



U.S. DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

CJA Billing and Best Practices

CJA-20, CJA-21 & CJA-24
February 2026

Hon. Aida M. Delgado-Colón, Chair, CJA Committee
Ada I. García-Rivera, Esq., CPA, Clerk of Court

18 U.S.C. §3006A

Plan provides for:

- Services of counsel
- Investigative services
- Experts (psychologist/psychiatrist, investigator, paralegal, translator, fingerprint expert, etc.)
- Other services (Transcripts)

Necessary for fair representation

Current Rates and Maximums

- Current Rates (As of 01/01/2026):
 - Non-Capital Case - \$177.00
 - Capital Case – \$226.00

- Case Maximums (As of 01/01/2026)(The *Guide*, Vol. 7A, Ch. 2, §230.23.20):
 - Felony \$13,800
 - Misdemeanor \$3,900
 - Appeal \$9,800
 - Non-Capital Habeas (Same as Felony and Appeal)
 - Other representations (including, \$3,000
but not limited to probation violation,
supervised release hearing, grand jury
or material witness, re-sentencing)

*****For previous hourly rates and maximums, see, the *Guide*, Vol. 7A, Ch. 2, §230.16 & §230.23.30.**

CJA-20 – Appointment to a New Case

- Courtroom Deputy contacts counsel by phone or email. If Counsel accepts the assignment:
 - Courtroom Deputy creates a CJA-20 appointment in CM/ECF and in the eVoucher System.
 - Counsel will receive an email informing that the appointment has been created in the system.
- Counsel may create and begin working on his voucher.
 - Counsel must maintain **contemporaneous** time and attendance records for all work performed, including expenses.
 - Records **are subject to audit** and must be kept for at least **three years**.
 - *See, the Guide, Vol. 7A, Ch. 2, §230.76.*

CJA-20 – Appointment to a New Case

- If Courtroom Deputy has not created the appointment, counsel must contact CJA Section via email.
 - The email must provide case number and defendant's name.
- The judiciary's primary method for CJA voucher submission and processing is the eVoucher System.
 - Single Login Profile – For attorneys admitted to different CJA panels, all eVoucher accounts are located within the same system and accessed using a single login and password.
- Electronic submission of a voucher automatically stamps an electronic signature on the voucher's sworn statement certifying that the time and expenses claimed for services rendered are correct.

“I swear or affirm the truth or correctness of the above statements.”

Interim and Early Payments

- Interim Payments

- When considered necessary in case, periodic or interim payments may be issued to counsel.
- Requires prior approval from the presiding judge. Motion requesting interim payments must include justification for approval.
- Available option to relieve court-appointed counsel of financial hardships in extended and complex cases, as determined by the Court.
- *See, the Guide, , Vol. 7A, Ch. 2, §230.73.*

Interim and Early Payments

- Early Payments: Substitute Counsel
 - When counsel is substituted for another counsel in the case, the total compensation paid to both counsel may not exceed the statutory case compensation maximum. *See, the Guide, Vol. 7A, Ch. 2, §230.56.*
 - When counsel withdraws from a case before disposition of the case, he/she may request early payment.
 - Request must be in writing. May be included in the motion for withdrawal from the case. If requested in open court, request and approval must be reflected in the docketed minutes.
 - Voucher Claim Status – Final Payment, not Interim Payment

Multiple Defendants in a Single Case

- When a single counsel is appointed to represent multiple defendants, separate vouchers for each representation should be submitted.
- Time spent in common on more than one defendant must be prorated and those entries must be cross-referenced on the vouchers.
- Time spent exclusively on any one defendant may properly be charged on the voucher for that defendant.
- *See, the Guide, Vol. 7A, Ch. 2, §220.40 & §230.50.*

Voucher Review

- Standard of Review - Reductions are based on the following. *See, the Guide, Vol. 7A, Ch. 2, §230.33* and local policies.
 - Mathematical errors;
 - Work not compensable;
 - Work not undertaken or completed, and;
 - Hours billed in excess of what was reasonably required to complete the task.
- Compliance with Local Policies
 - Examples – Travel and NEF policies

Billing Issue No. 1

Untimely Filing of Vouchers

Timely Filing of Vouchers

- Current Policy. *See*, Vol. 7A, Ch. 2, §230.13 and Local Criminal Rule 144.
 - CJA vouchers **shall** be filed as soon as possible upon completion of services, but no later than **forty-five (45)** days from the final disposition of the case.
 - Any request for an extension of this limit **shall** be filed with the court within the **forty-five (45) day period** and **shall show good cause for the extension**

Billing Issue No. 2
Claim Status Section
Incorrectly Filled

CJA-20 – Claim Status

- In the eVoucher System, in order to save a document and successfully submit it, the “Start Date” and “End Date” located at the Claim Status Page must be changed. In the “Start Date” enter the date of the appointment and in the “End Date” the last day you worked with this case, not the date when you submit the voucher in the system.

Claim Status

The screenshot shows a light blue form titled "Claim Status". It contains two date input fields: "Start Date" with the value "5/15/2016" and "End Date" with the value "8/9/2021". Each field has a small calendar icon to its right. Below the "Start Date" field, a red-bordered box contains the text "1-Enter date of appointment to case (services or expenses)", with a red arrow pointing to the "Start Date" field. Below the "End Date" field, another red-bordered box contains the text "Enter the last day (chronologically) when services were rendered or expenses were incurred", with a red arrow pointing to the "End Date" field.

CJA-20 – Claim Status

- In the Payment Claims Section you must select a payment status.
- Vouchers processed for early payment are not consider to be interim. Must select Final Payment.
- Vouchers in re-sentencing representations are not considered to be supplemental vouchers. For CJA payment purposes, a re-sentencing is a new representation with a compensation maximum of \$3,000, separate from the main criminal case. Final Payment should be selected.

Legend:

Payment Claims *

Final Payment (payment #)

Interim Payment

Supplemental Payment

Withholding Return Payment

**** Reminder: Please select the appropriate claim status.**

- **Final Payment:** to request payment after all services have been completed.
- **Interim Payment:** If using this type of payment, in the **(payment #)** field, indicate the number of interim payments.
- **Supplemental Payment** to request payment due to a missed or forgotten receipt after the final payment has been submitted.

CJA-20 – Claim Status

- In the Claim Status Page, counsel must also complete the information about previous payments (interim vouchers), including whether, other than from the Court, have you, or to your knowledge has anyone else, received payment from any other source.

1. Have you previously applied to the court for compensation and/or reimbursement for this case? *

Yes No

If Yes, were you paid?

Yes No

2. Other than from the Court, have you, or to your knowledge has anyone else, received payment (*compensation or anything of value*) from any other source in connection with this representation? *

Yes No

Billing Issue No. 3

Missing or Incomplete Documentation

Common Missing Documents

- If voucher is filed after 45-day period, include **motion requesting extension to file voucher and order.**

- If statutory maximum is exceeded, include:
 - Supplemental Information Statement for a Compensations Claim in Excess of the Statutory Case Compensation Maximum: District Court (CJA-26 Form); and,

- If early payment is approved and case has not concluded, include **motion requesting early payment and order.**

CJA-26 – Excess Compensation

- The *Guide*, Vol. 7A, Ch. 2, §230.23. & Local Criminal Rule 144(b)(4).
- If statutory maximum is exceeded counsel must the following documents with the voucher:
 - Supplemental Information Statement for a Compensations Claim in Excess of the Statutory Case Compensation Maximum: District Court (CJA-26 Form).
 - Counsel must provide justification as to why the case involves extended or complex representation and that the amount claimed is necessary to provide fair compensation.
 - Examples: particular issues/events justifying amounts claimed, voluminous discovery, lengthy plea bargaining stages, sentencing, particular defenses.

CJA-26 – Excess Compensation

- Many vouchers are being returned because they lack these documents or the information provided is incomplete.
- Vouchers are also returned because the information on the CJA-26 is erroneous.
 - Number of hours included in CJA-26 sometimes differs from hours in voucher and/or incorrect detail of hours.
 - If voucher is returned for modifications and re-submitted, the CJA-26 form must also be modified if applicable.

1	PERIOD OF APPOINTMENT (DATES): _____ TO _____
TOTAL NUMBER OF IN-COURT HOURS: _____ <u>0.00</u> SPECIFYING: PRETRIAL HEARINGS _____ TRIAL _____	
SENTENCING HEARINGS _____ ALL OTHER IN-COURT _____	
TOTAL NUMBER OF OUT-OF-COURT HOURS: _____	

CJA-26 – Court Approval

- The *Guide*, Vol. 7A, Ch. 2, §230.23.
- If amounts in excess of case compensation maximums are approved by the district judge, he/she will include its certification (memorandum/letter) to the First Circuit Court of Appeals, regarding:
 - Complexity of issues/case
 - Extended representation
 - Excess payment is necessary to provide fair compensation
 - District judge's request that the voucher be approved by the designated circuit judge

Billing Issue No. 4

Use of Wrong Service Categories

Use of Wrong Service Categories

- ❑ This is one of the most common reasons to return a voucher and causes undue delay and disruption in the voucher review process.
- ❑ When a voucher is returned, counsel will receive a detailed email with printouts of the incorrect entries and indicating the correct category to be selected.
- ❑ Attorneys are allowed a period of ten (10) days to correct and submit the voucher.
- ❑ In many instances vouchers are submitted without corrections and/or filed after the ten (10) day period.
- ❑ Amended/corrected vouchers need to be reaudited by CJA staff.

In Court Time – Categories CJA-20 Form

- **15a** **Arraignment and/or Change of Plea Hearing**
- **15b** **Bail and Detention Hearings** - If joint hearings, you should make a single entry as reflected in the docket minutes.
- **15c** **Motion Hearings** – Only for hearings regarding motions, such as, suppression and evidentiary hearings. Do not use this category to claim time spent drafting motions, instead use category 16c.
- **15d** **Trial**
- **15e** **Sentencing Hearings**
- **15f** **Revocation Hearings**
- **15g** **Appeal Court**
- **15h** **Other Hearings** – Status, pretrial conferences, and any other hearing not stated above.

**** Make sure you allocate time spent at hearings using the correct category.**

In Court Time - Local Policy

- The court minutes of the proceedings are reviewed to confirm attorneys' attendance and time (time set, time ended).
- Unless otherwise instructed by a Judge's Standing Order, reasonable waiting time is allowed (0.3).
- Time spent meeting with the defendant before or after a hearing should be invoiced under category 16a (out-of-court).
- Time spent preparing for a hearing should be invoiced under category 16e (out-of-court), **even if on the same day of the hearing.**

Out of Court Time

- **16a Interviews and Conferences** - Meetings/Interviews/Calls with client & relatives, witnesses, experts, AUSA
 - Briefly explain purpose and matter discussed
 - Reasonableness
 - **16b Obtaining and Reviewing Records** – Time spent reviewing court documents (CM/ECF) or discovery.
 - ***New Criminal Justice Act Billing Policy for Review of Notices of Electronic Filings (NEF) in Mega-Cases memorandum, dated March 12, 2012***
 - Entries for “obtaining and reviewing discovery” must be identified and distinguished from entries for “review of electronic notices and/or entries”.
 - Applicable to cases with two (2) or more codefendants. *See, Court Adopting Judicial Council for the First Circuit’s Criminal Justice Act Cost Containment Measures* memorandum, dated June 12, 2012.
 - Review of documents that “**are relevant and reasonably necessary**” for an adequate representation.
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- ***New Criminal Justice Act Billing Policy for Review of Notices of Electronic Filings (NEF) in Mega-Cases memorandum, dated March 12, 2012.***
 - Counsel may bill reasonable time spent reviewing:
 - (a) The text of a NEF and any associated document that **directly relates** to the assigned defendant.
 - Grouping entries is strongly encouraged.
 - (b) The text of a NEF and any associated document related to other codefendants that may be relevant or have an impact in the adequate representation of the client.
 - Examples - dispositive motions, judgments, *in limine* motions, orders and plea agreements.
 - Grouping entries is strongly encouraged.
 - (c) * Text or the notices of other NEFs and any associated documents may be invoiced at a rate of 0.10 of an hour **for every sixty (60) NEFs.**
 - * Amended to 1.0 hour per sixty (60) NEFs, by ***Review of Current Local CJA Billing Policies memorandum, dated April 25, 2024.***
 - Docket number for items (a) and (b) are required.
 - Explanation on relevance must be included in eVoucher for all categories.
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- ***Review of Current Local CJA Billing Policies memorandum, dated April 25, 2024.***
 - Increase of presumptive standard rates for certain experts (amendment to *memorandum* dated August 28, 2013).
 - Elimination of fixed compensation for travel to the courthouse and to MDC (amendment to *memorandum* dated August 28, 2013).
 - Prior Court approval no longer required to travel outside of the Metropolitan Area for investigative work.
 - Increase from 0.10 to 1.0 hour for review of every sixty (60) NEFs (amendment to *memorandum* dated March 12, 2012).
 - Only the CJA-26 is required if amounts billed exceed statutory limit. The request for a separate excess memorandum, in addition to the CJA-26, is eliminated.
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Out of Court Time

- **16c Legal Research and Brief Writing** – Reasonable time spent conducting legal research and drafting motions and documents to be filed in the case’s docket.
 - Boilerplate motions –Reasonable time, if not precluded by case management order.
 - Sentencing Memorandum – do not copy/paste PSR. Summarize.
 - Motion to Join – no billing of research time.
 - Motion to Restrict – limited to 0.10
- **16d Travel Time** – Reasonable transit time. *See, The Guide, Vol. 7A, Ch. 2, §230.60.*
- **16e Investigative and Other Work** – Time spent drafting emails, letters, evidence and site inspections, trial and hearing preparation. Records may be requested by reviewing judge.

Standing Orders

- Case Management Order, issued by U.S. District Judge Aida M. Delgado-Colón on March 16, 2009 (For Multi-Defendant Cases)
 - Time spent on boiler plate discovery motions and notices to the court will not be paid.
 - Time spend on motions notifying vacations or absence of jurisdiction will not be paid.
 - Motions requesting substitution of counsel or attendance to a given conference session will not be paid.
 - Provides instructions on requests for experts, how entries should be detailed in a voucher, and travel to state hearings and outside the metropolitan area.
 - Sentencing Memorandum strictly summarizing the Pre Sentence Report will not be paid.

“Standing Orders” may be located under the “for Attorneys” section of the Court’s website: prd.uscourts.gov.

Standing Orders

- Criminal Scheduling Order, issued by Senior U.S. District Judge Francisco A. Besosa on July 1, 2016
 - Time of up-to 0.3 hour for waiting time before a presential hearing is set to start, will not be paid. Attendance from time set to time ended will be paid.
 - Time spent on boiler plate discovery motions and notices to the court will not be paid.
 - Time spent on motions informing vacations will not be paid.
 - Excessive and vague entries will not be paid. Provides instructions on how entries should detailed in a voucher.
- In Re: CJA Counsel Vouchers as to Sentences Before Judge Francisco A. Besosa, 12-MC-367, entered on July 20, 2012
 - Provides information on claiming for time spent conducting legal research and drafting sentencing memorandums.

“Standing Orders” may be located under the “for Attorneys” section of the Court’s website: prd.uscourts.gov.

Category Exercises

- Criminal Scheduling Order, issued by Senior U.S. District Judge Francisco A. Besosa on July 1, 2016
 - Time of up-to 0.3 hour for waiting time before a presential hearing is set to start, will not be paid. Attendance from time set to time ended will be paid.
 - Time spent on boiler plate discovery motions and notices to the court will not be paid.
 - Time spent on motions informing vacations will not be paid.
 - Excessive and vague entries will not be paid. Provides instructions on how entries should be detailed in a voucher.
- In Re: CJA Counsel Vouchers as to Sentences Before Judge Francisco A. Besosa, 12-MC-367, entered on July 20, 2012
 - Provides information on claiming for time spent conducting legal research and drafting sentencing memorandums.

Exercise #1

Meeting with paralegal and providing instructions as to work to be performed.

Out of Court:

16 a. Interviews and Conferences

Exercise #2

Interview a prospective witness
along with the investigator

Out of Court:

16 a. Interviews and Conferences

Exercise #3

Review medical records obtained
by the investigator

Out of Court:

**16 b. Obtaining and Reviewing
Records**

Exercise #4

Meeting with Paralegal and
Investigator for trial strategy

Out of Court:

16 a. Interviews and Conferences

Exercise #5

Review Plea Agreement in particular as to the criminal history category.

Out of Court:

**16 b. Obtaining and Reviewing
Records**

Exercise #6

Attend sentencing hearing

In Court:

15 e. Sentencing Hearing

Exercise #7

Prepare for sentencing hearing.

Out of Court:

16 e. Investigative and Other Work

Exercise #8

Attend status conference.

**In Court:
15 h. Other**

Exercise #9

Meeting with defendant prior to
change of plea hearing.

Out of Court:

16 a. Interviews and Conferences

Billing Issue No. 5

Excessive Information

Excessive Information in eVoucher Entries

Text for review of one docket entry

**In this entry counsel
copied the text from
CM/ECF**

**Please do not
“Copy and Paste”**

b. Obtaining and Reviewing Records	07/17/2014	<p>Reviewed DE 16 Minute Entry for proceedings held before USMJ Silvia Carreno-Coll: Return of Indictment by Grand Jury as to [REDACTED] (4), [REDACTED] (3), [REDACTED] (1), [REDACTED] (2), [REDACTED] (5), [REDACTED] (7), [REDACTED] (6) held on 7/17/2014.</p> <p>Arraignment set for 7/21/14 at 9:15 AM before Hon. Silvia Carreno-Coll as to defendants [REDACTED] (1), [REDACTED] (2) at Courtroom number 8. Arraignment set for 7/28/14 at 9:15 AM before Hon. Silvia Carreno-Coll as to defendants [REDACTED] (5), [REDACTED] (6), [REDACTED] Courtroom number 8. Defendants 1, 2, 4-7 are U/C. Warrant of Arrest to be issued as to defendant [REDACTED] (3). Defendant [REDACTED] was arrested in St. Thomas based on our complaint, Case No. 14-mj-796. Once defendant arrives to our jurisdiction, an Initial Appearance will be held before the USMJ on duty. The Arraignment and Detention Hearings will be set at such time. Hearing set for 04:50. Hearing ended at 04:52.</p>	0.1
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Excessive Information in eVoucher Entries

Description:

Entry should provide a brief explanation of the docket reviewed.

Reviewed Minute entry of proceeding on Return of Indictment held on July 17, 2014, Docket No 16.

Excessive Information in eVoucher Entries

Text for review of one court order

**In this entry counsel
copied the text from
CM/ECF**

**Please do not
“Copy and Paste”**

b. Obtaining and Reviewing Records	08/11/2015	Reviewed DE 222 JUDGMENT as to [REDACTED] Counts 1,2,3, IMPR.: One Hundred Twenty (120) months as to Counts 1 and 2 to be served concurrently to each other and Sixty (60) months as to Count 3 to be served consecutively with the term imposed as to Counts 1 and 2, for a total of One Hundred Eighty (180) months; SRT: Five (5) years as to each Counts 1, 2 and 3 to be served concurrently with each other; No fine imposed; SMA: \$300.00 (\$100 as to each count).	0.1
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Excessive Information in eVoucher Entries

**Entry should
provide a brief
explanation of the
docket(s) reviewed.**

Description:

Reviewed defendant's Judgment,
Docket No 222.

Billing Issue No. 6

Duplicate Entries

Duplicate Entries in a Voucher

Prior to submitting your voucher please check for duplicate entries.

This is a very common type of adjustment.

b. Obtaining and Reviewing Records	08/06/2020	Receipt and review of Order to US for informative motion and setting status conference	0.1
b. Obtaining and Reviewing Records	08/06/2020	Receipt and review of Order to US for informative motion and setting status conference	0.1
d. Travel Time	06/21/2021	Roundtrip from office to Villalba Correctional Institution.	3.0
d. Travel Time	06/21/2021	Roundtrip from office to Villalba Correctional.	3.0
b. Obtaining and Reviewing Records	02/01/2022	Review Order as to [REDACTED] [REDACTED] Sentencing Hearing will be held at February 9 at 10:00a.m.	0.1
b. Obtaining and Reviewing Records	02/02/2022	Review order re. sentencing hearing date. February 9th, 2022.	0.1

Billing Issue No. 7

Overlapping Time Claimed

Overlapping Time Claimed

- The eVoucher System has a feature that compares the voucher that is being reviewed with other vouchers filed by the same counsel (pending payment and paid).
- The system alerts if there is a possibility of overlapping of time.
- An additional report is generated by CJA staff to verify if there are any overlapping entries on two or more vouchers.
- We have found many instances where counsel invoices overlapping time attending hearings, meetings, and travel time for back-to-back hearings and/or visits their clients at an institution.
- If on the same day counsel attended more than one hearing or met more than one defendant at an institution, he/she must allocate time spent waiting and/or traveling (including mileage) between vouchers or invoice all amounts in a single voucher.

Overlapping Time for Attendance to Hearings

Hearing number 1, February 1, 2022

Hearing Set: 9:00 a.m. – Held 9:20 a.m. – Ended 9:48 a.m.

02/01/2019	view1691	Minute Entry for proceedings held before Judge Francisco A. Besosa: Status Conference as to as to all pending defendants held on 2/1/2019. A Further Status Conference was set for 3/22/2019 at 09:00 AM in Courtroom 2 before Judge Francisco A. Besosa. (Court Reporter Joe Reynosa.) Hearing set for 09:00. Hearing held at 09:28. Hearing ended at 09:48. (Attachments: # 1 Attendance Sheet) (grf) (Main Document 1691 replaced on 2/4/2019 to correct date) (ab). (Entered: 02/01/2019)
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**Example:
Two hearings
invoiced by
Counsel X.**

Hearing number 2, February 1, 2022

Hearing Set: 9:00 a.m. – Held 10:43 a.m. – Ended 10:45 a.m.

02/01/2019	view16	Minute Entry for proceedings held before Judge Pedro A. Delgado-Hernandez: Status Conference as to [REDACTED] (1) held on 2/1/2019. Present were AUSA Marc Chattah and attorney [REDACTED]. The government informed that discovery is available for delivery and they will engage in plea negotiations. The defense informed that they will pick up the discovery and requested 30 days to review it. After having heard the parties, the Court set a Further Status Conference for 3/8/2019 at 09:00 AM in Courtroom 3 before Judge Pedro A. Delgado-Hernandez. The STA was tolled until the next conference in the interest of justice. The court found that the defendant's need to review evidence outweighs the defendant's and the community's interest in a speedy trial. (Court Reporter Zulma Ruiz.) Hearing set for 09:00. Hearing held at 10:43. Hearing ended at 10:45. (jir) (Entered: 02/04/2019)
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**Hearings were
scheduled for
9:00 a.m. the
same day.**

Overlapping Time for Attendance to Hearings

Amounts claimed by Counsel X for first hearing

Hearing Set: 9:00 a.m. – Held 9:20 a.m. – Ended 9:48 a.m.

h. Other	02/01/2019	Attorney [REDACTED] attended Status Conference.	0.8
d. Travel Time	02/01/2019	Roundtrip from attorney [REDACTED] office to the Courthouse.	0.6

Amounts claimed by Counsel X for second hearing

Hearing Set: 9:00 a.m. – Held 10:43 a.m. – Ended 10:45 a.m.

h. Other	02/01/2019	Attorney [REDACTED] attended Status Conference.	1.8
d. Travel Time	02/01/2019	Roundtrip from attorney [REDACTED] office to the courthouse.	0.6

0.8 claimed in excess

0.6 claimed in excess

Overlapping Time for Travel Time

Sample Reports – Each table includes time and mileage by same attorney.

Case No.	Defendant	Voucher	Date	Description	Hours	Mileage
3:18-CR-00015-01 FAB	[REDACTED]	718601	7/27/2018	Roundtrip from <u>Hato Rey</u> office to MDC Guaynabo.	0.60	8
3:16-CR-00773-11 JAG	[REDACTED]	179027	7/27/2018	Roundtrip from office in <u>Hato Rey</u> to MDC Guaynabo to meet with client to discuss case.	0.40	8
3:16-CR-00796-03 PG	[REDACTED]	213855	7/27/2018	Roundtrip to MDC Guaynabo from <u>Hato Rey</u> office to visit client.	0.60	8
3:17-CR-00426-01 GAG	[REDACTED]	567409	7/27/2018	Roundtrip from <u>Hato Rey</u> office to MDC Guaynabo to visit client.	0.60	8

Case No.	Defendant	Voucher	Date	Description	Hours	Mileage
3:18-CR-00015-01 FAB	[REDACTED]	718601	8/31/2018	Roundtrip from <u>Hato Rey</u> to MDC Guaynabo.	0.60	8
3:16-CR-00796-03 PG	[REDACTED]	213855	8/31/2018	Roundtrip to MDC Guaynabo from <u>Hato Rey</u> office to visit client.	0.60	8
3:17-CR-00426-01 GAG	[REDACTED]	567409	8/31/2018	Roundtrip from <u>Hato Rey</u> office to MDC Guaynabo to visit client.	0.60	8
3:17-CR-00533-01 FAB	[REDACTED]	567411	8/31/2018	Visit client at MDC Guaynabo.	0.60	8
3:18-CR-00188-02 DRD	[REDACTED]	625126	8/31/2018	Roundtrip from <u>Hato Rey</u> office to MDC Guaynabo to meet with client.	0.60	0

Other Billing Issues

- Filing Motion to Restrict – limited to 0.1
- Filing Boiler-Plate Motions – up-to 0.3
 - Examples: Motion for Continuance and Change of Plea Motions
- Block-Billing - Consolidating multiple tasks under a single time entry is not permitted. Each service provided must be itemized in individual entries by date and voucher category, specifying the amount of time claimed for each task.
- Entries that Lack information

Block Billing

- Example 1:

b. Obtaining and Reviewing Records	05/15/2020	Receive complex documents from AUSA Tremble. Study the same. Discuss the same with AUSA and derendant.	1.5	Obtaining and Reviewing Records Interviews and Conferences
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- You need to make two separate entries and use the correct service type:

Provide proper description for service



Out-Of-Court	15a	INTERVIEWS AND CONFERENCES	DATE	Discussed discovery/documents with AUSA and client.	TIME
Out-Of-Court	15b	OBTAINING AND REVIEWING RECORDS	DATE	Review complex documents from AUSA (provide additional information on the	TIME

Block Billing

- Counsel must invoice separately time spent reviewing court dockets, discovery or other types of documents, even though they belong to same service category (Out-of-Court, 16.b – Obtaining and reviewing records.
- Example 2:

b. Obtaining and Reviewing Records	07/06/2021	Review PT Services Report (DE 12); <u>discovery provided by the government.</u>	1.0
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- You need to make two separate entries. Include docket numbers if reviewing case documents.

Provide proper description for service



Out-Of-Court	15b	OBTAINING AND REVIEWING RECORDS	DATE	Review PT Report.	TIME
Out-Of-Court	15b	OBTAINING AND REVIEWING RECORDS	DATE	Review discovery.	TIME

Block Billing

□ Example 3:

<p>b. Obtaining and Reviewing c. Legal Research and Brief Writing</p>	<p>03 16 2016 07/13/2016</p>	<p>Prepared and Filed Motion for Change of Plea by defendant. (ECF #365) Order referring Motion (ECF #367); Package Memorandum of the Clerk as to defendant (ECF #368) and Order-Change of Plea Hearing is set for 7/28/2016 at 1:30 PM in Courtroom 9 before US Magistrate Judge Bruce J. McGiverin. (ECF #371)</p>	<p>0.5 0.6</p>	<p>Legal Research and Brief Writing Obtaining and reviewing records</p>
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- You need to make two separate entries. Include docket numbers if reviewing case documents.

Provide proper description for service



Out-Of-Court	15c	LEGAL RESEARCH AND BRIEF WRITING	DATE	Prepared and filed motion for change of plea, ECF #365.	TIME
Out-Of-Court	15b	OBTAINING AND REVIEWING RECORDS	DATE	Reviewed Order Referring Motion (ECF #367), Memorandum of the Clerk as to defendant (ECF #368) and Order setting Change of Plea Hearing (ECF. 371).	TIME

Entries that Lack Information

- Entries should include enough information to place the Court in position to approve the service entry.
 - Explain matters discussed during conversations and meetings.
 - Provide subjects that were researched.
 - Identify motions drafted, including docket number.
 - Comply with policy on review of dockets.

Entries that Lack Information

- Examples:

c. Legal Research and Brief Writing	08/16/2016	Legal Research on related cases	4.0
b. Obtaining and Reviewing Records	10/08/2018	read email	
a. Interviews and Conferences	01/31/2019	Spoke to Atty. [REDACTED]	0.3
b. Obtaining and Reviewing Records	02/04/2020	review docket re: court order	0.1

Billing Issue No. 8

Travel Expenses

Travel Expenses - Reasonably Incurred

- The *Guide*, Vol. 7A, Ch. 2, §230.63.40.
- You must provide a detailed itemized receipt and evidence of payment for expenses over \$50.00, unless otherwise stated below.
- **Mileage**
 - Current rate \$0.725 (01/01/2026 – present). The eVoucher System will automatically allocate the applicable mileage rate.
 - Date of travel and destination (to and from) must be provided.
 - Must match a travel time entry (Out-of-Court 16d).
 - Use the Court’s Distance Computation Chart for distances to courthouses and vicinity (USAO, FBI, FPD). Use the DTOP Mileage Calculator for other distances (MDC, ocular inspection, investigations/meetings in PR municipalities)
- **Parking and Tolls**
 - Date and cost must be provided.
 - Must match a travel time entry.

Travel Expenses - Out of Jurisdiction

- For travel outside the jurisdiction prior approval from presiding officer is required.
- It is required to **timely** contact the CJA Coordinator to schedule travel outside of the jurisdiction, which includes:
 - How airfare can be charged to the Court's credit card for CJA travel.
 - Government rates for lodging and car rental.
 - Reimbursement of lodging, meals, and transportation (taxi, Uber, Lyft).
 - Actual expenses will be reimbursed.
 - Detailed itemized receipts are required.
 - Non-reimbursable costs:
 - Alcoholic beverages, entertainment, souvenirs
 - Parking fines or fees for traffic violations
 - Personal automobile expenses (e.g., Personal Accident Insurance and Personal Effects Coverage)

Out-of-Pocket Expenses

- You must provide a detailed itemized receipt and evidence of payment for expenses over \$50.00, unless indicated.
 - **Photocopies**
 - Provide number of pages, rate per page, color or b/w, letter or legal.
 - Include invoice if copies were made by commercial firm or government entity.
 - Include brief description of use/purpose.
 - Rates:
 - B/W letter-sized - \$0.03 - \$0.05
 - B/W legal-sized - \$0.04 - \$0.07
 - Color letter-sized - \$0.24
 - Reimbursement for printing docketed documents and discovery for counsel are generally not covered with CJA funds. Other printing/copying expenses such as reproducing discovery for experts or the defendant may be considered reimbursable copying expenses.
 - For additional information, *see, Photocopy Service Providers and Rates memorandum*, dated March 15, 2012, and *memorandum* updated March 21, 2022.
-

Out-of-Pocket Expenses

- Computer-Assisted Legal Research. *See, The Guide, Vol. 7A, Ch. 2, §230.63.30*
 - Provide electronic research service invoice and evidence of payment.
- Delivery/Courier services
 - Receipts required regardless of the amount claimed (dates, name of vendor, purpose).
- Other reimbursable expenses. *See, The Guide, Vol. 7A, Ch. 2, §230.63.70.*
 - Case-related videoconferencing not covered by general office overhead.
 - Photographs or video duplication
 - Long distance phone calls
 - For expenses that are necessary for the representation but are not listed in the *Guide, Vol. 7A, Ch. 2*, court authorization is required. A justification as to necessity of the expense is also required. Detailed receipts are also required.

Non-Reimbursable Expenses

- General Office Overhead. *See, The Guide, Vol. 7A, Ch. 2, §230.66.10.*
 - Includes general office expenses that would normally be reflected in the fee charged to the client. The attorney's statutory fee is intended to include compensation for these general office expenses.
 - Examples, personnel, rent, utilities, telephone, cell phone, internet provider, and secretarial work.
- PACER Fees. *See, The Guide, Vol. 7A, Ch. 2, §230.66.30.*
 - CJA-appointed attorneys are exempted from PACER fees when accessing CJA-related cases.
 - Attorneys are advised to contact the PACER Service Center concerning exemption from fees.
 - **(800) 676-6856**
 - **pacer@psc.uscourts.gov**
 - **<https://pacer.uscourts.gov/>**
- Filing and other fees. *The Guide, Vol. 7A, Ch. 2, §230.66.30*
 - Exempted for CJA cases, including pro hac vice fees.

Non-Reimbursable Expenses

- Items of Personal Nature. The *Guide*, Vol. 7A, Ch. 2, §230.66.20.
 - Costs of personal items purchase for or on behalf of the person represented.
 - Such as, purchase of clothing, laundry services, haircut, cigarettes, candy or meals.
 - Cost of services and expenses of a personal nature which cannot be considered part of the representation.
 - Disposition of defendant's property.
 - Placement of defendant's minor children.
 - Assisting defendant in executing conditions of release.
 - Legal assistance unrelated to litigation, although incidental to the defendant's arrest.
- Service of Process for Fact Witnesses. The *Guide*, Vol. 7A, Ch. 2, §230.66.50
 - Service should be made by the U.S. Marshals.
- Witness Fees, Travel Costs and Expenses. The *Guide*, Vol. 7A, Ch. 3, §320.40.
 - Should be paid by DOJ.
- *Guardian ad Litem* proceedings. The *Guide*, Vol. 7A, Ch. 3, §320.50.

Billing Issue No. 9
Expert Vouchers CJA-21
Incomplete Motions

Investigative, Expert and Other Services

- The *Guide*, Vol. 7A, Ch. 3
- Most common types of services:
 - Paralegals
 - Investigators
 - Translators
 - Interpreters
 - Psychologists/Psychiatrists (additional rules apply)
- Service fees claimed by these providers cannot be claimed in counsel's CJA voucher. Not even if counsel has paid for the services.
- Service providers must invoice services using a CJA-21 form.

Investigative, Expert and Other Services

- Without Prior Court Authorization. The *Guide*, Vol. 7A, Ch. 3, §310.20.30.
 - Compensation up to \$1,000 per defendant.
 - Expenses – reasonably incurred.
 - Court may require explanation as to why service is needed.
- Requires Prior Court Authorization. The *Guide*, Vol. 7A, Ch. 3, §310.20.10.
 - Compensation over \$1,000 per defendant.
 - Prior court authorization from the presiding judicial officer should be obtained before the expert starts rendering his/her service.
 - Non-Capital compensation maximum is \$3,000 per provider, excluding expenses.
 - Compensation over \$3,000 requires Circuit Court approval.

Investigative, Expert and Other Services

- Counsel is **required** to:
 - Supervise expert's performance.
 - Create the AUTH and CJA voucher. In some cases, fill the expert's voucher.
 - Certify fees and expenses (Submit expert's voucher to the court).
Counsel certifies rendition of services and submission of necessary reports.
 - Prior to exceeding approved amounts, counsel shall request court's approval for additional funds.

Investigative, Expert and Other Services

- Motion for Investigative/Paralegal Services must include:
 - Detailed description of tasks to be performed (scope of work)
 - Name, address, phone number
 - *Curriculum Vitae*
 - Date the expert will begin services
 - Fee per hour
 - Estimated number of hours
 - Proposed draft of order for the court
 - Estimated Completion date for task(s) assigned, to the extent possible

Investigative, Expert and Other Services

- Interpreters
 - May be paid on an hourly rate basis, or
 - On another appropriate basis.
 - Example: AO Contract Fee (Applicable Rates Effective January 1, 2023)
 - Federally Certified: (Full-Day: \$566.00, Half-Day: \$320.00; and Overtime \$80.00 per hour)
 - Professionally Qualified: (Full-Day: \$495.00, Half-Day: \$280.00; and Overtime \$70.00 per hour)
 - Language Skilled: (Full-Day: \$350.00, Half-Day: \$190.00; and Overtime \$44.00 per hour)
- Translators
 - Generally paid per word.

Investigative, Expert and Other Services

- Investigator cannot:
 - Be your employee
 - Provide legal advice to the defendant
 - Provide legal advice or talk to other defendants without respective counsel being present.
 - Recruit clients on your behalf.
 - Not entitled to advance payments.
 - Interim payments may be approved by the court only if it is considered necessary and appropriate in a specific case.
 - Complex cases
 - Length of representation and service
 - Expert's expenses, such as travel costs

Billing Issue No. 10
Psychologists & Psychiatrists
Payment Source and
Incomplete Motions

Psychologists and Psychiatrists

- The *Guide*, Vol. 7A, Ch. 3, §320.20.
- Most services are paid by the Department of Justice (DOJ), regardless of whether the services were requested by defense counsel, especially those used to determine mental competency.
- Psychological, psychiatric and related services involving CJA clients are paid from CJA funds on limited circumstances, when used for defense purposes, requested *ex-parte*, and examination is not disclosed to the government.
- In cases involving dual purpose examinations, the costs are shared, and paid with CJA and DOJ funds.

§ 320.20.60 Summary Chart: Responsibility for Payment of Psychiatric and Related Expert Services

Type of Service	CJA	DOJ
<u>(a) To determine mental competency to stand trial, under 18 U.S.C. § 4241 (link is external)</u>		
(1) Examination costs		Yes, regardless of which party requests, including examination on court's own motion
(2) Testimony costs for examiner if called at hearing		Yes, regardless of which party calls
(3) Testimony costs for examiner if called at trial	If witness appears on behalf of defense	If witness appears on behalf of government
<u>(b) To determine existence of insanity at time of offense, under 18 U.S.C. § 4242 (link is external)</u>		
(1) Examination costs		Yes
(2) Testimony costs for examiner if called at trial		Yes, regardless of which party calls
<u>(c) To determine existence of insanity at time of offense, under CJA subsection (e)</u>		
(1) Examination costs	Yes	
(2) Testimony costs for examiner if called at trial	Yes	

§ 320.20.60 Summary Chart: Responsibility for Payment of Psychiatric and Related Expert Services

Type of Service	CJA	DOJ
<p><u>(d) To determine mental condition of hospitalized person found not guilty only by reason of insanity, under 18 U.S.C. § 4243 (link is external)</u></p> <p>(1) Examination costs</p> <p>(2) Testimony costs for examiner if called at hearing</p>		<p>Yes</p> <p>Yes, regardless of which party calls</p>
<p><u>(e) To determine mental condition of convicted person suffering from mental disease or defect, under 18 U.S.C. § 4244 (link is external)</u></p> <p>(1) Examination costs</p> <p>(2) Testimony costs for examiner if called at hearing</p>		<p>Yes</p> <p>Yes, regardless of which party calls</p>
<p><u>(f) To determine mental condition of imprisoned person, under 18 U.S.C. § 4245 (link is external)</u></p> <p>(1) Examination costs</p> <p>(2) Testimony costs for examiner if called at hearing</p>		<p>Yes, including costs of additional examiner selected by imprisoned person in accordance with 18 U.S.C. § 4247(b) (link is external)</p> <p>Yes, regardless of which party calls, including additional examiner selected by imprisoned person in accordance with 18 U.S.C. § 4247(b) (link is external)</p>

§ 320.20.60 Summary Chart: Responsibility for Payment of Psychiatric and Related Expert Services

Type of Service	CJA	DOJ
<p><u>(g) To determine mental condition of hospitalized person due for release, under 18 U.S.C. § 4246 (link is external)</u></p> <p>(1) Examination costs</p> <p>(2) Testimony costs for examiner if called at hearing</p>		<p>Yes, including costs of additional examiner selected by hospitalized person in accordance with 18 U.S.C. § 4247(b) (link is external)</p> <p>Yes, regardless of which party calls, including additional examiner selected by hospitalized person in accordance with 18 U.S.C. § 4247(b) (link is external)</p>
<p><u>(h) Examination of a person in custody as a material witness</u></p>		<p>Yes, under all circumstances</p>
<p><u>(i) Examination and testimony costs for expert witnesses not appointed under 18 U.S.C. §§ 4241, 4242, 4243, 4244, 4245, 4246 (link is external)</u></p>	<p>If requested by the defense</p>	<p>If requested by the government, or if appointed as an independent expert on court's own motion under Fed. R. Evid. 706 (link</p>

Psychologist and Psychiatrists

Motion must include:

- Scope and purpose of the evaluation.
- Statute under which services are requested. *See*, Vol. 7A, Ch. 3, §320.20.60 of the Guide.
- Who will perform the services.
- Name, address and *Curriculum Vitae* of service provider.
- Who will use the examination/Purpose for which report will be used.
- If information is to be disclosed to or shared with the government.
- Fee per hour.
- Number of hours (estimate).
- Proposed draft order for the court.
- Authorization for expert to evaluate expert at prison, if applicable.

Note: Motion should not specify source of funds (DOJ/CJA).

Billing Issue No. 11 Creation of AUTH & CJA-21

Process for Filing a CJA-21 Voucher

- File a motion to request the expert and include all required information and documents.
 - When the court approves the request, counsel should inform the expert of the approval and specify the approved hours and rate. It is not recommended for an expert to begin working without court authorization.
 - Counsel shall create an authorization in the eVoucher System (AUTH) for court approval, as soon as feasible.
 - Must include pertinent docket numbers (request/approval).
 - When the court approves the AUTH, counsel shall access the authorization and create a CJA-21 voucher for the expert.
 - The CJA-21 voucher must be linked to the approved AUTH (Select: “Use Existing Authorization”).
-

Process for Filing a CJA-21 Voucher

- The CJA-21 Voucher must include a signed invoice.
 - If the expert has access to the eVoucher System, the expert will fill-out his/her voucher. Expert is required to maintain contemporaneous records.
 - In the alternative, counsel will fill-out the voucher on behalf of the expert. If so, please remember that counsel must submit the voucher twice, once on behalf of the expert and a second time to the court.
 - Counsel is responsible for submitting the expert's voucher to the court.
 - If the expert's services will exceed the amounts previously approved, the attorney must file a motion requesting additional funds, and must modify the existing AUTH to increase the authorized amount.
 - Counsel must certify rendition of services including submission of necessary reports.
-

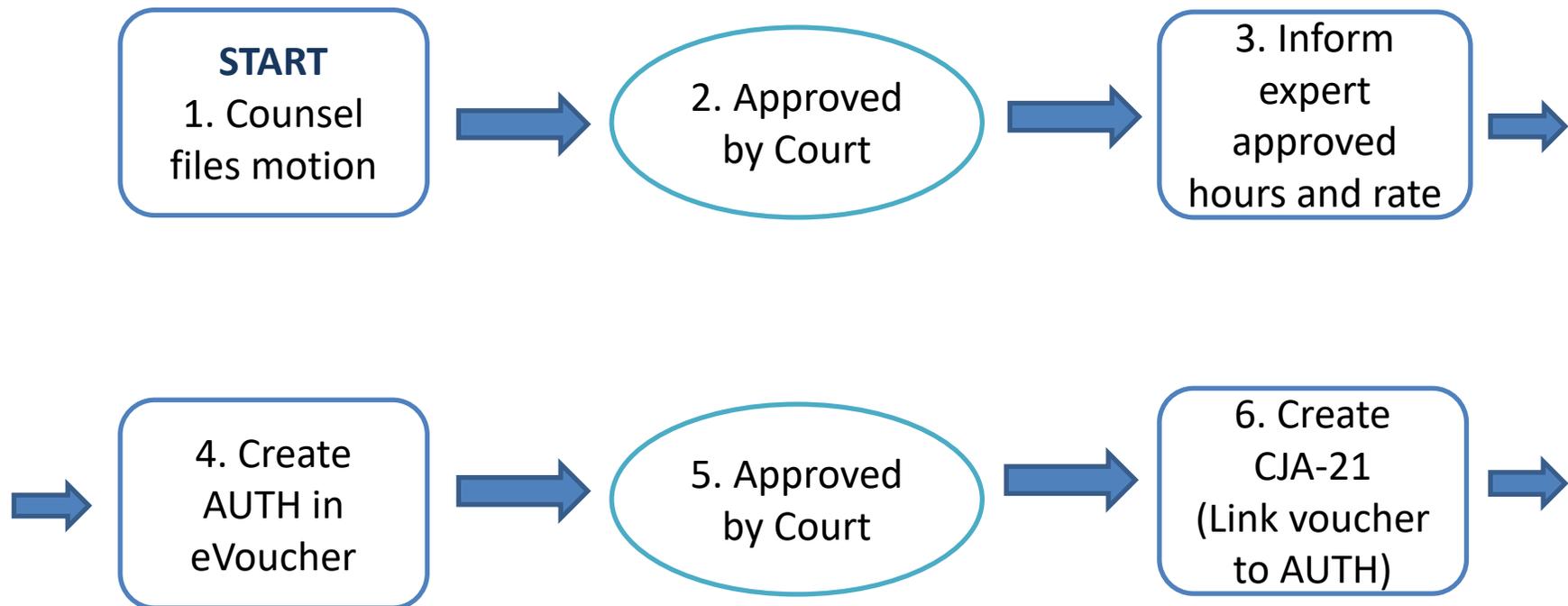
Most Common CJA-21 Billing Issues

- The following issues cause the return of the CJA-21 voucher to counsel, delaying payment to the service provider.
 - Incomplete motions:
 - Lack of information such as rates, budgeted hours and/or amounts, or scope of work.
 - Lack of documents such as *curriculum vitae*.
 - Failure to timely create an authorization AUTH in eVoucher.
 - Failure to “link” the expert’s voucher to an approved AUTH.
 - Missing invoice or invoice lacks wet ink signature.
 - Expert invoice lacks business header, address, telephone number, etc.
 - Amount claimed in voucher or rates exceeds Court’s authorization.
 - Amount/hours claimed in invoice do not match voucher entries.
 - Failure to submit final voucher.
-

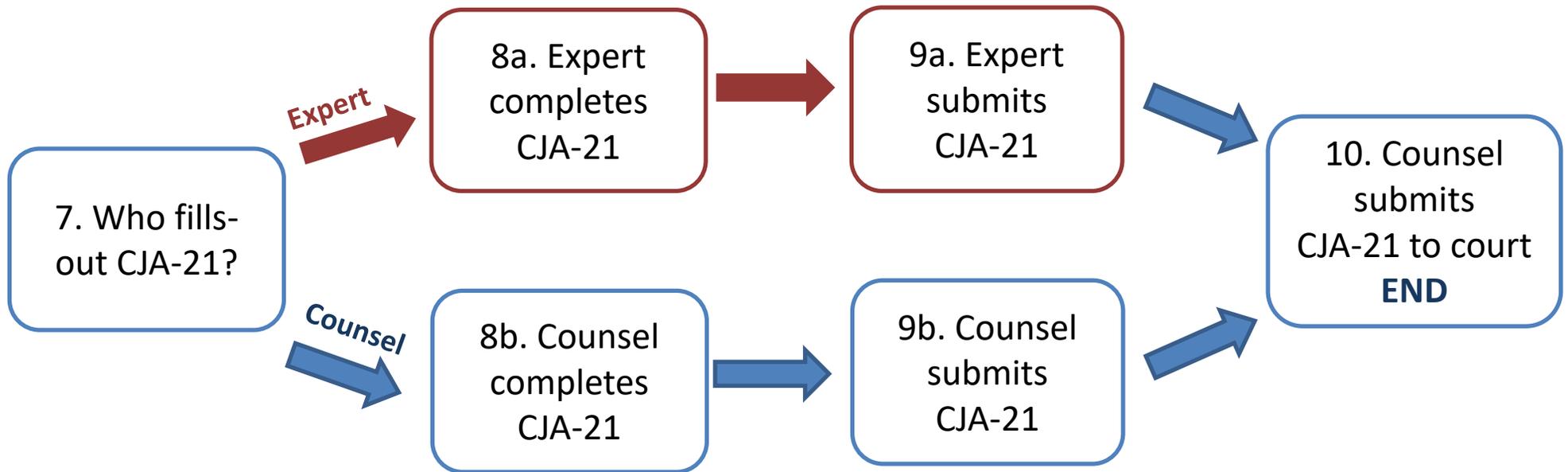
Most Common CJA-21 Billing Issues

- Service entries in eVoucher lacks details or information.
- Time was not invoiced in tenths of an hour.
- Claim Status Page incorrectly filled:
 - Incorrect “Start Date” or “End Date”.
 - Incorrect payment status (interim or final).
 - Interim voucher number is wrong.
- Travel expenses invoiced in the wrong category (Service category).

Process for Creating an AUTH & CJA-21



Process for Creating an AUTH & CJA-21



Billing Issue No. 12

Request for Transcripts and Creation of AUTH-24

Transcripts – CJA 24

- The *Guide*, Vol. 7A, Ch. 3, §320.30
- Cost of transcripts is paid directly to Court Reporters by filing a CJA-24 in the eVoucher System.
- Process for requesting a transcript:
 - File motion to request transcript (**specify if requesting authorization for special delivery**). Most motions lack request for special rate.
 - If requested in open court, the docketed minutes must reflect transcript approval and special rate, if applicable. If the information is not included in the minutes counsel is responsible for filing a motion afterwards.

Transcripts – CJA 24

- Special Rate: 14-day, expedited (7-day), 3-day, Daily (next day).
 - Justification for special delivery shall be provided in the motion or expressed in open court.
- When the court approves the request, counsel shall create an authorization in the eVoucher System (AUTH-24) for court approval.
 - Must include pertinent docket numbers (request/approval).
- Once transcript is delivered (via CM/ECF/email) and the AUTH-24 is approved, the Court Reporter will submit the CJA-24 voucher electronically to counsel for certification.
- Counsel will then certify (“Approve”) that the transcript was delivered as requested.

Transcripts – Maximum Rates

Type	Original	First Copy
Ordinary (30-day)	\$4.40	\$1.10
14-Day	\$5.10	\$1.10
Expedited (7-day)	\$5.85	\$1.10
3-Day	\$6.55	\$1.30
Daily (next day) - A transcript to be delivered on the calendar day following receipt of the order (regardless of whether that calendar day is a weekend or holiday), prior to the normal opening hour of the clerk's office.	\$7.30	\$1.45

Tools for CJA-21 Voucher Creation

- AUTH: Creation for Authorization of Expert Services
- Linking an AUTH to a CJA-21 Voucher
- CJA-21: How to Create an Expert Voucher
- Adding Funds to an Existing AUTH

Tools for CJA-24 Voucher Creation

- AUTH-24: Authorization of Transcript Requests
- Certifying a CJA-24

Useful Links and Resources

- U.S. District Court's Criminal Justice Acts Materials
 - <https://www.prd.uscourts.gov/criminal-justice-act-info>
- Criminal Justice Act Guidelines (the *Guide*)
 - <https://www.uscourts.gov/rules-policies/judiciary-policies/criminal-justice-act-cja-guidelines>
- Defender Services Office, Training Division
 - <https://www.fd.org/>
- Federal Public Defender Office, District of Puerto Rico
 - <https://pr.fd.org/>

Contacts

- For CJA policy matters and travel outside jurisdiction:
 - Mayra Meléndez, CJA Coordinator (787)772-3057 or email Mayra_Melendez@prd.uscourts.gov
PRDdb_CJA@prd.uscourts.gov

- For eVoucher System technical issues and voucher audit matters:
 - Geraldine Fernández, CJA Specialist (787)772-3015 or email Geraldine_Fernandez@prd.uscourts.gov
PRDdb_CJA@prd.uscourts.gov

- For CJA Panel Membership & Mentoring Program:
 - Carmen Serrano, Assistant to Chief Deputy Clerk (787)772-3016 or email Carmen_Serrano@prd.uscourts.gov