INSTRUCTIONS FOR CJA FORM 21

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AUTHORIZATION AND VOUCHER FOR EXPERT AND OTHER SERVICES

Read these instructions carefully before completing the form. Accuracy and thoroughness will aid in the prompt payment of the claim. Please type or print clearly in blue or black ink. If the form is system-generated, Items 1 through 12 and 14 will be preprinted on the form. Attach an itemized statement specifying the date and a description of the services provided, expenses incurred, and number of hours claimed for each service provided. For additional guidance, see the Guidelines for Administering the CJA and Related Statutes (CJA Guidelines), Volume 7A, *Guide to Judiciary Policy*, which is available at www.uscourts.gov.

All payments made pursuant to this claim are subject to post-audit. Any overpayments are subject to collection, including deduction of amounts due from future vouchers. Contemporaneous time and attendance records, as well as expense records, must be retained for three years after approval of the final voucher in a representation (CJA Guidelines § 320.90).

Service providers should review their vouchers to ensure that they do not contain errors, duplicate payment claims, or other improper charges. They should also review their billing practices to ensure that claims are appropriate.

Refer to 18 U.S.C. § 3006A(e)(1) and § 310.30 of the CJA Guidelines on making *ex parte* applications for services other than counsel.

NOTE: Prior authorization from the presiding judicial officer must be secured for all investigative, expert, or other services where the total combined costs (excluding reimbursement for reasonable expenses) will exceed the limitations set forth in § 310.20.30 of the CJA Guidelines. Amounts for services obtained with prior authorization are not included in the § 310.20.30 limitation. Failure to obtain prior authorization will result in the disallowance of any amount claimed for compensation in excess of the limitation set forth at § 310.20.30 of the CJA Guidelines, unless the presiding judicial officer finds that, in the interest of justice, timely procurement of necessary services could not await prior authorization. See 18 U.S.C. § 3006A(e) and CJA Guidelines § 310.20.20.

Compensation may not exceed the limitation set forth at § 310.20.10 of the CJA Guidelines, excluding reasonable expenses, unless the excess amount is certified by the presiding judicial officer as necessary to provide fair compensation for services of an unusual character or duration, and the amount exceeding the statutory limit is approved by the chief judge of the court of appeals (or active appeals court judge to whom the chief judge has delegated excess compensation authority). See 18 U.S.C. § 3006A(e) and CJA Guidelines § 310.20.

Where compensation is claimed on a voucher for time spent in common on more than one CJA representation, the compensation will be applied to the pre-authorized and case compensation maximum amounts for the representation on that voucher. See CJA Guidelines § 310.65.40.

If prior authorization is obtained for investigative, expert or other services and later it is determined that the cost of the service will exceed the initial estimate by a significant amount, you should seek, from the presiding judicial officer, further prior authorization for the additional amount.

Item 1. **CIR./DIST./DIV. CODE**: This four-character location code is the circuit or district and divisional office codes of the court where the proceedings for the person represented are held. These codes are entered automatically by the payment system or manually by court staff.

Item 2. **PERSON REPRESENTED**: Give the full name of the person whom you were appointed to represent.

Items 3-6. **DOCKET NUMBERS**: Provide the case number or miscellaneous number assigned by the court. Enter the number using the last two digits of the calendar year (YY), the sequential number assigned by the court (NNNNNN), and the defendant number (DDD), as shown on the indictment or charging document. Thus, the format of the docket number is YY-NNNNNN-DDD. **Note:** See Item 16a instructions with respect to options for claiming compensation when time is spent in common for more than one CJA representation.

Item 7. **IN CASE/MATTER OF (CASE NAME):** In criminal cases, enter *U.S. vs. Defendant's Name*. If it is a multiple defendant case, give the case cite as provided on the indictment or information (e.g., *U. S. vs. Lead Defendant's Name, et al*). If the person represented is not a defendant (e.g., material witness), enter the first named defendant in the court's recording of the case. If this is a civil case (e.g., habeas corpus), enter the *Name of the Petitioner vs. the Name of the Respondent* and include the respondent's title. If other than a criminal or civil case (i.e., miscellaneous matters), enter *"In the matter of"* followed by the *Name of the Person Represented*.

Item 8. **PAYMENT CATEGORY:** Check the appropriate box that identifies the offense class for the representation in which the expert or other services are requested. If "Other" payment category is checked, specify the category within the scope of the CJA.

Item 9. **TYPE OF PERSON REPRESENTED**: Check the box that defines the legal status of the person represented.

Item 10. **REPRESENTATION TYPE:** From the list below, select the code that describes the type of representation:

CC A defendant charged in a criminal case with an offense(s) that is a felony, misdemeanor, or petty offense under the United States Code, or an assimilated crime under a state code including ancillary

matters.
NT A new trial either directed from the court of appeals on remand or as a result of a mistrial
MA Motion attacking a sentence (28 U.S.C. § 2255)
MC Motion to correct or reduce sentence (Fed. R. Crim. P. 35)
HC Habeas Corpus, non-capital (28 U.S.C. § 2254)
BP Bail Presentment
WI Material Witness (in custody)
WW Witnesses (Grand Jury, a Court, the Congress, a Federal Agency, etc.)
PR Probation Revocation
PA Parole Revocation
SR Supervised Release Hearing
EW Extraordinary Writs (Prohibition, Mandamus)
CH Mental Competency Hearings (See Chapter 313 of Title 18 U.S.Code)
PT Pretrial Diversion
EX Extradition Cases (Foreign) (See Chapter 209 of Title 18 U.S. Code)
OT Other types (e.g., line ups, consultations, prisoner transfer, etc.)
TD Appeal of a Trial Disposition
CA Other Types of Appeals
AP Appeal From a Magistrate Case to District Court
CF Civil Asset Forfeiture (18 U.S.C. § 983(b)(1))
AF Appeal of Civil Asset Forfeiture (18 U.S.C. § 983(b)(1))
HA Habeas Appeal (28 U.S.C. § 2254)
JU Juror Employment Issue (28 U.S.C. § 1875(d)(1))
ML Malpractice Representation (18 U.S.C. § 3006A(d)(1))
PL Parole Appeal (18 U.S.C. § 4106A)
SC Supreme Court

FOR DEATH PENALTY CASES, USE THE CJA FORM 31 AND THE APPLICABLE TYPE OF REPRESENTATION CODE.

Item 11. **OFFENSE(S) CHARGED:**Cite the U. S. Code, title and section, or other code citation of the offense or offenses (list up to five) with which the person represented is charged. If other than a federal code is cited, state the maximum period of confinement authorized for the offense. If a civil matter, such as a habeas corpus representation or a motion attacking sentence, cite 28 U.S.C. § 2254 or 28 U.S.C. § 2255, respectively. For direct appeals from a trial disposition, cite the major offense (U.S. Code, title and section) at case disposition.

Item 12. **ATTORNEY'S STATEMENT, NAME AND MAILING ADDRESS:** Check the appropriate box to indicate whether the request is for authorization to obtain services, or for approval of services already provided. (Note that prior authorization is required for compensation of all services in excess of the limitation set forth at § 310.20.30 of the CJA Guidelines. See 18 U.S.C. § 3006A(e) and CJA Guidelines § 310.20). Indicate the estimated cost of the services requested. Note the basis for compensation (e.g., hourly rates, daily rates, fixed fee). This statement must be signed and dated by counsel for the person represented (or by the person proceeding *pro se*). Check the appropriate box to designate the appointed attorney's status as a panel attorney, retained attorney, attorney for a legal organization (bar association, legal aid agency, or community defender organization not receiving a periodic sustaining grant under the CJA), or as a person who qualifies for representation under the CJA but has chosen to proceed *pro se*.

Give the complete legal name of the attorney appointed to represent the person whose name is shown in Item 2. Provide the mailing address and telephone number of the attorney.

Item 13. **DESCRIPTION OF AND JUSTIFICATION FOR SERVICES:** Briefly, describe the nature of the services requested and the reason services are necessary to provide adequate representation.

Procedures for Requesting Psychiatric and Psychological Services.

If this is a request for an examination by a psychiatrist or psychologist, state specifically the purpose of the examination. If the examination is ordered pursuant to a statute, cite the statute (U.S. Code, title and section).

The payment procedures for psychiatric and psychological examinations are outlined below. For further information, refer to to CJA Guidelines § 320.20.

1. If this is a court-ordered examination to determine, exclusively, the mental condition as set forth in 18 U.S.C. §§ 4241-4246, DO NOT USE THIS FORM, regardless of who requested the examination. Examinations conducted pursuant to these statutes are considered "non-defense" purpose examinations. The costs are paid by the Department of Justice, and claims for the examinations should be submitted to the U.S. Attorney. See CJA Guidelines § 320.20.40(b).
2. If this is an examination exclusively for a "defense" purpose (where the person represented selects the expert and controls disclosure of the report), USE THIS FORM. The court order executed in Item 15 is sufficient for this purpose.
3. If this is a "dual purpose" examination for a "non-defense" and a "defense" purpose, USE THIS FORM. For the convenience of the expert, the CJA will pay the expert the total amount approved and obtain reimbursement from the Department of Justice for one-half of the total amount approved. In order for the CJA to obtain this reimbursement, a separate court order authorizing the examination must be attached to the voucher when it is submitted for payment. This order should indicate: (1) who requested the examination; (2) the specific purposes(s) of the examination; (3) to whom the report of the examination is directed; and (4) to whom copies of the report are to be given. This separate order is in addition to the court order at Item 15, which also must be signed and dated by the presiding judicial officer. See CJA Guidelines § 320.20.50.
4. If this is a dual purpose examination for two "non-defense" purposes (e.g., evaluation of competency to stand trial under 18 U.S.C. § 4241 and evaluation of sanity at the time of the offense under 18 U.S.C. § 4242), DO NOT USE THIS FORM. Submit the entire claim to the U.S.

Attorney for payment. See CJA Guidelines § 320.20.50(c).

For more guidance on the payment procedures for psychiatric and psychological examination, see CJA Guidelines § 320.20.60 summary chart titled: "Responsibility for Payment of Psychiatric and Related Expert Services."

Item 14. **TYPE OF SERVICE PROVIDER:** Check the box which identifies the type of service provider requested. If you check the box "Other," be sure to specify the type of service provider. If computer assisted legal research (CALR) is to be checked, refer to § 320.60 of the CJA Guidelines for an explanation of the criteria and procedures for approval of CALR as a necessary service under the CJA. If Computer (Hardware/Software/Systems) or Litigation Support Services is to be checked, refer to § 320.70.40 of the CJA Guidelines. Litigation support services are those from vendors who provide hosting, document and evidence review and organization, and other similar document management services, as distinct from "computer forensics experts," who serve as consulting and/or testifying experts on issues related to the substantive defense of a case.

Item 15. **COURT ORDER:** This court order must be signed and dated by the presiding judicial officer. An additional court order is not necessary except for certain psychiatric and psychological examinations as explained in the instructions for Item 13. Indicate whether repayment of the cost for these services (either full or partial) was ordered by the court from the person represented by checking "Yes" or "No".

Item 16. **CLAIM FOR SERVICES AND EXPENSES:**

COMPENSATION (16a): Enter the total amount claimed for professional services rendered. On an attachment to the voucher, describe in detail the services provided, including dates of service and the amount of time spent (in hours and tenths of hours). State the basis for the fee claimed (e.g., hourly rate, daily rate, fixed fee).

CJA Guidelines § 310.65 provides information regarding the proration of claims.

Time Spent in Common with Other CJA Representations

If services were provided for more than one CJA representation, the time spent in common, including travel time, must be represented on the voucher forms by: (a) prorating the service time among the representations on separate vouchers; or (b) billing the entire service time on a voucher pertaining to one of the representations. (See Items 16b and 16c for procedure that expenses incurred in common must be billed to one of the representations.) Time "spent in common" includes work performed simultaneously or within the same unit of time, or expenses incurred, for more than one representation (e.g., travel for more than one client). Double billing of time (or expenses) is prohibited (e.g., billing the same travel time or expenses to more than one representation). See CJA Guidelines § 310.65.10(a) and (b).

(A "CJA representation" is one in which the attorney is (a) a federal public or community defender providing representation under the CJA or related statutes, or (b) a CJA panel attorney or other attorney or entity authorized to obtain services for a particular representation under the CJA or related statutes. Reference to a "voucher" includes invoices submitted to a federal public or community defender organization for work performed for that entity. See CJA Guidelines § 310.65.10(c).)

Proration of time among CJA representations must not result in a service provider billing a larger amount than would have been billed had the service provider assigned all of the time to one voucher. See CJA Guidelines § 310.65.30. For example, a service provider who spends a tenth of an hour (currently the lowest unit of time) in common with more than one CJA representation should assign the one-tenth hour to one of the vouchers. Thus, proration could result in time not being billed for each representation for which time was spent in common.

Cross-Referencing Representations for Time Spent in Common

Whenever a service provider submits a voucher that includes time spent in common and prorates that time, each CJA representation must be cross-referenced on the supporting documentation to each voucher. If the time is billed to one representation, the other representations must be cross-referenced on the supporting documentation to that voucher. However, to ensure that an appointed attorney does not receive inappropriate information as to another attorney's use of the service provider, the CJA representations that are cross-referenced should not be identified by name and case number if the work was performed for an attorney other than the one who will be certifying the voucher, although the number of other representations should be listed. See CJA Guidelines §§ 310.65.10(a) and 310.65.20(a).

After the attorney certifies the service provider's voucher, the service provider, upon the request of the court's designated CJA voucher review personnel, must provide the name, case number, and any other identifying information for such representations. See CJA Guidelines § 310.65.20(b).

Time Spent in Common with Non-CJA Representations

If the service provider is billing under the CJA for time or expenses, including travel, that were spent in common for a purpose other than a CJA representation, the service provider must report such information to the court and explain the rationale for invoicing all or part of the time under the CJA as provided by § 310.65.50 of the CJA Guidelines so that the court can determine whether, in fairness to the provider, the time or expenses should be apportioned and the provider compensated for the time reasonably attributable to the CJA. Note: There is no apportionment between a contract court interpreter's work for a court unit and the CJA. See CJA Guidelines § 320.15.30.

Additional Instructions for Interpreters

CJA Guidelines § 320.15 provides specific information with respect to the billing of interpreter services. Interpreters are responsible for understanding the compensation structure for interpreting services provided for a CJA representation (including travel time and expenses, if any) in each district or court location and for billing accordingly.

Contract court interpreters must not bill or receive funds from any other federal court unit, federal public or community defender organization, or other attorneys or entities obtaining interpreting services under the CJA or related statutes for any services rendered during the same half- or full-day, hourly period, or other unit of time for which the contract court interpreter is being compensated pursuant to the court interpreter services contract. See Guide to Judiciary Policy, Vol. 5, § 220.30.20. Thus, an interpreter retained by the court under the court contract for a one-half or full-day period may not bill the CJA for any work performed during that same half-day or full-day period even if the court no longer requires the interpreter's services. See CJA Guidelines § 320.15.30(a).

An interpreter billing on a half- or full-day rate basis, hourly basis, or other unit of time under the CJA must not charge any other federal court unit, federal public defender, community defender, CJA panel attorney, or other person or entity otherwise authorized by the court to obtain the services of an interpreter under the CJA or related statutes for any services rendered within the same time period. It is permissible to prorate compensation among more than one CJA representation (but expenses must be invoiced to one CJA representation) or to apportion compensation, including expenses, between a CJA representation and a non-CJA purpose (not including a federal court unit). See CJA Guidelines § 320.15.30(b).

When an interpreter is invoicing under the CJA on a half-day rate basis and works one half-day for a court unit and another half-day for a CJA representation, or is invoicing two separate half-days for different CJA representations, then the first half-day should be billed at the half-day rate and the second at the difference between the half-day and full-day rates, unless otherwise negotiated. See CJA Guidelines § 320.15.30(c).

Interpreters must submit the following information with each voucher: (a) the times of day for which services are being billed; and (b) the number of other vouchers or claims submitted, or to be submitted, for interpreting services provided on the same date for a CJA representation or for a federal court unit, and times of service applicable to the other vouchers or claims.

TRAVEL EXPENSES (16b): Travel related expenses that are incidental to the representation (e.g., transportation, lodging, meals, car rental, parking, bridge, road and tunnel tolls) must be itemized on a separate sheet indicating the dates the expense was incurred. Attach supporting documentation (e.g., receipts, canceled checks) for all travel expenses. Travel expenses by privately owned automobile, motorcycle, or aircraft should be claimed at the rate in effect for federal employees at the time of travel. Claims for mileage reimbursement must include the starting location, the destination, and the number of miles traveled. For overnight travel, reasonable expenses for lodging and meals will be reimbursed on an actual expense basis; per diem is not allowed. Service providers are limited to the travel and subsistence expenses of federal employees. The clerk of court can advise you of applicable rates and federal government travel regulations. See CJA Guidelines §§ 230.46, 230.60, and 230.63.40.

When a service provider travels in connection with more than one CJA representation, the travel expenses must be billed to one representation. See CJA Guidelines § 310.65.10(b).

See Item 16a instructions with respect to cross-referencing the representations.

See Item 16a instructions regarding the billing of travel expenses incurred in common for a purpose other than a CJA representation.

OTHER EXPENSES (Item 16c): Itemize all reimbursable out-of-pocket expenses incidental to the services provided. Provide dates and a brief description of the expense. Submit supporting documentation (receipts, canceled checks, paid invoice, etc.) for single item expenses in excess of $50. Do not include general office overhead (e.g., rent, telephone services, secretarial services) as reimbursable expenses.

When a service provider incurs expenses in connection with more than one CJA representation, the expenses must be billed to one representation. See CJA Guidelines § 310.65.10(b).

See Item 16a instructions with respect to cross-referencing the representations

See Item 16a instructions regarding the billing of expenses incurred in common for a purpose other than a CJA representation.

The columns provided "**FOR COURT USE ONLY**" will reflect any mathematical or technical adjustments to the claim during judicial approval or required additional review of the chief judge of the court of appeals (or delegate).

In determining reasonable and allowable expenses of persons furnishing investigative, expert or other services, claimants and the court should be guided by the provisions of CJA Guidelines §§ 230.63, 230.66, and 320.80.

Item 17.

PAYEE'S NAME AND MAILING ADDRESS, TAXPAYER IDENTIFICATION NUMBER (TIN), CLAIMANT'S CERTIFICATION AND CLAIM STATUS: Provide the complete name and address of the payee (claimant). The claimant must certify dates covered in the claim for payment by indicating the date range for services rendered.

Check the box to indicate the status of the claim as: (1) final payment for the services, (2) an interim payment, or (3) a supplemental payment (an additional claim submitted after a the final payment). If this is an interim payment, indicate the interim payment number. The claimant or payee must sign and date the payment certification statement prior to submitting the claim to the attorney for certification that services were rendered and received. Provide the Taxpayer Identification Number (TIN) to report these earnings to the IRS.

Item 18. **CERTIFICATION OF ATTORNEY:** This section must be completed by the attorney appointed to provide representation, a retained attorney whose client is unable to afford the cost of service requested, or by a person proceeding *pro se* under the CJA.

Items 19-22. **APPROVED FOR PAYMENT:** The court will review, for reasonableness and compliance with the *CJA Guidelines*, every claim for compensation of services rendered and any claim for reimbursement of expenses incurred. The presiding judicial officer will indicate the amount approved for payment in each of the payment categories (Items 19-21). These amounts will reflect any mathematical or technical adjustments made to the claim.

The **"TOTAL AMOUNT APPROVED/CERTIFIED"** (Item 22) is the amount approved for payment of the claim, less any amounts to be withheld in accordance with an interim payment order. Upon preliminary approval of a claim for more than the limitation set forth at § 310.20.10 of the CJA Guidelines, not including expenses, the presiding judicial officer will: (1) signify approval by circling the word "cert" (for certified) and indicate the amount approved in Item 22; and (2) forward the claim to the chief judge of the court of appeals (or delegate) for additional review and approval of the excess amount.

Item 23. **SIGNATURE OF THE PRESIDING JUDICIAL OFFICER:** The presiding judicial officer must check the appropriate box to indicate: (1) either the cost, excluding expenses, does not exceed the limitation set forth at § 310.20.30 of the CJA Guidelines, or prior authorization was obtained; or (2) the cost, excluding expenses, exceeds the limitation set forth at § 310.20.30 of the CJA Guidelines and prior authorization was not obtained, but in the interest of justice, the court finds that timely procurement of these services could not await prior authorization. The presiding judicial officer must sign and date Item 23 indicating approval/certification of the amount indicated in Item 22. The court will provide the judge code. See 18 U.S.C. § 3006A(e) and CJA Guidelines § 310.20.

If the amount approved for compensation, excluding expenses, is less than or equal to the limitation set forth at § 310.20.10 of the CJA Guidelines, the claim will be forwarded for payment processing. See 18 U.S.C. § 3006A (e).

Items 24-27. **APPROVED FOR PAYMENT:** If the chief judge (or delegate) approves the excess compensation, the judge will indicate the amounts approved in each of the payment categories, Items 24-26, and the total amount approved for payment in Item 27.

Item 28. **SIGNATURE OF CHIEF JUDGE, COURT OF APPEALS (OR DELEGATE):** Before a claim is paid for the excess amount certified, the chief judge of the appeals court (or delegate) must sign and date Item 28, approving payment for compensation that exceeds the statutory threshold. If approval is not granted, compensation will be limited to the statutory maximum for the representation and expenses approved. The judge code will be provided by court staff.>