

## Attorney “Dos” and “Don’ts”

### Compensation and Expenses

#### “Dos”

- Do submit a budget for eligible representations using worksheets from your court, accessible online ([http://www.fd.org/odstb\\_casebudget.htm](http://www.fd.org/odstb_casebudget.htm)), or from the AO’s Office of Defender Services (202-502-3030).
- Do check current CJA Panel Attorney hourly rates and case compensation maximums at [http://www.fd.org/odstb\\_CJARates.htm](http://www.fd.org/odstb_CJARates.htm).
- Do get prior authorization for services where cost of services obtained is expected to exceed waivable statutory maximums (up to \$800 per case, excluding expenses, may be expended without prior authorization). See the [Other Service Providers Quick Reference](#) for more detail.
- Do provide a memo to the court indicating the length of time for which an interim payment will be needed and, if applicable, the amount of money for each interim payment. Also provide an explanation demonstrating need when requesting interim payments.
- Do maintain contemporaneous time and expense records.
- Do itemize and reasonably document out-of-pocket expenses.
- Do attach the court order approving interim payments when submitting an interim voucher.
- Do submit supporting documentation for single item expenses over \$50 and for all travel expenses (itemized receipts must be provided for all lodging expenses).
- Do provide an explanation why prior authorization was not obtained when more than \$800, excluding expenses, was expended on services without prior authorization (i.e., why timely procurement could not await prior authorization).
- Do, in a non-capital case in which the total compensation claimed is more than the statutory case compensation maximum, submit a detailed memo with the voucher to support your claim that:
  - The representation was provided in an extended or complex case.
  - The excess payment is necessary to provide fair compensation.

#### “Don’ts”

- Don’t accept a payment from or on behalf of the person represented without the express authorization of a U.S. district, circuit, or magistrate judge.
- Don’t claim general office overhead expenses, including secretarial help, as reimbursable expenses.
- Don’t claim the cost of items of a personal nature purchased for or on behalf of the person represented as reimbursable. This includes new clothing, having clothing cleaned, or furnishing cigarettes, candy, or meals.
- Don’t claim the expense of **printing** briefs as reimbursable.
- Don’t ask to be reimbursed for alcoholic beverages, entertainment, parking fines, or personal automobile expenses.

### Travel

#### “Dos”

- Do check mileage rates in effect for specific dates of travel when submitting vouchers. Current rates in effect for specific dates of travel can be found at [www.gsa.gov/mileage](http://www.gsa.gov/mileage).
- Do itemize all expenses and travel.
- Do seek prior court approval to obtain government travel rates from common carriers such as airlines when it will result in the greatest cost savings to the judiciary, considering all relevant factors.
- Do itemize each expense for each calendar day of travel when seeking reimbursement for actual travel expenses.
- Do consider seeking the court’s prior authorization for travel, especially overnight or long distances, to ensure that your travel expenses will be fully reimbursed. This applies to attorney or service provider travel.

#### “Don’ts”

- Don’t seek a per diem payment for travel; only **actual** costs are payable.

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### Using Service Providers

#### “Dos”

- Do submit a request for advance authorization for investigative, expert, or other services where it is anticipated that such services will exceed waivable statutory limits (i.e.; \$2,400, excluding expenses, for non-capital or \$7,500 total per capital case (fees and expenses)).
- Up to \$800 per case, excluding expenses, may be expended without prior authorization (fees expended on services with prior authorization do not count towards the “\$800 without prior authorization limit”).
- Do review and certify (sign) the service provider’s voucher to indicate the services were rendered as claimed.

#### “Don’ts”

- Don’t claim expenses for investigators, experts, and/or other services authorized under the CJA, subsection (e), as out-of-pocket **attorney** expenses; claim instead on Form CJA 21/31.
- Don’t purchase more than one transcript from the court reporter in multi-defendant cases involving CJA defendants. (Necessary duplicates should be obtained at a reasonable copying cost.)

### Filling Out Vouchers

#### “Dos”

- Do attach supporting documentation to your voucher claim.
- Do provide an itemized statement of all services provided and expenses claimed for which reimbursement is claimed.
- Do submit vouchers chronologically (i.e., in order of the dates of service, as where interim vouchers are authorized).
- Do make sure that dates of services claimed do not overlap with your other vouchers filed for the representation.
- Do submit a separate voucher for each interim payment claim.

#### “Don’ts”

- Don’t claim an amount that exceeds a waivable statutory maximum without including an explanation as to why payment exceeding the amount is necessary and appropriate. Attach prior authorizations.
- Don’t forget the Tax Identification Number.
- Don’t submit a voucher later than 45 days after the final disposition of the case, without “good cause.”
- Don’t discard time and expense records until at least three years after approval of the final voucher, as they may be subject to an audit.

### Submitting and Tracking Time

#### “Dos”

- Do record time in hours and tenths of an hour.
- Do attach supporting documents verifying the dates of service.
- Do prorate time spent in common on more than one indictment when submitting separate vouchers, and do cross-reference each indictment or case on the voucher.
- Do prorate the time spent among the defendants when visiting multiple incarcerated defendants at the same location.

#### “Don’ts”

- Don’t wait until after final case disposition to create time and attendance records for all work performed by associates, partners, and support staff.
- Don’t forget to designate time as in-court and out-of-court time.
- Don’t place time spent on different clients on the same voucher.
- Don’t forget to record separately the time spent in each service category.