

44.3 Filing of Fee and Expense Voucher.

- (a) **Deadline.** Counsel appointed under the Criminal Justice Act must submit the completed voucher for fees and expenses within 45 days after sentencing or dismissal of a case. A letter showing good cause why the voucher should be paid must accompany a voucher submitted after 45 days and less than 1 year after sentencing or dismissal of a case. The court summarily denies an application or voucher submitted more than 1 year after sentencing or dismissal of a case. Vouchers must be submitted to the federal public defender for processing, unless an attorney believes that the federal public defender has a conflict of interest that would preclude the federal public defender from properly receiving information in the voucher. If a potential conflict of interest exists, the voucher may be submitted to the clerk.
- (b) **Fee Application Guidelines.** With respect to services performed and expenses incurred in a Criminal Justice Act case, the following guidelines should help attorneys present to the court information essential to a reasoned explanation of the fee award. Attorneys should also review the most recent circuit court decisions for additional guidance. These fee guidelines also may be appropriate in applications for sanctions.

(1) Services Performed.

- (A) Identify with particularity the work done.
- (i) For a conference, state who was present, the subjects discussed, and how long it lasted.
 - (ii) For research, state who did it, the subjects and issues researched, and whether the results were incorporated into a brief, motion, or pleading.
 - (iii) For travel time, segregate it, and state who traveled and the purpose and mode of travel.
 - (iv) For pleadings, identify the pleading and who prepared it.
- (B) Identify the status and background (attorney, paralegal, law student) of each person performing an item of work.
- (C) If a paralegal or law student performed services, state the

salary or other wage rate at which the attorney or law firm pays the paralegal or law student.

- (D) If the services apply to more than one case, identify the relative applicability to each case.

(2) Expenses Incurred. Identify the expense with particularity.

- (A) For photocopies, state the items copied, why they were copied, how they were used, and the number of pages copied.
- (B) For depositions, list the court reporter's name, the date of taking, the deponent's identity, the purpose of taking the deposition (discovery or evidentiary), and the use made of the deposition.
- (C) For long-distance telephone calls, list the date, by whom, to whom, the location of the person called, and the subject of the call.

(c) Public Disclosure of Financial Information.

- (1) Defendant's Financial Information.** Financial affidavits filed by defendants in seeking appointed representation under the Criminal Justice Act must not be included in the public case file or made available to the public at the courthouse or via electronic access.

(2) Payments to Counsel.

- (A) Public Access.** Volume 7 of the Guide to Judiciary Policies and Procedures (Appointment of Counsel in Criminal Cases), Part A, Chapter V, paragraph 5.01, distributed by the Administrative Office of the United States Courts, describes the procedures for publicly disclosing or sealing from public disclosure payments made under the Criminal Justice Act, 18 U.S.C. § 3006A. The information accessible to the public under paragraph 5.01 is available for viewing at the clerk's office but is not be available through electronic access to court files.
- (B) Notice to Appointed Counsel.** The Office of the Federal Public Defender must, simultaneously with the issuance to counsel of the CJA 20 or CJA 30 form, provide the appointed counsel a copy of the CJA 19 form entitled: "Notice to Court-

Appointed Counsel of Public Disclosure of Attorney Fee Information."

- (d) **Requests Above Statutory Limit.** If an appointed counsel's claim for fees and expenses exceeds the statutory limit, the attorney must submit a memorandum with the CJA voucher supporting and justifying the attorney's claim that the representation given was in an extended or complex case, and that the excess payment is necessary to provide fair compensation. See Volume 7 of the Guide to Judiciary Policies and Procedures (Appointment of Counsel in Criminal Cases), Part A, Chapter II, Part C, subparagraph 2.22 C(2).
- (e) **Requests for Interim Payments.** When a criminal case is extended or complex and appointed counsel would endure financial hardship without interim payments, the attorney may file a motion for approval of interim payments of fees and expenses in accordance with Volume 7 of the Guide to Judiciary Policies and Procedures (Appointment of Counsel in Criminal Cases), Part A, Chapter II, Part C, paragraph 2.30.