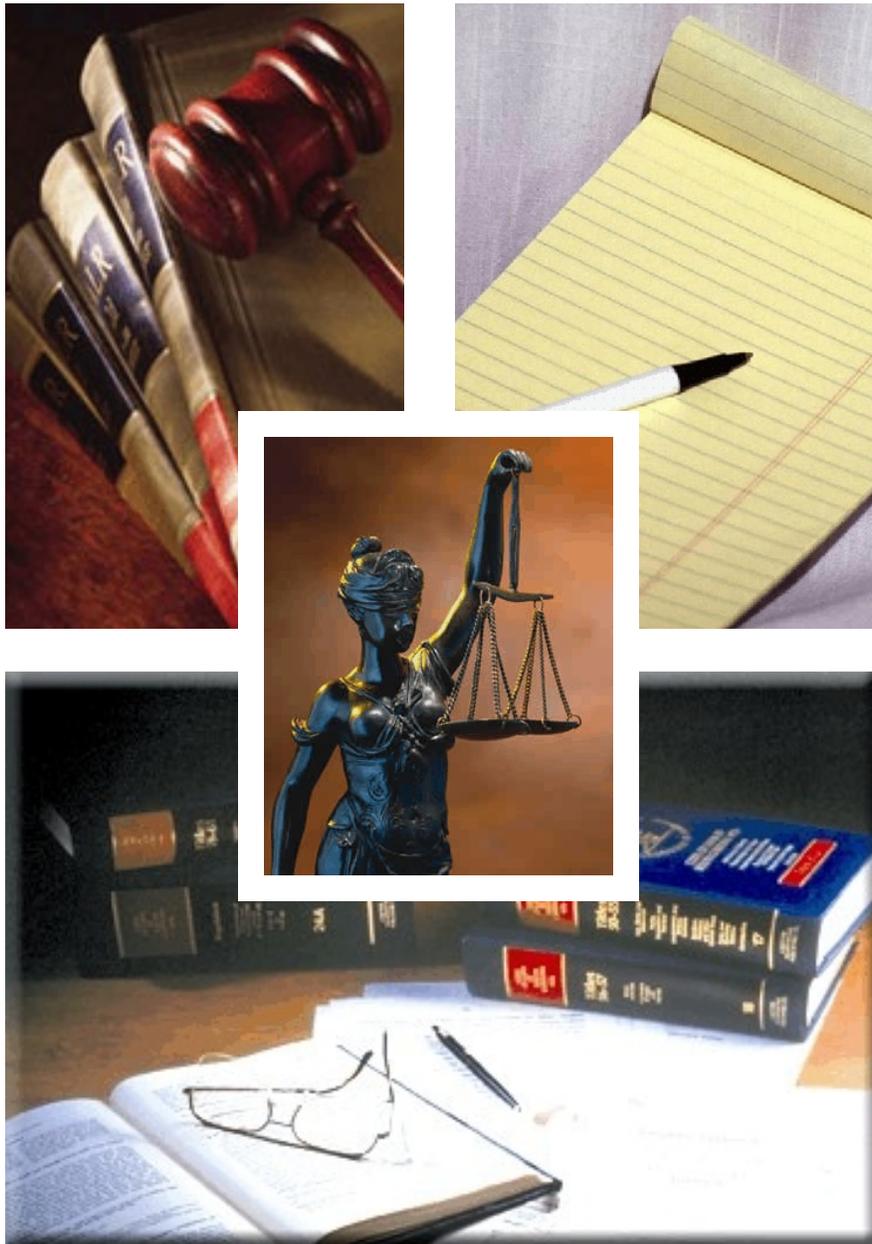


CJA HANDBOOK



**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI**

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**APPLICATION FOR MEMBERSHIP IN THE CRIMINAL JUSTICE ACT
LEAD PANEL OR TRAINING PANEL
UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI**

This application is to be completed by attorneys requesting to be members of the Lead Panel eligible to represent defendants under the provisions of the Criminal Justice Act (CJA), 18 U.S.C. § 3006A, or by attorneys requesting to be members of the Training Panel in the United States District Court for the Eastern District of Missouri. The application is to be printed or typed.

Appointment to the CJA Lead Panel or the CJA Training Panel shall not exceed a period of four years. Application for membership on either CJA Panel must be renewed and resubmitted every four (4) years. Members of either CJA Panel shall attend a minimum of twelve (12) hours of continuing legal education in federal criminal defense every four (4) years to be eligible to remain on a CJA Panel with renewed application. Members of the Training Panel may submit an application to be a member of the Lead Panel after serving one (1) year on the Training Panel.

APPLICATION CAN BE FOUND AT

<http://www.moed.uscourts.gov/sites/default/files/moed-0052.pdf>

Completed applications should be submitted to:

Clerks Office
U.S. District Court-EDMO
CJA Specialist
111 South 10th St
St. Louis MO 63102

The Appointment Process

Attorney Appointments under the Criminal Justice Act are usually made by United States Magistrate Judges at the initial appearance of a criminal defendant, but United States District Judges may appoint counsel under CJA, as well, at any time during the criminal proceedings against a defendant. You must be prepared to appear for criminal pretrial matters on short notice (e.g., initial appearances, detention hearings). A signed and dated CJA20 or CJA30 is required for the attorney to begin the representation.

All appointments include representation on appeal. If a conflict arises, you may be given permission to withdraw by the judge who appointed you to the case.

For additional information regarding the CJA appointments see [Volume 7](#) of the Guide to Judiciary Policy on the website below.

<http://www.uscourts.gov/FederalCourts/AppointmentOfCounsel/CJAGuidelinesForms/GuideToJudiciaryPolicyVolume7.aspx>

Panel Management

The daily operations of the Panel are managed by the District Clerk's Office. Procedural Questions or any problems related to the Panel may be directed to the Chief Deputy Clerk, at 314-244-7900.

The CJA Lead Panel Selection Committee meet at least twice a year. Contact the following to discuss CJA policy issues or matters that should be brought to the attention of the Court.

Clerk of the Court
United States District Court
Eastern District of Missouri
111 South Tenth Street, Room 3.300
St. Louis Missouri 63102
314-244-7900

Training

Free training is offered annually to Panel Members. Questions regarding training should be directed to Federal Public Defender Office, at 314-241-1255. The Administrative Office of the United States Courts also offers free training to Panel Members.

Information contained in Chapters II and III of [Volume VII](#) of the *Guide to Judiciary Policies and Procedures* may also be helpful and can be found on the website below.

<http://www.uscourts.gov/FederalCourts/AppointmentOfCounsel/CJAGuidelinesForms/GuideToJudiciaryPolicyVolume7.aspx>

INFORMATION FOR COUNSEL APPOINTED UNDER THE CRIMINAL JUSTICE ACT (CJA)

The following information is provided for the guidance of privately practicing attorneys appointed, pursuant to the Criminal Justice Act (18 U.S.C. §3006A), to represent a person financially unable to obtain adequate representation.

I. DUTIES OF APPOINTED COUNSEL

- A. Counsel named in the order of appointment (Form CJA 20/30) must personally appear at all proceedings. Counsel shall not delegate his responsibility to other counsel. Counsel who is unable to personally fulfill his or her obligation to a defendant because of health or other good reason should immediately notify the Court or United States Magistrate Judge in writing.
- B. Counsel is required to secure the appearance of the defendant at all pretrial conferences and at all other proceedings requiring the appearance of the defendant.
- C. Counsel shall fulfill his or her professional responsibility as an officer of the Court, and the limited amount of compensation accruing in no respect diminishes such responsibility.
- D. Counsel appointed by a United States Magistrate Judge shall continue to serve until his or her representation is terminated by the provisions of the plan of the Court, adopted pursuant to the Criminal Justice Act of 1964, as amended by Public Law 91-447, or by Court order.
- E. Counsel shall report to the Court or a United States Magistrate Judge, any change in the financial status of the person he or she was appointed to represent which indicates the ability of the person to finance all or part of the representation.

II. TERMINATION OF APPOINTMENT

- A. Representation of a defendant in a criminal case shall terminate with the imposition of sentence following the acceptance of a plea of guilty or a plea of nolo contendere and the filing of a timely motion pursuant to Rule 35, Federal Rules of Criminal Procedure.
- B. Counsel shall, following the imposition of sentence in a criminal case where the defendant has been found guilty after trial, advise the defendant of his or her right to appeal and of his or her right of counsel on appeal. If requested to do so by the defendant, counsel shall file a timely notice of appeal. Counsel on appeal shall be appointed by the Court of Appeals. If the defendant does not request the filing of a notice of appeal, counsel shall file a statement that he or she has informed the defendant of his or her right to appeal and the defendant has advised that he or she does not desire to appeal, whereupon the representation will terminate.
- C. Representation in all other proceedings shall terminate when the purpose of the appointment is accomplished or when terminated by Court order.

Compensation

Panel members must submit a completed CJA20 or CJA30 voucher - appointment and Authority to Pay Court Appointed Counsel, if they wish to be reimbursed.

Expenses for investigators and experts must be claimed on a CJA21 or CJA31 voucher. See section [CJA21 page 11](#) or [CJA31 page 15](#) in this manual.

Any questions regarding the payment process should be directed to the CJA Specialists at 314-244-7873, 314-244-7875 or you may email them to MOEDml_CJA@moed.uscourts.gov

CJA forms, worksheets and information regarding the CJA payment process can also be obtained at: <http://www.moed.uscourts.gov/criminal-justice-act-cja-0>

The original of the completed CJA voucher with all worksheets, any expense receipts, excess statement or filing out of time explanation (45 days late) should be submitted to:

U.S. District Court
111 South Tenth Street, Room 3.300
St. Louis MO 63102
Attention: FINANCE

The following is general information regarding the payment process. Payment of CJA attorneys is governed by the Criminal Justice Act and U.S.C. §3006A(d) - (f)

Rate of Pay

The current rate of pay for in-court time and out-of-court time is \$129.00 per hour (as of January 1, 2016) for non-death penalty cases. The current rate of pay for in-court time and out-of-court time for death penalty cases is \$183.00 per hour (as of January 1, 2016). Appointed counsel shall be reimbursed for expenses reasonably incurred.

See Appendix A for [history of rates](#) and [case maximums](#) prior to January 1, 2016 or at the courts website http://www.moed.uscourts.gov/sites/default/files/cja_rates.pdf or The National CJA Voucher Reference Tool website at <http://www.uscourts.gov/uscourts/cjaort/contacts.html#/?page=13>

Case Compensation Maximums

The case compensation maximum is currently \$10,000.00 for a criminal representation. The case compensation maximum for a Supervised Release/Probation Revocation representation or a Material Witness representation is \$2,100.00. Plus expenses reasonably incurred for all representations. See [Appendix A](#) Case Compensation Maximum History

Payment in excess of any maximum amount may be made for extended or complex representations whenever the District or Magistrate Judge before whom the representation was rendered certifies that the amount of the excess payment is necessary to provide fair compensation and the excess payment is approved by the Chief Judge of the Circuit Court. When making a claim for excess compensation, the attorney shall set forth with the excess voucher a memorandum as to why he feels the case is either "extended" or "complex". A case disposed of by a plea of guilty or dismissal of indictment or information may possibly be considered "complex" if it involves extraordinary investigation or extraordinary briefing or preliminary motions

Attorneys should use **CJA Form 26** or provide a written explanation when a claim for compensation is made in excess of the statutory maximum.

If the Court's voucher review concludes that a reduction to the claim is warranted the court will notify the attorney. The voucher reduction form ([Appendix H](#)) will be faxed to the attorney who may accept the reduction by initialing and returning (by fax) to the CJA Specialist. If the attorney wishes to dispute the court's reduction of a voucher they may do so by submitting a written statement within ten working days, detailing why the reduction should be re-evaluated. Notice will not be sent if the reduction is based upon simple computational errors or failure to comply with requirements outlined in the CJA Manual.

For additional guidance regarding Excess Case Maximums see [Appendix B](#) or the link below. <http://jnet.ao.dcn/img/assets/4930/CJA26A.pdf>

CJA CASE MAXIMUMS

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CJA 20. ON OR AFTER JANUARY 1, 2016, a voucher submitted by appointed counsel for CJA-compensable work, exclusive of reimbursement for expenses reasonably incurred, shall have the following statutory maximums:

TYPE OF CASE	STATUTORY MAXIMUMS
Felony Charge	\$10,000.00
Misdemeanor Charge	\$2,900.00
Non-Capital Habeas Petition 2241, 2254 or 2255	\$10,000.00
Appeals	\$7,200.00
Parole Representation, 18 USC 4106A	\$2,100.00
Other Representations	\$2,100.00

Allowable Expenses

Out-of-pocket expenses reasonably incurred should be claimed on the [CJA 20](#), but must be itemized and reasonably documented. Expenses for meals and lodging incurred in the representation of the defendant, constitute reimbursable out-of-pocket expenses. In determining whether actual expenses incurred are “reasonable,” attorneys should be guided by the prevailing limitations placed upon travel and subsistence expenses of federal judiciary employees in accordance with existing government travel regulations.

Proration of claims for travel time and mileage-

Time and mileage spent in common on more than one indictment or case must be prorated among the indictments or cases on which the time/mileage was spent, and each indictment or case must be cross referenced on the vouchers. Time spent exclusively on any one indictment or case should be charged on the voucher for that indictment or case.

Expenses for experts or other services under subsection (e) of the Act shall not be considered out-of-pocket expenses. **Such expenses should be claimed by the expert or other service provider on a CJA Form 21.** [See page 11](#)

Out-of-pocket expenses include the following:

1. Automobile Travel Expenses

Travel using a privately owned automobile should be claimed at the rate prescribed for federal judiciary employees who use a private automobile for conducting official business, plus parking fees, bridge, road, and tunnel tolls. Other means of transportation should be claimed on actual expense basis. Claims for gasoline costs are not allowed (except when a rental car is used).

(Please note any travel time and mileage exceeding the court travel benchmarks should be explained in more detail. See [Appendix C](#))

2. Airline Travel and Hotel Expenses

Panel members and experts may obtain government rates for airline travel and hotel accommodations in connection with representation pursuant to the CJA. To receive the government rate, you must follow the steps listed below:

a. Submit the CJA *Out of District Travel* Ex Parte Motion available at:

<http://www.moed.uscourts.gov/sites/default/files/moed-0026.pdf>

for each trip. The Traveler must carry a copy of the approved motion signed by the Judge for identification purposes and for presentation should an airline agent ask to see it.

b. Once you are authorized by the court you must contact National Travel (1-800-445-0668) to make your travel arrangements. Advise National Travel that you are a panel member (or expert) providing CJA representation. National Travel will require the following identifiers which are listed on the CJA *Out of District Travel* Ex Parte Motion i. District Court Information- Eastern District of Missouri traveling as a CJA attorney

National Travel will then contact the court for authorization to bill the courts credit card, therefore all arrangements are to be done Monday-Friday 8am-5pm. A final/ticketed itinerary of your travel will be sent to your email. A copy of the CJA *Out of District Travel* Ex Parte Motion as well as a copy of the E-ticket that were provided by National Travel must be attached to the appropriate CJA Voucher for audit purposes.

3. **Other Services and Computer Hardware and Software**

In addition to investigators, psychiatrists, psychologists and reporters, services other than counsel may include but not necessarily be limited to, interpreters, computer systems and automation litigation support personnel and experts; paralegals and legal assistants, including law students, neurologists; and laboratory experts in the area of ballistics, fingerprinting and handwriting. Claims for compensation for such services should be submitted on [CJA Form 21](#), *Authorization and Voucher for Expert and Other Services*. Preapproval over \$800 is required and the Exparte Motion can be located at the courts website below. <http://www.moed.uscourts.gov/sites/default/files/moed-0025.pdf>

4. **Computer Assisted Legal Research(CALR)**

The cost of CALR services, maybe allowed as a reimbursable out-of-pocket expense, provided that the amount claimed is reasonable. Whenever appointed counsel incurs charges for CALR, counsel should attach to the compensation voucher a copy of the bill and receipt for the use of the legal research services or an explanation of the precise basis of the charge (e.g., indicating the extent to which it was derived by proration of monthly charges, or by charges identifiable to the specific research). For further direction please contact the CJA Specialists at the District Court at (314) 244-7873 or 7875.

5. **Miscellaneous Expenses**

Miscellaneous expenses may include such items as telephone toll calls, faxes, copying (except printing), postage and photographs. Miscellaneous expenses in excess of \$50.00 must be substantiated by proof of payment (e.g., receipts, canceled checks, invoices). A miscellaneous charge must be described **specifically** in order to be claimed. Claims for telephone expenses must be itemized by date, person called and charge. Claims for in-house copying expenses may be claimed at the rate of \$.25 a copy and must be itemized by date, number of copies multiplied by \$.25 for the total. For copies otherwise obtained, if the cost exceeds the allowable rate the claim must also be itemized and receipt(s) should be provided.

Note: Requests for copies pertaining to the appointed case are free to Panel Members.

6. **PACER Availability**

The Judicial Conference has approved an Amendment to the Miscellaneous Fees Schedule exempting CJA appointed attorneys in the performance of services authorized by CJA from fees for the use of Public Access to Court Electronic Records (PACER) effective January 1, 1995.

CJA appointed attorneys who use PACER in connection with their CJA appointments can obtain an exempt login and password in connection with a CJA appointment by contacting PACER Service Center at 1-800-676-6856. If you inadvertently use the service in connection with a CJA appointment without an exempt login and password, a request for credit may be made in writing to PACER Service Center after receipt of the quarterly statement, however, this should be the exception and only used in unusual circumstances.

Non-Allowable Expenses

This is not an exhaustive, all-inclusive catalog of claims not allowed. It is offered for additional guidance see at the website below:

http://www.uscourts.gov/uscourts/cjaort/resources/Attorney_Dos_and_Donts.pdf

- Fees and expenses, including travel, of fact witnesses.
- Court filing fees and expenses for service of subpoenas.
- Gasoline, oil, and other transportation expenses.
- Counsel's travel in transporting the client to and from court.
- General office overhead.
- Time spent preparing the CJA 20 voucher and supporting documents.
- Personal expenses of counsel and clients, including haircuts, laundry and dry cleaning, assisting the defendant in the disposition of his or her property or making arrangements for the care of the defendant's child or other family members, assisting the defendant in executing the conditions of his or her release, or otherwise providing legal assistance in matters unrelated to the litigation of the case although incidental to the defendant's arrest.
- Costs of commercially printed briefs—photocopying expenses only are recoverable.
- Courier charges and charges for private deliveries, such as Federal Express and UPS, except in extraordinary situations when an overnight delivery is required by the exigencies and importance of the event; counsel must justify the claim in documentation supporting his or her CJA 20 voucher.

Review Your Claims

Most errors on CJA vouchers arise from inattention to details and from claims for expenses not allowable. Examine your claims carefully; review the extensions and footings and ensure that all entries comport with the time and expense entries on your worksheets. Choose the link below:

http://www.uscourts.gov/uscourts/cjaort/resources/Reviewer_Process.pdf

In-Court and Out-of-Court Hourly Worksheets

In the interest of promoting mathematical accuracy, prompt payment and streamlined processing, it is strongly encouraged that when submitting Form CJA-20 claims for payment that the Excel spreadsheet developed by the Court be used to document attorney time and expense claims. The excel spreadsheet, user documentation, and technical requirements are available on the CJA web page at the Court's website:

<http://www.moed.uscourts.gov/criminal-justice-act-cja-0>

However if necessary the manual hourly worksheets for In-Court and Out-of-Court Time are available. These completed worksheets should be attached and the totals entered on the CJA 20 for processing.

The following information should be included on all of the worksheets automated or manual.

1. The case number
2. Defendant and Attorney Names
3. For each in-court and out-of-court service rendered, provide the following:
 - a. the date the service was performed
 - b. a brief description of the service performed; and
 - c. the time spent performing the service.

NOTE: The time spent performing the service should be reported in hours and/or tenths of an hour:

.10 = 6 minutes	.40 = 24 minutes	.70 = 42 minutes
.20 = 12 minutes	.50 = 30 minutes	.80 = 48 minutes
.30 = 18 minutes	.60 = 48 minutes	.90 = 54 minutes

In-Court claims for reporting purposes will reflect the in court docketed minute sheets actual time from beginning to adjournment. Any other claims such as waiting, late rescheduling, talking with client, etc. should be claimed in the appropriate Out of Court category (boxes 16a-e).

4. Calculations and totals of in-court and out-of-court entries are automated on the Excel spreadsheet. However if you are using the manual worksheet all in-court and out-of-court services must be calculated, totaled and transferred to the appropriate category on the CJA 20 voucher.
5. The following information should be included on the submitted CJA20 voucher: the Representation Type (box 10) and the Case Disposition (box 21). See [Appendix D](#) for further information.

Other Expenses Worksheet

If you are not utilizing the Automated CJA20 Excel spreadsheet submission of The Other Expenses Worksheet is necessary. The following information should be provided on the manual Other Expense Worksheet:

1. The case number pertaining to the claim
2. Defendant and Attorney names
3. For each item of "other expense incurred" provide the following:
 - a. the date the expense was incurred;
 - b. a brief explanation of the expense; and
 - c. the amount of expense incurred.

Attach supporting documentation (e.g., receipts, canceled checks and invoices) for all expenses in excess of \$50.00. Expense items such as mileage and copying should show the total miles and pages, respectively, multiplied by the applicable rate, to arrive at the total expense incurred for that item. The expenses incurred should then be listed under the appropriate expense category (e.g., Travel or Other). If copies are submitted rather than original receipts, the copies must be legible for audit purposes.. **(Please note any traffic or weather conditions that may affect your travel time/mileage by providing additional information. A list of the court travel benchmarks can be found on the auto voucher and in [Appendix C](#))**

Calculations and totals of expense entries are automated on the Excel spreadsheet. However if you are using the manual worksheet all expenses must be calculated, totaled and transferred to the appropriate category on the CJA 20 voucher. Use this information to complete items 17 and 18 of the CJA Form 20. **The worksheet, along with any supporting documentation, must be attached to the CJA Form 20.**

MISCELLANEOUS

Interim Payments

Interim payments are granted on a limited basis only, and a request for interim payments in a non-death penalty case is not encouraged by the court. Upon counsel's motion, the court may authorize interim payments when necessary and appropriate to relieve counsel of financial hardships imposed by an extended and complex case. The motion should request a specific payment period for the filing of interim vouchers (sixty or ninety days).

Supplemental Payments

Occasionally, additional work is required in a case for which appointed counsel has already been compensated. In this situation, appointed counsel should request a supplemental CJA voucher from the Clerk's Office. Counsel should attach to the supplemental voucher a statement which explains why additional time was expended or expenses incurred as a result of the appointment.

CJA 21 AND CJA 24

Authorization for Obtaining Expert and Other Services

All Attorneys appointed to provide representation under the Criminal Justice Act, 18 U.S.C. §3006A, may request, under subsection (e) of the Act, authorization to obtain investigative, expert and other services necessary for adequate representation, to be paid from funds appropriated for the administration of the Act.

In addition to investigators, psychiatrists, psychologists and reporters, services other than counsel may include, but are not necessarily limited to , interpreters, computer systems and automation litigation support personnel and experts paralegals and legal assistants, including law students; neurologists and laboratory experts in areas of ballistics, fingerprinting and handwriting.

CAUTIONARY NOTE

PRIOR AUTHORIZATION SHOULD BE SECURED from the presiding judicial officer for all subsection (e) services where the cost (exclusive of reimbursement for expenses) will exceed \$800.00 using the [CJA Ex Parte Expert Preapproval Motion](http://www.moed.uscourts.gov/sites/default/files/moed-0025.pdf) or at the link below:
<http://www.moed.uscourts.gov/sites/default/files/moed-0025.pdf>

In addition to prior authorization, once the services have been provided, the claims for compensation must be approved by the presiding judicial officer. Failure to obtain prior authorization may result in the disallowance of any amount claimed for compensation in excess of \$800.00, unless the presiding judicial officer, in the interest of justice, finds that timely procurement of necessary services could not await prior authorization. Except in death penalty proceedings, claims for compensation in excess of \$2,400.00 (excluding reimbursement for expenses) may be paid only if the presiding judicial officer certifies that payment in excess of the amount is necessary to provide fair compensation for services of an unusual character or duration and the amount of the excess payment is approved by the chief judge of the circuit (or active circuit judge to whom the chief judge has delegated excess compensation approval authority). **Payment for subsection (e) services should be claimed directly by the service provider on the [CJA 21 - Authorization and Voucher for Expert and Other Services](#). Attorneys should never pay for expert services out of their own pocket. When an attorney pays an expert and submits a CJA21 for repayment to themselves it will be included on the attorney's 1099 at the end of the year and not the expert's.**

CJA 21. On or after May 27, 2010, the amounts applicable for experts and other services are as follows (excluding reimbursement for reasonable expenses) :

APPROVAL LEVELS FOR EXPERTS AND OTHER SERVICES

Without Prior Authorization	Less than \$800.00
With Prior Authorization	\$800.01 - \$2,400.00
Circuit Approval Required	Over \$2,400.00

After necessary preapproval and the service has been provided the expert should submit a completed [CJA 21](#) voucher with the applicable documentation (invoice, bill, etc.) for payment to the attorney who will certify (box 18) that the services have been provided and submit it to the court for payment to the provider. For additional assistance please contact the CJA Specialist of the court.

Paralegals, Legal Assistants, and Law Students

Compensation for legal research and assistance performed by paralegals or legal assistants (including law students) should be claimed on CJA Form 21 and not claimed as an expense on CJA Form 20. Counsel shall include with the completed CJA Form 21 an explanation of the work performed, the number of hours expended, and the rate requested (less than that paid to appointed counsel). The procedures for obtaining investigative, expert, and other services, as well as the case maximum, also apply to these services. Counsel should indicate whether the reimbursement check should be made payable to counsel or the paralegal/legal assistant /law student and include the appropriate social security number.

Some services, such as fees and expenses of fact witnesses, and service of subpoenas, are not compensable under the CJA. It is advisable to contact the CJA Specialist of the Clerk's Office before attempting to obtain special services to assure eligibility of reimbursement.

CJA 24- Authorization and Voucher for Payment of Transcript-

Items 1 - 15 on [CJA 24](#) must be completed to order a transcript, with particular attention given to Item 14 on Special Authorizations which must be filled out if applicable. The CJA24 Transcript Request must then be forwarded to the Clerks office. Before transcription, the court reporter/transcriber will submit the request to the judge for authorization. Once the transcript request is prepared the court reporter/transcriber will complete Items 17-21 of the CJA24. The transcript will be filed electronically with the clerks office and the CJA24 voucher with a copy of the transcript will be provided to the CJA attorney for signature and acceptance of delivery of the transcript. The signed CJA24 is then submitted to the court for processing of payment.

In multi-defendant cases, only one transcript should be purchased from the court reporter on behalf of CJA defendants. One of the appointed counsel or clerk of court should arrange for duplication, at commercially competitive rates, of enough copies of the transcript for each CJA defendant for whom a transcript has been approved. The cost of duplication will be charged to the CJA appropriation. This policy does not preclude the court reporter from providing copies at commercially competitive rates.

The CJA 24 Voucher can be obtained on the courts website below:
<http://www.moed.uscourts.gov/sites/default/files/cja-0024.pdf>

CJA 30 and CJA 31

CJA PAYMENT INSTRUCTIONS FOR FEDERAL CAPITAL CASES AND DEATH PENALTY FEDERAL HABEAS CORPUS PROCEEDINGS

Forms

The following forms/worksheets must be used to request payment for services/expenses in death penalty proceedings:

CJA - 30 Court Appointed Counsel

CJA - 31 Expert and Other Services

These vouchers can be obtained at the courts website below.

<http://www.moed.uscourts.gov/criminal-justice-act-cja-0>

Note: Automated CJA 30 Excel Spreadsheet is available upon request.

CJA30

Process

The CJA 30 voucher must be used to report only one stage of the proceeding. Separate Interim vouchers must be filed at each stage of the proceedings. These are complex cases and sometimes require multiple CJA appointments (Counsel and Co-Counsel) per defendant and District and Circuit court approved budgets are required. Once these cases are deemed Non Death Penalty the Judge may adjust the hourly compensation rate and reduce the number of counsel, but subsequent claims for compensation should always be filed on the CJA 30 form. **Once a 30 always a 30 is the rule.** Due to the serious nature of these cases please contact the CJA Specialist for further help. For a case budgeting overview see:

http://www.uscourts.gov/uscourts/cjaort/case_budgeting.html#/?role=Attorney

On the CJA 30 forms, services are to be reported according to the following stages of the proceedings:

- A. Capital Prosecution
 - Pretrial
 - Trial
 - Sentencing
 - Other Post Trial
 - Appeal
 - Petition for Supreme Court Writ of Certiorari

- B. Death Penalty Habeas Corpus
 - Habeas Petition
 - Evidentiary Hearing
 - Dispositive Motions
 - Appeal
 - Petition for Supreme Court Writ of Certiorari

- C. Other Proceedings
- Stay of Execution
 - Appeal of Denial of Stay
 - Petition for Writ of Certiorari to Supreme Court Regarding Denial of Stay
 - Other

Payment of Attorney Fees

Hours of services should be reported during the stage in which they were performed. In federal capital prosecutions under Title 18 or Title 21 of the United States Code, any request for attorney fees in excess of \$100,000* at the district court level is presumptively excessive. In death penalty habeas corpus cases brought into federal court under 28 U.S.C. §2254 or §2255, any request for attorney fees in excess of \$35,000* at the district court level is presumptively excessive. *Fees submitted by all attorneys appointed in the case are considered in calculating this amount.

Compensation is paid to attorneys at a rate of not more than \$180.00 per hour for in-court and out-of-court time.

Payment of Expenses

All services and expenses claimed on the CJA 30 voucher must be listed on attached worksheets. Enter the actual time spent in hours and tenths of hours. Preparation of worksheets is not an allowable expense.

- A. Allowable Expenses
- Photocopies
 - Faxes
 - Computer Aided Legal Research
 - Certified Mail
 - Travel/Meals
 - Telephone calls
 -
- B. Non-Allowable Expenses
- General Office Overhead
 - Secretarial Services
 - Printing of Briefs
 - Fact Witness Fees
 - Subscriptions to Publications
 - Personal expenses of Petitioner/Defendant
- C. Copy Charges
- The reimbursement per page for “in-house” copies is \$.25. You must specify the date, number of pages and total (e.g., 3 pages @ \$.25 = \$.75) on the worksheet and the grand total on the voucher.
 - For copies otherwise obtained, the cost may not exceed \$.25 per page. The claim must also be itemized as described above. A receipt must be provided if the cost per page exceeds \$.25.

- D. Mileage Rate
- as of 01/01/16 the reimbursement rate is \$.540 cents per mile.
- E. Documentation Required
- For any item over \$50.00, supporting documentation (a receipt, copy of canceled check, etc.) must be provided. If computer aided legal research was conducted, please provide a copy of the actual bill and a brief statement of subject matter of the research.

CJA 31

Authorization for Obtaining Expert and Other Services

Upon finding that investigative, expert or other services are reasonably necessary for the representation of the defendant, the court may authorize the defendant's attorney to obtain such services fees and expenses paid for investigative, expert or other reasonably necessary services must not exceed \$7,500.00 in any case, unless payment in excess of that limit is certified as necessary by the court. The \$7,500 limit applies to the total payments for investigative, expert and other services in a case, not to each service individually. Once payments for investigative, expert, and other services total \$7,500, then additional payments must be approved by the chief judge of the circuit. Accordingly, the court will monitor all payments for investigative, expert, and other services.

These services and requests should also be contained within the Court required case budget.

http://www.uscourts.gov/uscourts/cjaort/case_budgeting.html

DISBURSEMENT OF CJA PAYMENTS

A minimum of 6 weeks from the date the court receives the voucher, should be allowed for processing and payment. Complex vouchers may require additional time. All vouchers are processed in the order received. If a case has multiple CJA appointments for one representation, payment of all CJA20 vouchers will be processed at the case's conclusion and if circuit approval is required the excess statement is provided by the prevailing attorney.

The District will audit and submit the voucher promptly. To expedite this process please ensure that your voucher and supporting documentation are complete, **correct, legible**, signed and dated. Please notify the CJA Specialist of any name, address or law firm affiliation changes. **Updating your information with CM-ECF will not update your CJA information.**

Public disclosure of amounts paid to appointed counsel is required under 18 U.S.C § 3006A(d)(4), the amount paid to appointed counsel under the Criminal Justice Act are disclosable to the public, subject to considerations and limitations appearing in the statute.

HELPFUL LINKS

Eastern District of Missouri U.S. District Court website:

<http://www.moed.uscourts.gov/criminal-justice-act-cja-0>

National CJA Online Reference Tool:

<http://www.uscourts.gov/uscourts/cjaort/faqs.html>

<http://www.uscourts.gov/uscourts/cjaort/resources.html>

<http://www.uscourts.gov/uscourts/cjaort/index.html>

Questions or comments can be emailed to MOEDml_CJA@moed.uscourts.gov

Appendix A-

rev. 01/01/16

The new hourly compensation rates apply to work performed on or after January 1, 2016. Where the appointment of counsel occurred before this effective date, the new compensation rates apply to that portion of services provided on or after January 1, 2016.

Effective January 1, 2016, the mileage rate for the use of privately owned vehicles while on official business is .540 cents per mile.

You may refer to the charts below to view compensation rates and mileage reimbursement rates from previous years to the current rates as set for services provided in 2016.

HOURLY RATES			CAPITAL HOURLY RATES			REIMBURSEMENT MILEAGE RATES	
For Work Performed On or After	In Court	Out of Court	For Work Performed On or After	In Court	Out of Court	Effective Date	Per Mile
1/1/2016	\$129	\$129	1/1/2016	\$183	\$183	1/1/2016	0.540
1/1/2015	\$127	\$127	1/1/2015	\$181	\$181	1/1/2015	0.575
3/1/2014	\$126	\$126	3/1/2014	\$180	\$180	1/1/2014	0.560
9/1/2013	\$110	\$110	9/1/2013	\$168	\$168	1/1/2013	0.565
1/1/2010	\$125	\$125	1/1/2010	\$178	\$178	4/17/2012	0.555
3/11/2009	\$110	\$110	3/11/2009	\$175	\$175	1/1/2011	0.510
1/1/2008	\$100	\$100	1/1/2008	\$170	\$170	1/1/2010	0.500
5/20/2007	\$94	\$94	5/20/2007	\$166	\$166	2/1/2009	0.550
1/1/2006	\$92	\$92	1/1/2006	\$163	\$163	8/1/2008	0.585
5/2/2002	\$90	\$90	2/1/2005	\$160	\$160	3/19/2008	0.505
4/1/2001	\$75	\$55	4/1/1996	\$125	\$125	2/1/2007	0.485
1/1/2000	\$70	\$50				1/1/2006	0.445
1/1/1996	\$65	\$45				9/1/2005	0.485
Prior to 1996	\$60	\$40				2/4/2005	0.405
						1/1/2004	0.375
						1/1/2003	.360

Appendix A continued

§ 230.23.30 History of Case Compensation Maximums

1. For work performed prior to January 1, 2016, the case compensation maximums are as follows:

§ 230.23.30 History of Case Compensation Maximums						
If a case is a...	10/31/08 - 3/10/09	3/11/09- 12/31/09	1/1/10- 2/28/14	03/01/14- 12/31/15	01/01/15- 12/31/15	AFTER 01/01/16
Felony (including pre-trial diversion of alleged felony)	\$7,800	\$8,600	\$9,700	\$9,800	\$9,900	\$10,000
Misdemeanor (including pre-trial diversion of alleged misdemeanor)	\$2,200	\$2,400	\$2,800	\$2,800	\$2,800	\$2,900
Proceeding under 18 U.S.C. § 4106A	\$1,700	\$1,800	\$2,100	\$2,100	\$2,100	\$2,100
Proceeding under 18 U.S.C. § 4107 or § 4108 (for each verification proceeding)	\$2,200	\$2,400	\$2,800	\$2,400	\$2,400	\$2,400
Proceeding under 18 U.S.C. § 983	\$7,800	\$8,600	\$9,700	\$9,800	\$9,900	\$10,000
Post-conviction proceeding under 28 U.S.C. § 2241 , § 2254 or § 2255	\$7,800	\$8,600	\$9,700	\$9,800	\$9,900	\$10,000
Proceeding under 28 U.S.C. § 1875	\$7,800	\$8,600	\$9,700	\$9,800	\$9,900	\$10,000
Appeal (from felony, misdemeanor, proceeding under 18 U.S.C. § 4106A , 18 U.S.C. § 983 , post-conviction proceeding under 28 U.S.C. § 2241 , § 2254 or § 2255 , and 28 U.S.C. § 1875)	\$5,600	\$6,100	\$6,900	\$7,000	\$7,100	\$7,200
Other representation required or authorized by the CJA (including, but not limited to probation, supervised release hearing, material witness, grand jury witness)	\$1,700	\$1,800	\$2,100	\$2,100	\$2,100	\$2,100

CJA26: SUPPLEMENTAL INFORMATION STATEMENT FOR A COMPENSATION CLAIM IN EXCESS OF THE STATUTORY CASE COMPENSATION MAXIMUM: DISTRICT COURT

<http://www.uscourts.gov/uscourts/FormsAndFees/Forms/CJA/CJA26.pdf>

The following topics are offered to assist you in drafting a document supporting and justifying your claims that the case was *extended* or *complex* and that the excess payment is necessary to provide fair compensation: <http://jnet.ao.dcn/img/assets/4930/CJA26A.pdf>

- Length of appointment to case: total number of in-court hours, specifying pre-trial hearings, trial, sentencing hearings, and other proceedings: and total number of out-of-court hours.
- Offense(s) charged; number of counts charged; and other pending cases of defendant during the representation.
- Number of co-defendants.
- Sentencing guideline range found by the court and whether a mandatory minimum was found or at issue at sentencing. Discovery materials (nature and volume) and/or discovery practices.
- Motions, legal memoranda, jury instructions, and sentencing documents, or legal research not resulting in such, which were drafted originally for this case
- Investigation and case preparation (e.g., number and accessibility of witnesses interviewed, record collection, document organization).
- Use of investigative, expert, or other expert services (CJA 21 voucher).
- Communications with client, with client's family, language difficulties, accessibility of client, other.
- Any other noteworthy circumstances regarding the case and the representation provided to support this compensation request. Include, if applicable, negotiations with the U.S. Attorney's staff or law enforcement agencies; complexity or novelty of legal issues and factual complexity; responsibilities involved measured by the magnitude and importance of the case; manner in which duties were performed and knowledge, skill, efficiency, professionalism, and judgment required of and exercised by you; nature of your practice and hardship or injury resulting from the representation; any extraordinary pressure of time or other factors under which services were rendered.

Appendix C -Suggested Court Benchmarks for travel ONE way time and mileage.
(These Court Benchmarks are a drop down menu reference on the automated voucher)

BENCHMARKS FOR TRAVEL TIME FROM ST. LOUIS (STL)

STL TO BOP MEDICAL CENTER (SPRINGFIELD) 3.5
STL TO CAPE 2.0
STL TO CAPE GIRARDEAU COUNTY JAIL (JACKSON) 1.8
STL TO CLAYTON 0.4
STL TO CRAWFORD COUNTY JUVENILE(STEELVILLE) 1.7
STL TO DUNKLIN COUNTY JAIL (KENNETT) 3.3
STL TO JENNINGS POLICE DEPT 0.3
STL TO LINCOLN COUNTY JAIL (TROY) 1.1
STL TO NECC (BOWLING GREEN) 1.6
STL TO PHELPS COUNTY JAIL (ROLLA) 1.9
STL TO PEMISCOT COUNTY (CARUTHERSVILLE) 3.1
STL TO ST CHARLES COUNTY CORRECTIONS 0.6.
STL TO ST FRANCOIS COUNTY JAIL (FARMINGTON) 1.3
STL TO ST GENEVIEVE JAIL 1.1
STL TO WARREN COUNTY JAIL (WARRENTON) 1.1

BENCHMARKS FOR TRAVEL MILEAGE FROM ST. LOUIS (STL)

STL TO BOP MEDICAL CENTER (SPRINGFIELD) - 220
STL TO CAPE - 118
STL TO CAPE GIRARDEAU COUNTY JAIL (JACKSON) - 108
STL TO CLAYTON - 16
STL TO CRAWFORD COUNTY JUVENILE(STEELVILLE) - 92
STL TO DUNKLIN COUNTY JAIL (KENNETT) - 211
STL TO JENNINGS POLICE DEPT - 9
STL TO LINCOLN COUNTY JAIL (TROY) - 57
STL TO NECC (BOWLING GREEN) - 89
STL TO PHELPS COUNTY JAIL (ROLLA) - 109
STL TO PEMISCOT COUNTY (CARUTHERSVILLE)- 196
STL TO ST CHARLES COUNTY CORRECTIONS - 24
STL TO ST FRANCOIS COUNTY JAIL (FARMINGTON) - 72
STL TO ST GENEVIEVE JAIL - 65
STL TO WARREN COUNTY JAIL (WARRENTON) - 58

Appendix C Continued-Suggested Court Benchmarks for travel ONE way time and mileage.
(These Court Benchmarks are a drop down menu reference on the automated voucher)

BENCHMARKS TRAVEL TIME FROM CAPE GIRARDEAU (CAPE)

CAPE TO CAPE GIRARDEAU COUNTY JAIL (JACKSON) 0.4
CAPE TO CLAYTON 2.0
CAPE TO DUNKLIN COUNTY JAIL (KENNETT) 1.6
CAPE TO NECC (BOWLING GREEN) 3.4
CAPE TO PEMISCOT COUNTY DETENTION CTR (CARUTHERSVILLE) 1.4
CAPE TO ST. CHARLES COUNTY JAIL (ST. CHARLES) 2.2
CAPE TO ST. FRANCOIS COUNTY JAIL (FARMINGTON) 1.4

BENCHMARK TRAVEL MILEAGE FROM CAPE GIRARDEAU

CAPE TO CAPE GIRARDEAU COUNTY JAIL (JACKSON) - 13
CAPE TO CLAYTON - 124
CAPE TO DUNKLIN COUNTY JAIL (KENNET) - 96
CAPE TO NECC (BOWLING GREEN) - 190
CAPE TO PEMISCOT COUNTY DETENTION CTR (CARUTHERSVILLE) - 84
CAPE TO ST. CHARLES COUNTY JAIL (ST. CHARLES) - 130
CAPE TO ST. FRANCOIS COUNTY JAIL (FARMINGTON) - 80

COMMON REPRESENTATION TYPES

(Box 10 CJA20)

- 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.
- 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)
- WI** Material Witness (in custody)
- WW** Witnesses (e.g., Grand Jury, a Court, the Congress, a Federal Agency)
- PR** Probation Revocation
- PA** Parole Revocation
- SR** Supervised Release Hearing
- CH** Mental Competency Hearings (See Chapter 313 of Title 18 U.S. Code)
- OT** Other types (e.g., line ups, consultations, prisoner transfer, etc.)
- CK** Crack Retro Amendment

FOR DEATH PENALTY CASES, USE THE CJA FORM 30 AND APPLICABLE TYPE OF REPRESENTATION CODES FOR FURTHER ASSISTANCE CONTACT THE CJA SPECIALIST AT THE COURT.

CASE DISPOSITION CODES

(BOX 21 CJA20)

Indicate case disposition for the person represented (e.g., dismissed, convicted/final plea guilty, probation revoked, other, etc.). Select a code from the options below.

District Court Criminal and Other Proceedings

01- Dismissed

02- Acquitted by court, or government motion for judgment of acquittal granted

03- Acquitted by jury

04- Convicted/final plea guilty

05- Convicted/final plea nolo

08- Convicted/court trial

09- Convicted/jury trial

CC- Mistrial

EE- Not Guilty/insane/court trial

FF- Guilty/insane/court trial

GG- Not guilty/insane/jury trial

HH- Guilty/insane/jury trial

XX- Other (PTD matters, other reps. Transfers)

Probation/Parole/Supervised Release

RV- Revoked

RS- Restored

Basic Steps of a Federal Criminal Case

The following outlines the basic steps of a federal criminal case. A notation of where each step is addressed in the Federal Rules of Criminal Procedure of the United States Code is also included, if appropriate.

- A. Charge - complaint, information or indictment - (Rules 3 & 7, Fed.R.Crim.P.)
- B. Arrest or Summons - (Rule 4, Fed.R.Crim.P.)
- C. Initial Appearance Before a U.S. Magistrate Judge - (Rule 5, Fed.R.Crim.P.)
- D. Probable Cause Hearing - if no indictment - (Rule 5.1, Fed.R.Crim.P.)
- E. Bond/Detention Decision - (18 U.S.C. §3142)
- F. Detention Hearing - (18 U.S.C. §3142(e)(f)(g))
- G. Arraignment - Rule 10, Fed.R.Crim.P.)
- H. Motions/Discovery Phase - (Rules 12 - 16, Fed.R.Crim.P.)
- I. Motions Hearing - rare
- J. Pretrial Conference - (Rule 17.1, Fed.R.Crim.P.)
- K. Rearraignment, Guilty Plea/Trial - not guilty plea - (Rule 11, 23 - 31, Fed.R.Crim.P.)
- L. Motion for New Trial - (Rule 33, Fed.R.Crim.P.)
- M. Presentence Report Interview
- N. Presentence Report - 10 day mandatory response time - (Rule 32, Fed.R.Crim.P.)
- O. Presentence Report Addendum
- P. Presentence Report Addendum Objections
- Q. Sentencing - (Rule 32, Fed.R.Crim.P.)
- R. Self-Reporting
- S. Appeal - 10 days from the date of entry of judgment - (Rule 4(b), Fed.R.App.P.)
- T. Certiorari Petition
- U. Post Conviction Motions - (28 U.S.C. §2255)
- V. Presidential Pardon

Sources of Information

Pertinent excerpts from the *Guide to Judiciary Policies and Procedures* [Volume VII](#)

<http://www.uscourts.gov/FederalCourts/AppointmentOfCounsel/CJAGuidelinesForms/GuideToJudiciaryPolicyVolume7.aspx>

To view the complete *Guide*, which is maintained by the Clerk of Court, contact the Chief Deputy Clerk at 314-244-7900.

Local Assistance

Contact the Duty Attorney

Federal Public Defender

for the Eastern District of Missouri

1010 South 10th Street, Ste. 200

St. Louis, MO 63101

(314) 241-1255

Defender Sentencing Hotline

The Defender Sentencing Hotline offers free Sentencing Guideline assistance nationwide from a defense perspective. The hotline phone number is 1-800-788-9908.

Useful Publications

1. *U.S. Sentencing Commission Guidelines Manual*, U.S. Sentencing Commission, U.S. Government Printing Office, Superintendent of Documents, Mall Stop, SSOP, Washington, D.C. 20402. Web address: www.ussc.gov
2. *Most Frequently Asked Questions about the Sentencing Guidelines*, (6th edition); U.S. Sentencing Commission, One Columbus Circle, N.E., Suite 2-500 South Lobby, Washington, D.C. 20002-8002. 202-501-4500; FAX: 202-502-4699. Web address: www.ussc.gov
3. *Federal Sentencing Reporter*, (A project of the VERA institute of Justice). To order, contact University of California Press 510-642-4191. Web address: www.ucpress.edu
4. *Federal Sentencing Manual*, McFadden, Clark, Staniels. (Matthew Bender)
5. *Federal Sentencing Manual 2015*, West Publishing Company, 1-800-328-9352. (quantity discounts available)
6. *Federal Sentencing Law and Practice*, (Hutchison and Yellen) West Publishing Company, 1-800-328-9352.

Useful Telephone Numbers

Department of Justice Services

Information Line

St. Louis County Jail
100 South Central Avenue Stop 3
St. Louis Missouri 63105
314-615-5245

Arnold Police Department

2101 Jeffco Blvd.
Arnold MO 63010
636-296-3204

Cape Girardeau County Sheriff's Office

216 N. Missouri
Jackson MO 63755
573-243-3551

City Justice Center

200 S. Tucker Blvd.
St. Louis MO 63102
Phone: 314-621-5845
Fax: 314-588-0273

Crawford County Sheriff Office

212 3rd Street
Steelville MO 65565
573-775-2125

Franklin County Sheriff Office

1 Bruns Drive
Union MO 63084
636-583-2560

Jennings City Jail

5445 Jennings Station Road
Jennings MO 63136
314-385-4672

Lincoln County Sheriff Office

65 Business Park Drive
Troy MO 63379
636-426-6209

Marion County Jail

1703 Outer Roadway
Palmyra MO 63461
573-769-2077

Pemiscott County Sheriff Office

800 Ward Street
Caruthersville MO 63830
573-333-4101

Perry County Sheriff Office

710 S. Kingshighway
Perryville MO 63775
573-547-4576

St. Charles Co. Dept. of Corrections

301 N. Second Street
St. Charles MO 63301
636-949-3003

St. Francois Co. Jail

1550 Doubet Road
Farmington MO 63640
573-756-3110

**Ste. Genevieve County Sheriff
Office**

5 Basler Drive
Ste Genevieve MO 63670
573-883-5820

Warren County Jail

104 S. Boonslick Rd Ste A
Warrenton MO 63383
636-456-4333

Dunklin County Jail

1175 Floyd St
Kennett MO 63857
573-888-2409

U.S. Pretrial Services- St. Louis

111 South 10th Street, Ste. 6.345
St. Louis MO 63102
314-244-7000 or 1-800-793-7002
Fax: 314-244-7022

U.S. Pretrial Services -Cape

555 Independence Ave Suite 1200
Cape Girardeau MO 63703
1-800-315-9826
Fax: 1-573-331-8893

U.S. Probation- St. Louis

111 South Tenth Street, Ste. 2.325
St. Louis MO 63102
314-244-6700 or 866-224-9866
Fax: 314-244-6735

U.S. Probation -Cape

555 Independence Ave
Cape Girardeau, MO 63703
1-573-331-8980 or
1-800-373-6807
Fax: 1-573-331-8978

U.S. Attorney- St. Louis

Office of the United States Attorney
for the Eastern District of Missouri
111 South Tenth Street, 20th Floor
St. Louis MO 63102
539-2200 or 1-800-214-2690
Fax: 1-314-539-2309

U.S. Attorney- Cape

Office of the United States Attorney
1-573-334-3736 or
1-888-787-6387
Fax: 1-573-335-2393

Clerk's Offices

United States District Court
Eastern Division
111 South Tenth Street, Room 3.300
St. Louis MO 63102
314-244-7900

United States District Court
Northern Division
801 Broadway
Hannibal MO 63401
573-111-2000

U.S. Marshals Service- St. Louis
Eastern District of Missouri
111 South Tenth Street, 2nd Floor
St. Louis MO 63012
314-539-2212

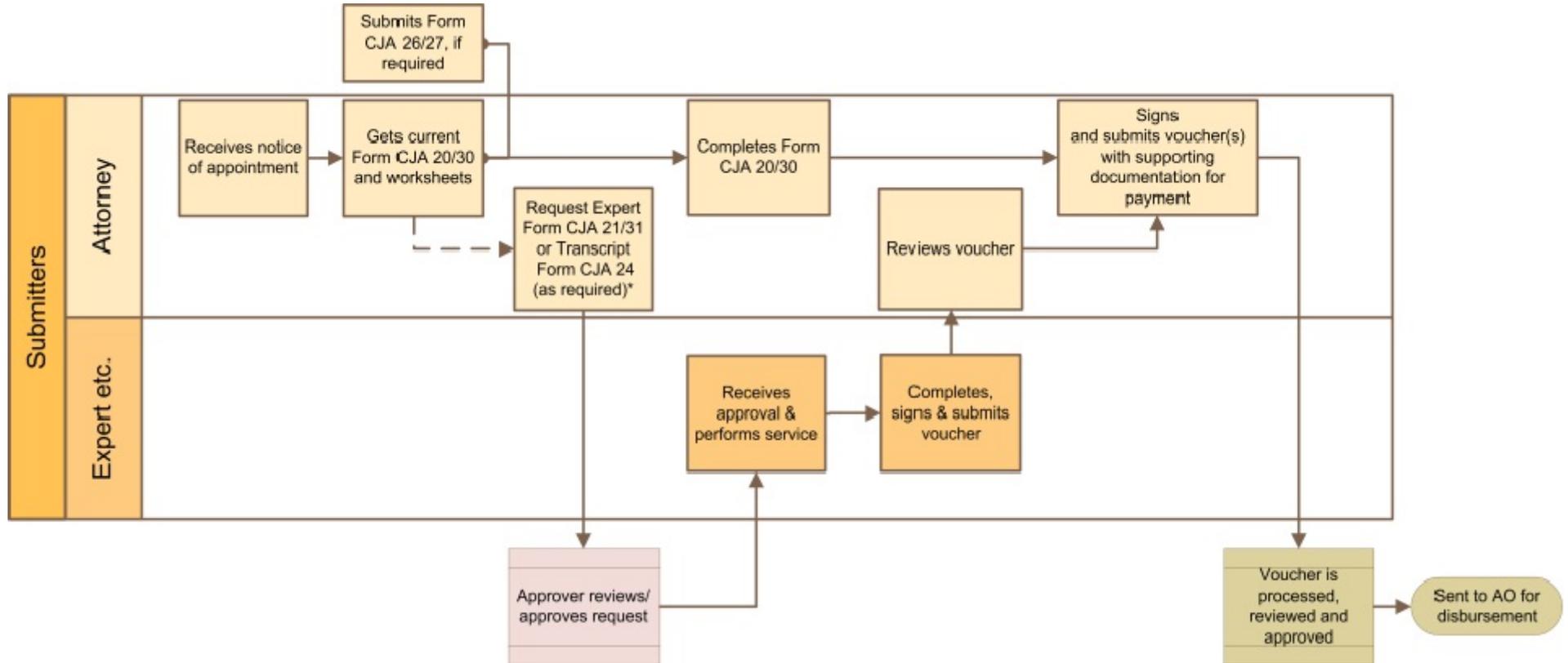
United States District Court
Southern Division
555 Independence Ave
Cape Girardeau MO 63703
573-331-8800

United States Eighth Circuit
Court of Appeals
111 South Tenth Street, 25th Floor
St. Louis MO 63102
314-244-2400

U.S. Marshals Service- Cape
Cape Girardeau Office

1-573-651-3579

Appendix G



**NOTIFICATION OF PROPOSED REDUCTION
OF CJA COMPENSATION VOUCHER**

Attorney:

Date:

Defendant:

Case Number:

Voucher Number:

Date of Representation from:

Interim Voucher: Yes No

Maximum Allowed:

CJA20 CJA30 CJA21 CJA31

Category	Detail of Service Type	Amount Claimed	Proposed Reduction	Proposed Total
1. In Court Time		0.00	0.00	0.00
2. Out of Court Time		0.00	0.00	0.00
3. Travel Expenses		0.00	0.00	0.00
4. Other Expenses		0.00	0.00	0.00
	Total	0.00	0.00	0.00

REASONS FOR PROPOSED REDUCTION

- 1.
- 2.
- 3.
- 4.

If counsel wishes to respond to this proposed reduction, please submit remarks in writing to the U.S District Court within ten working days of the date of this notification. Do not file a response electronically. Please submit to: Finance Department, 111 S. 10th St. St Louis, MO 63102 or fax to 314 244-7879

JUDGE NAME
UNITED STATES DISTRICT JUDGE