remained within the discretion of the District Court.

The Court did, in fact, issue Misc. Order No. 20-0088 authorizing the filing of interim vouchers in cases filed from October 1, 2016 to September 30, 2019. The parameters set contemplated allowing filings in cases in which significant work had been performed without previous allowance of interim payments. The CJA Representative and the PRADCL letter

mischaracterizes the objectives of the Order, as well as provides erroneous statistics as to the number of cases pending disposition and originating in 2015 and 2016. More so, in these cases, the Court had previously enabled the payment of interim vouchers after the passage of Hurricane María.

Counsel should be aware that during the pandemic:

1. The Court approved the payment of 254 vouchers filed as a result of the implementation of the *Policy Regarding Timely Submission of CJA Vouchers*, dated November 13, 2019, notwithstanding there was no “good cause” for the delay in the filing of such vouchers. Vouchers that ranged between three (3) and fourteen (14) years old were processed and paid. The current circumstances created by the pandemic were, among others, an important factor considered. Accordingly, CJA counsel were paid \$1,129,937.05 in fees commencing July 2020.
2. From January 2020 to September 30, 2020, the Court has paid \$4,554,990.80 in fees to CJA attorneys, \$925,000.44 more than for the exact same period in 2019. Notwithstanding that the pandemic has also affected Court operations and personnel, CJA counsel vouchers have continued to be timely processed.
3. Since Misc. Order No, 20-0088 was entered, only 32 interim vouchers have been filed, out of the more than 600 eligible for filing. Only eight (8) out of the 32 interim vouchers filed have been returned (75% approval rate). The ratio of filings does not support the allegations made on behalf of CJA Panel attorneys.

Notwithstanding the above, Misc. Order No. 20-0088 is amended to include the following:

1. The filing of one interim voucher per case, for services rendered in any non-capital case opened from January 1, 2015 through September 30, 2019, in which a motion for

change of plea has not been filed. Considering that the Court has continued to manage its criminal docket, a case awaiting sentence is one in which a final voucher may be submitted within reasonable time after the Rule 11 hearing.

2. Defective vouchers will be rejected and returned to counsel. Panel members will be allowed a one-time refiling of the rejected voucher. Refiling of any voucher must be done on or before November 30, 2020. No exceptions will be made.¹
3. This order is effective through November 30, 2020. The term to file interim vouchers is final, and no extensions of time will be granted.

IT IS SO ORDERED.

In San Juan, Puerto Rico, this 21st. day of October 2020.



Hon. Gustavo A. Gelpí
Chief U.S. District Judge



Hon. Aida M. Delgado Colón
Chair CJA Panel Committee

¹ Panel members are reminded that block entries are not permitted, except as provided under the *New Criminal Justice Act Policy for Review of Notices of Electronic Filings (NEF) in Mega Cases* dated March 12, 2012. Services provided must be itemized by date, indicating the amount of time claimed for each type of service.