INSTRUCTIONS FOR CJA FORM 30

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DEATH PENALTY PROCEEDINGS
APPOINTMENT OF AND AUTHORITY TO PAY COURT-APPOINTED COUNSEL

The CJA Form 30 should be used for all death-eligible cases, regardless of whether the death penalty is authorized, not authorized, or de-authorized.

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 generated from the automated system, Item 1-11 and 13 will be preprinted on the form. Attach an itemized statement of the services provided and expenses incurred. Give the date and the number of hours claimed for each service provided. Provide dates for, a description of, and the purpose for any expenses incurred. For additional guidance, refer to the Guidelines for Administering the Criminal Justice Act and Related Statues (CJA Guidelines), Volume 7A, Guide to Judiciary Policy, which is available at www.uscourts.gov.

Appointed counsel may obtain investigative, expert and other services necessary for adequate representation in accordance with the procedures set forth in 18 U.S.C. §3006A(e) of the Criminal Justice Act (CJA) and in 18 U.S.C. § 3599(f) and (g)(2). Prior authorization from the presiding judicial officer is required for all such services where the cost, excluding reimbursable, out-of-pocket expenses, will exceed the limitations set forth in § 310.20.30. Failure to obtain prior authorization will result in the disallowance of any amount claimed unless the presiding judicial officer, in the interest of justice, finds that timely procurement of necessary services could not await prior authorization. See CJA Guidelines § 660 and § 310.20. Payment for these services should be claimed directly by the service provider on the CJA Form 31.

Vouchers should be submitted no later than 45 days after the final disposition of the case, unless good cause is shown (CJA Guidelines § 230.13(a)). All payments made pursuant to this claim are subject to post-audit; contemporaneous time and attendance records, as well as expense records, must be maintained for three years after approval of the final voucher (CJA Guidelines § 230.76)). Any overpayments are subject to collection, including deduction of amounts due from future vouchers.

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

Item 1. **CIR./DIST./DIV. CODE:** This four-character location code is the circuit or district and divisional office codes for 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 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 in the indictment or charging document. Thus, the format of the docket number is YY-NNNNNN-DDD. **Note:** If two or more cases are heard or tried together for the person represented, complete a separate voucher for each case in which representation is provided (i.e., for each docket number listed). Prorate the total time among the cases. On the supporting documentation, cross reference the voucher number of all related claims for which costs are prorated.

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 (e.g., *U.S. vs. Lead Defendant's Name, et al).* If this is a habeas corpus proceeding, enter the *Name of the Petitioner vs. the Name of the Respondent* and include the respondent's title.

Item 8. **TYPE PERSON REPRESENTED:** Check the box that defines the legal status of the person represented.

Item 9. **REPRESENTATION TYPE:** Check one of the following types of representations:

D1 Habeas corpus (capital) petition pursuant to 28 U.S.C. § 2254, seeking to vacate or set aside a state death sentence and Appeals;
D2 Federal capital prosecution, either trial or direct appeal;
D3 Habeas corpus (capital) petition pursuant to 28 U.S.C. § 2255 seeking to vacate or set aside a federal death sentence and appeals;
D4 Death penalty prosecution in federal court under a state statute or any authority other than the United States Code, and appeals;
D5 (no longer applies)
D6 (no longer applies)
D7 State clemency (capital) sought from a capital conviction originating in a state court-- the appointing judge should issue a separate state clemency voucher at the time of the §2254 capital habeas corpus appointment (D1);
D8 Federal clemency (capital) sought from a capital conviction in a federal prosecution (D2)-- the appointing judge should issue a separate federal clemency voucher at the time of the §2255 capital habeas corpus appointment (D3); or

DM Death Penalty Malpractice representation.

Item 10. **OFFENSE(S) CHARGED:** If the case is a capital prosecution in federal court, cite the U.S. Code, title and section, or other code citation, of all charges up to five. List all death-eligible charges first. If the case is a direct appeal of a federal prosecution, list all offenses for which the defendant was convicted.

Item 11/13 **NAME AND MAILING ADDRESS OF ATTORNEY AND LAW FIRM:** Please enter the appointed attorney's legal name and address at Item 11. If prior to appointment the attorney had a pre-existing agreement with a law firm or corporation, including a professional corporation, indicating that CJA earnings belong to the law firm or corporation, rather than to the court-appointed attorney/payee, provide the name and mailing address of that law firm or corporation in Item 13. This information will allow earnings to be reported to the Internal Revenue Service (IRS) on a 1099 Statement as earnings of the law firm or corporation and not as the earnings of the attorney appointed. *(Note: Information about a pre-existing agreement, including the Employer Identification Number (EIN) of the law firm or corporation, should be provided to the court staff when the attorney is admitted to the panel or at initial appointment to a case.)*

Item 12. **COURT ORDER:** Check the box that describes the type of counsel appointed. If appointed as a substitute counsel, give the name of the previous counsel and the appointment date. If appointed as a "Standby Counsel," attach the court order establishing this type of appointment in accordance with § 220.55 of the CJA Guidelines. Specific qualifications are required for all counsel appointed to provide representation in death penalty cases. See 18 U.S.C. § 3599(b)-(d), 18 U.S.C. § 3005, and CJA Guidelines § 620.60. The remaining portion of the Item will be completed by the clerk of court or other court-designated person.

If the court approves interim payments because of the conditions stated in box "D," the court should check this box. The presiding judicial officer or clerk of court must sign and date this court order to validate the appointment. Check statement "E," if full or partial repayment was ordered by the court from the person represented at the time of the appointment. If services were provided prior to court appointment, the presiding judicial officer may ratify the previous service by indicating a "nun pro tunc" date that covers the services prior to appointment. No other court order is necessary.

Item 14. **STAGE OF PROCEEDING:** Check the box that corresponds to the stage of proceeding for services claimed in item 15 even if it is anticipated that the work will be used in connection with a later stage of the proceeding. CHECK ONLY ONE BOX. Submit a separate voucher for each stage of proceeding.

NOTES: (1) The stage noted as "State Court Appearance" under "Habeas Corpus" should be used for federal counsel work associated with a state court appearance originating from a federal capital habeas corpus petition brought pursuant to 28 U.S.C. §2254, when authorized by the presiding federal judge; and (2) the stage noted as "Other" under "Other Proceeding" should be used only for a proceeding that does not fit within the other described categories.

Item 15. **CLAIM FOR SERVICES--CATEGORIES FOR HOURS AND COMPENSATION:** On the applicable lines "a" through "j" enter the actual time spent in hours and tenths of hours. Total the number of hours in out-of-court categories "b" – "j" and enter the total in the "HOURS CLAIMED" column where required. Multiply the total hours for in-court and out-of-court time by the allowable compensation rate. Enter the amount claimed in the "TOTAL AMOUNT CLAIMED" column for category "a", and for categories "b" – "j." If services included in-court hearings of one hour each on separate dates, enter two hours on the form and attach a sheet indicating one hour for each of the two dates.

Any mathematical or technical adjustments to your claim during the judicial approval process or an additional review will be indicated in the columns provided on the form under the heading "**FOR COURT USE ONLY**."

CJA Guidelines § 230.50 provides information with respect to the proration of claims.

Time spent in common, either in or out of court, on more than one CJA representation must be prorated appropriately among the representations. (Travel and other expenses incurred in common on more than one CJA representation must be billed to one of the representations. See Items 16 and 17.) Time spent in common includes work performed simultaneously or within the same unit of time for more than one representation. For example, an appointed attorney who travels on behalf of more than one CJA representation must prorate the travel time and may not bill the entire time on one voucher. Double billing of time (or expenses) is prohibited (e.g., billing the same travel time or expenses to more than one representation). The supporting materials to the vouchers must explain the method of billing and cross-reference the cases.

Proration of time among representations must not result in an attorney billing more time than would otherwise have been billed had the attorney assigned all of the time to one voucher. For example, an attorney who spends a tenth of an hour (currently the lowest unit of time that may be claimed) 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.

If an attorney is submitting a claim under the CJA for time (or expenses), including travel, that was spent in common for CJA and non-CJA purposes, the attorney must report such information to the court and explain the rationale for invoicing all or part of the time (or expenses) under the CJA as provided by CJA Guidelines § 230.50(g) that the court can determine whether, in fairness to counsel, the time (or expenses) should be apportioned and the attorney compensated for the time (or expenses) reasonably attributed to the CJA.

Item 16. **TRAVEL EXPENSES:** 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 date 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 bases; per diem is not allowed. Counsel should be guided by prevailing limitations for travel and subsistence expenses of federal employees. The clerk of court can advise you on applicable rates and federal government travel regulations. See CJA Guidelines §§ 230.46, 230.60, 230.63.40.

When an appointed attorney travels in connection with more than one CJA representation, the travel expenses must be billed to one representation. The supporting materials to the voucher on which the expenses are billed must cross-reference the other CJA representations. See CJA Guidelines § 230.50.

See Item 15 regarding the billing of travel expenses incurred in common for a purpose other than a CJA representation.

Item 17. **OTHER EXPENSES:** Itemize all reimbursable out-of-pocket expenses incidental to representation. Provide dates and a brief description of the expense. Enter the total dollar amount claimed where required on the form. Submit supporting documentation (e.g., receipts and/or canceled checks) for single item expenses in excess of $50. Fees and expenses for expert attorney and other consultants in death penalty cases should be authorized and claimed on a CJA Form 31.

When an appointed attorney incurs expenses in connection with more than one CJA representation, the expenses must be billed to one representation. The supporting materials to the voucher on which the expenses are billed must cross-reference the other CJA representations. See CJA Guidelines § 230.50.

See Item 15 regarding the billing of expenses incurred in common for a purpose other than a CJA representation.

The following are not reimbursable expenses and should not be claimed (see CJA Guidelines § 230.66)

1. General office overhead, such as rent, telephone services, and secretarial services.

2. Expenses for items of a personal nature for the client (e.g., clothes, haircuts).

3. The cost of printing briefs. However, the cost of photocopying or similar copying service is reimbursable.

4. Fact witness fees, witness travel costs, and expenses for service of subpoenas. These expenses are not paid out of the CJA appropriation, but instead are paid by the Department of Justice pursuant to Fed. R. Crim. P. 17 and 28 U.S.C. § 1825. Contact the United States Marshals Service for payment procedures. See CJA Guidelines §§ 230.66.50 and 320.40.

5. Filing fees. These fees are waived for persons proceeding under the CJA.

Note: The cost of allowable investigative, expert, or other services (see chapters 3 and 6, CJA Guidelines) should be requested using a CJA Form 31.

6. Taxes paid on attorney compensation, whether based on income, sale, or gross receipts are not reimbursable expenses.

Totals. Enter the "Grand Total" where required by adding the total amount claimed for "in-court," "categories b – j," "Travel Expenses," and "Other Expenses."

Item 18. **CERTIFICATION OF ATTORNEY/PAYEE FOR PERIOD OF SERVICE**: The person appointed by the court must certify dates of service for the representation. Indicate, where required, the date range for the services claimed on the voucher.

Item 19. **APPOINTMENT TERMINATION DATE, IF OTHER THAN CASE COMPLETION:** If the appointment is discontinued by order of the court (i.e., substituted counsel or reasons other than disposition of the defendant's case such as fugitive defendant, appointment of a public defender or retained counsel hired by defendant), give the effective date for termination of appointment.

Item 20. **CASE DISPOSITION:** Indicate case disposition for the person represented. Select applicable code from the table below.

	Type of Disposition	Code
District Court Criminal and Other Proceedings	Dismissed	01
	Acquitted by court, or government motion for judgment of acquittal granted	02
	Acquitted by jury	03
	Convicted/final plea guilty	04
	Convicted/final plea nolo	05

	Convicted/court trial	08
	Convicted/jury trial	09
	Mistrial	CC
	Not Guilty/insane/court trial	EE
	Guilty/insane/court trial	FF
	Not guilty/insane/jury trial	GG
	Guilty/insane/jury trial	HH
	Other (PTD matters, other reps. Transfers ,etc)	XX
Appeals	Appeal Affirmed	AA
	Appeal Reversed	RR
	Remanded	00
	Reversed in Part/Affirmed in Part	RA
	Affirmed in Part/Reversed in Part	AR
	Dismissed	01
Habeas/Petitions/Writs	Granted	GR
	Denied	DE

Item 21. **CLAIM STATUS:** Indicate, by checking the appropriate box, whether the voucher is (1) the final payment for the services, (2) an interim payment, or (3) a supplemental payment (an additional claim submitted after a final payment is made). If an interim payment, indicate the payment number. Complete the remaining portion of Item 21, and sign and date the affirmation statement before submitting the claim for court approval.

Items 22-27a. **APPROVED FOR PAYMENT--COURT USE ONLY:** The presiding judicial officer will indicate the amount approved for each major category. These amounts will reflect mathematical or technical adjustments to your claim. The total amount approved for payment of the claim, less any amounts withheld for interim payment, is reflected in the **"TOTAL AMOUNT APPROVED."** The **"SIGNATURE OF THE PRESIDING JUDICIAL OFFICER"** is required to effect payment of the claim. The **JUDGE CODE** will be provided by the court staff.