

United States District Court Southern District of New York

eVoucher Guidelines

Scope: The following document presents guidelines for the CJA eVoucher System.

Contact: Questions may be directed to the CJA Administrator.

I. Purpose and Goal of the eVoucher System

The eVoucher System is an electronic vouchering system used to manage and maintain appointments and payments to attorneys and expert and other providers under the Criminal Justice Act. eVoucher enables the attorney, judge, and court staff to monitor the cost of each representation. Beginning on February 1, 2016, CJA providers will be required to electronically submit time and expense documents [evouchers] for compensation through the eVoucher System in conformity with the CJA Guidelines, local District and Circuit policies, and the Federal Rules of Criminal Procedures.

II. eVoucher Process

All users will receive a username and password once they provide an **Attorney/Expert Acknowledgment Form**. This user name and password will serve as the user's electronic signature, allowing him or her to securely log into the eVoucher System, enter payment data and upload related documents electronically. A user is responsible for ensuring the accuracy of all user information such as tax identification number, street address, email address, and telephone number. Each user will be responsible for protecting and securing the password against unauthorized use. The user must immediately notify the Clerk of Court, in writing, of any suspected breach of security. All users are bound by the CJA Guidelines, policies of the Southern District of New York and the Second Circuit Court of Appeals.

Upon the appointment to a case, the attorney will receive an email including a link to the eVoucher System. If the attorney applies for authorization of expert or other services, he/she will receive an email advising as to whether the services were approved, and if so, advising him/her that he/she must create an evoucher for the expert or other provider. See Part V below for further instructions.

United States District Court Southern District of New York

eVoucher Guidelines

III. Transition Period to the eVoucher System

A) All vouchers submitted on or after February 1, 2016 must be submitted through the eVoucher System.

B) Interim Payments

1) New applications to submit interim vouchers will not be accepted between December 28, 2015 and January 31, 2016.

2) All authorized paper interim vouchers submitted on or after December 28, 2015 will be processed as final interim payments.

3) Providers already authorized to submit interim vouchers must submit a final paper interim voucher no later than January 15, 2016.

4) Once the final paper interim voucher is submitted, the provider will not be permitted to submit an interim voucher until the final paper interim voucher is paid. Upon payment, the provider can again begin submitting interim evouchers according to the section on “Interim Billing” in these guidelines.

IV. Obtaining Authorizations for Expert Services, Transcripts, and Travel Requests

The CJA attorney is required to create and submit all authorizations.

A) Expert Services

Attorneys must request expert services through the eVoucher System by completing an “Auth” form from the corresponding appointment.

1) The attorney must provide a brief justification in the description box of the Auth form; and

2) Complete and attach a **Memorandum for Expert Services Form** to the document section of the Auth form.

3) Email notifications will be sent to the attorney regarding the status of the application.

B) Transcripts

To request authorization to order a transcript, the attorney must submit an Auth 24 form through the eVoucher System. Email notification will be sent to the attorney regarding

United States District Court Southern District of New York

eVoucher Guidelines

the status of the application. Upon court approval, the attorney can order the transcript from the court reporter (or, if a proceeding before a Magistrate Judge was recorded on electronic media, through the Records Management Unit).

C) Travel

For travel requiring air, rail or car travel over 150 miles, as well as hotel and/or meal expenses, the attorney must obtain a travel authorization by executing a Travel form for each traveler through the eVoucher System. The attorney will be prompted for an estimate for all travel expenses before submitting the application. (The eVoucher System has a link to the per diem rates posted at GSA.gov for the attorney to review. The attorney must also contact National Travel Services (“NTS”) (800) 445-0668 for a quote for the transportation.) If travel is approved, the traveler contacts NTS to make the arrangements. NTS will charge the air/train transportation to the Court but the traveler will be responsible for the hotel, car rental, and meals which can be reimbursed on the traveler’s evoucher as long as the traveler provides receipts.

V. Creating evouchers

The CJA attorney is required to create all CJA evouchers with the exception of associate vouchers (discussed under the Associate Compensation heading below).

A) CJA 21, 31, and 24 evouchers

Upon notification of authorization for an expert or transcript, the **attorney must create the CJA 21/31 or 24 evoucher for the expert or court reporter**. (If the name of the expert or court reporter does not display in the drop down list, direct the expert or court reporter to the Court’s website to complete and email an Expert/Court Reporter Acknowledgment Form and W-9 to the CJA clerk. The provider will receive an email once access is granted by the CJA clerk.) Once the evoucher is created, the expert or court reporter will have access to bill for services or transcripts through the eVoucher System.

B) CJA 20 and 30 evouchers

United States District Court Southern District of New York

eVoucher Guidelines

At any time after appointment, the attorney can keep contemporaneous time records on the eVoucher System by creating a CJA 20 or 30 eVoucher without submitting the evoucher to the Court until the representation is complete.

VI. Associate Compensation

CJA attorneys must abide by the CJA Plan and Second Circuit CJA policy before utilizing associate counsel. The CJA attorney must provide the CJA clerk with the name of each associate and his/her corresponding hourly rate, and if required, an order authorizing associate work. The CJA attorney can only claim associate time utilizing the associate eVoucher login associated with the representation, which will be provided by the CJA clerk. The CJA attorney will receive an email notification from the eVoucher System indicating the CJA clerk has created the associate representation. Since multiple attorneys are not permitted to bill on the same evoucher; each attorney must submit a separate evoucher; multiple associates on the same representation will require separate logins and evouchers, but all payments will issue under the CJA attorney's billing information. The CJA attorney must review and submit the evoucher for the associate time at the time the CJA attorney submits his/her evoucher.

VII. Entering Billing Data

A) Description of Services and Expenses

Each date of service and expense must be separately itemized in eVoucher with a detailed description of service or expense sufficient to enable the judicial officer to determine the reasonableness of the claim and/or charge. Sufficient compensation descriptions include information researched, discovery reviewed along with page numbers, and materials drafted. Sufficient expense descriptions include the type of document and number of pages copied, name of toll, or train service line. When claiming travel time, the provider must indicate a start and end time as well as addresses for the starting and ending point.

Attorneys and/or expert service providers are urged to visit more than one client when traveling to a facility. In doing so, the travel time and expenses are considered time spent in common. Attorneys must prorate their time between the clients but may only bill the travel expenses to one client. Expert service providers have the option of prorating or

United States District Court Southern District of New York

eVoucher Guidelines

billing the time to one client. Attorneys/expert service providers are required to reference the cases when submitting each voucher by uploading a **Time Spent in Common Form** to the document section of eVoucher.

B) Supporting Documentation for Expenses

Cumulative expenses totaling \$50 or more require a bill or a detailed receipt which must be uploaded to the documents section of the evoucher. A credit card receipt that does not itemize each item is insufficient documentation.

VIII. Voucher Submission

A) Attorney's Requirement

The CJA attorney is required to submit all evouchers, with the exception of associate vouchers, as outlined above.

1) Expert Service Provider- CJA 21 or 31 evouchers

When the expert service provider submits his/her evoucher, the attorney will receive notification to review it via the eVoucher System. If, after thorough review, the CJA attorney finds the expert's evoucher to be satisfactory, the attorney electronically submits the evoucher to the court for consideration. If the provider exceeded the authorized amount, the attorney will not be able to submit the evoucher; instead the attorney must submit an Auth form requesting any additional money. The evoucher can be submitted upon final determination of the additional request.

If a non-local interpreter is seeking reimbursement for travel expenses, an **Interpreter Travel Form** must be uploaded to the documents section of the CJA 21 or 31 evoucher by the attorney.

2) Court Reporter/Transcriber- CJA 24 evouchers

When the court reporter/transcriber submits his/her evoucher, the attorney will receive notification from the eVoucher System. If, after thorough review, the CJA attorney finds the reporter/transcriber voucher to be satisfactory, the attorney electronically submits the evoucher to the court for consideration.

United States District Court Southern District of New York

eVoucher Guidelines

3) Attorneys- CJA 20 or 30 evouchers

As mentioned in the Associate Compensation section of these guidelines, the CJA attorney must submit his/her evoucher when submitting an evoucher for associate time. Both the attorney and associate must bill at the same time and for the same time period. The CJA attorney must include the amounts claimed by the associate. For example, for a matter where the CJA attorney's claim is \$8,000 and the associate's claim is \$8,000, on the CJA attorney's evoucher. The evoucher must be submitted within 45 days of the attorney's completion of the matter. If the evoucher is past 45 days, the attorney must upload an affirmation explaining why the evoucher was not submitted in a timely fashion.

B) Interim Billing

According to the CJA Guidelines, interim billing may be permitted by the presiding judicial officer when necessary and appropriate in representations deemed extended or complex which may present a financial hardship on the provider. Written approval from the presiding judicial officer is required before the submission of an interim evoucher. For attorney interim evouchers, the attorney must write to the presiding judge, and for expert service provider interim evouchers, the attorney must indicate such request on the Memorandum for Expert Services Form attached to the Auth form when initially requesting the expert service. Such approval must be attached to the documents section of each interim evoucher. Failure to obtain or attach such approval will result in a rejected evoucher.

1) Approved Interim Vouchers

a.) Attorneys may only submit an evoucher if it is greater than \$5,000, or a final interim evoucher.

b.) Expert Service Providers may only submit an evoucher if it is greater than \$3,500, or a final interim evoucher.

2) Interim Withholding

United States District Court Southern District of New York

eVoucher Guidelines

The court will not withhold 20% on CJA 20 and 21 interim evouchers. Interim evouchers exceeding the case maximum will require Circuit approval.

C) evouchers Exceeding the Case Maximum

Any evoucher, including interim evouchers, exceeding the case maximum established under the CJA must have a CJA 26 statement uploaded to the document section of the voucher. The evoucher must be approved by a Circuit judicial officer after approval of the presiding District judicial officer. Upon approval of the presiding District judicial officer, the evoucher will be sent electronically to the Second Circuit for additional approval. The provider may be contacted for additional documentation/clarification at any time during the approval process. When an evoucher is sent to the Circuit in accordance with the CJA guidelines, the CJA Clerk will attach a report to the evoucher detailing the cost of the case.

D) Budgeted Cases

- 1) All death eligible cases must be budgeted. Upon appointment to a death eligible case, the attorney must contact the Circuit Case Budgeting Attorney to begin the budget process.
- 2) All other cases will be considered for budgeting on a case-by-case basis. In cases where an attorney anticipates that a matter will require over 300 hours or that total expenditures will exceed 300 times the prevailing CJA Panel attorney non-capital hourly rate, rounded up to the nearest thousand, for appointed counsel and services other than counsel for an individual CJA defendant, the attorney must contact the Circuit Case Budgeting Attorney; failure to do so may prevent the attorney from being compensated above the established limit.
- 3) The approved budget must be uploaded to the documents section of eVoucher before the CJA attorney submits the evoucher.