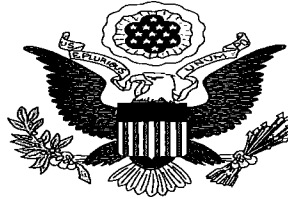



UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO



To: All Criminal Justice Act ("CJA") Panel Attorneys

CC: U.S. District Judges
U.S. Magistrate Judges

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

Date: June 12, 2012

Subject: **Court Adopting Judicial Council for the First Circuit's Criminal Justice Act Cost Containment Measures**

On May 11, 2012, the Chief Judge of United States Court for the First Circuit, Honorable Sandra Lynch, issued a memorandum to all District Courts within the Circuit informing them of a series of recommendations made by the CJA Cost Containment Committee and subsequently approved by the Judicial Council of the First Circuit ("Council") during its May 2012 meeting. Furthermore, a series of steps were approved by the Council, among which includes the implementation by District Court of several cost-saving measures. Some of the adopted measures are to be implemented by June 15, 2012 and others by August 31, 2012.

During the past several months, due in large part to the number of multi-defendants criminal case filings in our jurisdictions and the high costs of prosecutions, the District Court of Puerto Rico has adopted a series of fiscal measures geared to comply with CJA Guidelines and budgetary restrictions.

In accordance with the requirements set forth by the Council, the following measures are either implemented or reiterated. CJA Panel Attorneys are to take notice that:

1. Reimbursement for PACER charges in CJA appointed cases is strictly prohibited. The Court reminds all CJA appointed counsel that PACER is available free of charge to panel attorneys. See generally Administrative Office Memorandum, Exemption for Attorneys Appointed Under the Criminal Justice Act, May 17, 2002.

2. The Court hereby adopts the Office of Defender Services (ODS) recent interpretation of 18 U.S.C. § 3006A(e)(2)(A), which grants authority for counsel to obtain investigative, expert, or other services up to a certain monetary limitation (currently \$800) without prior judicial authorization. The \$800 limitation applies per case, (i.e., a total of \$800 per case may be spent without prior judicial approval) rather than per category of service (i.e., separate \$800 limits for interpreters, investigators, etc.). Thus, CJA counsel must track the cumulative expenses of all service providers to know when the \$800 threshold might be exceeded and that prior judicial authorization is required. Fees expended on services with prior authorization do not count towards the "\$800 without prior authorization" limit. Once the "\$800 without prior authorization" limit is reached, prior Court authorization is required, unless it is waived by the presiding judge upon a finding that in the interest of justice, timely procurement of necessary services could not await prior authorization.

3. Billing for paralegal and law student time must be done on a Form CJA 21, as recommended by ODS. See National CJA On-line Reference Tool, available at <http://www.uscourts.gov/uscourts/cjaort/services.html>.

4. The Court will strictly enforce CJA Guidelines, §§ 230.53 (Compensation of Co-Counsel), 210.20.30(Ancillary Matters), and 230.73 (Interim Payments to Counsel).

5. Absent a motion showing good cause for earlier payment, the Court will enforce CJA Guidelines, § 230.56 (Substitution of Counsel)("If an attorney is substituted for an attorney previously appointed for a defendant... the total compensation paid to both attorneys may not exceed the statutory maximum for one defendant, unless the case involves extended or complex representation. In such cases, vouchers for attorney's services will not be approved ... until the conclusion of the trial so that the judicial officer may make such apportionment between the attorneys as may be just.>").

6. Where an interim voucher to be paid, the Court will withhold 20% on all interim vouchers to ensure that the total bill does not exceed the statutory maximum compensation. See CJA Guidelines, § 230.73.10, Appx 2C (Procedures for Interim Payments to Counsel in Non-Death Penalty Cases).

7. The CJA Committee shall review and propose to the Court amendments to its CJA Plan, in order to incorporate case budgeting rules and procedures.

8. The Court will continue to collaborate with the United States Attorney's Office to secure compliance with the new Recommendations for the Production of Electronic Discovery, intended to facilitate the management of electronic discovery and reduce electronic discovery disputes. See Administrative Office Memorandum Re: Recommendations for Electronically Stored Information (ESI) Discovery in Criminal Cases, February 15, 2012 (encouraging USAOs to provide discovery to CJA panel attorneys and their clients in an accessible and cost-effective manner).

9. The Court hereby amends its March 12, 2012 "New Criminal Justice Act Billing Policy for Review of Notices of Electronic Filings (NEF's) in Mega Cases" Policy, in order to extend application of its three-tier NEF's billing system to all cases with 2 or more defendants.

The policies adopted herein supersede all prior memorandums issued by the Court that address these particular matters. Further, the policies discussed above shall take effect immediately, for which all CJA vouchers filed in or after the date of this notice will be reviewed under these terms. Any questions regarding the policies adopted herein should be directed to CJA Clerk Mayra Melendez at the Office of the Clerk of Court by telephone at 787-772-3057 or by email at prddb_cja@prd.uscourts.gov.