

*Office of the Clerk*  
UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

*LAWRENCE K. BAERTMAN*  
*Clerk*

December 30, 2009

TO: NYND CJA Panel Attorneys

RE: Increase to Hourly Rates and Case Compensation Maximums

Dear CJA Panel Attorney:

Please be advised that as of January 1, 2010, there will be an increase to the CJA Hourly Rates and also the Case Compensation Maximums.

Congress recently passed, and the President signed into law on December 16, 2009, the Consolidated Appropriations Act of 2010 (Pub. L. No. 111-117), the spending measure which includes fiscal year 2010 funding for the Judiciary. As detailed in the attached documentation, the Congress authorized and provided funds to increase the capital and non-capital hourly rates for Criminal Justice Act (CJA) private "panel" attorneys; and the change in the non-capital hourly rate results in an adjustment to the attorney case compensation maximum amounts.

The new hourly compensation rates apply to work performed on or after January 1, 2010. 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, 2010.

The CJA Panel Attorney page of the courts web-site has been updated to include this updated information, as well as other helpful information for CJA Panel Attorneys.

Very truly yours,

  
Clerk of Court

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**CURRENT CRIMINAL JUSTICE (CJA) RATES AND CASE COMPENSATION MAXIMUMS****Hourly Rates for CJA Panel Attorneys**

(for services on or after 1/1/2010)

If a case is...	The hourly rate maximum is...
Non-Capital	\$125
Capital	\$178
for service prior to 1/1/2010	see <a href="#">History of CJA Rates</a>

**Waivable Case Compensation Maximums for Non-Capital Cases**[Note that there are no statutory attorney case compensation maximums for capital cases. [CJA Guidelines 6.02A\(2\)](#)]

Section(d)(2) of the Criminal Justice Act, 18 U.S.C. §3006A, provides that the attorney case compensation maximums increase simultaneously by the aggregate percentage increases in the maximum hourly non-capital rate, rounded to the nearest \$100.

If a case is a...	And services were completed...			
	Before October 13, 2008, the case maximum is...	On or after October 13, 2008, and before March 11, 2009, the case maximum is...	On or after March 11, 2009, and before January 1, 2010, the case maximum is...	On or after January 1, 2010, the case maximum is...
Felony (including pre-trial diversion of alleged felony)	\$7,000	\$7,800	\$8,600	\$9,700
Misdemeanor (including pre-trial diversion of alleged misdemeanor)	\$2,000	\$2,200	\$2,400	\$2,800
Proceeding under 18 U.S.C. § 4106A	\$1,500	\$1,700	\$1,800	\$2,100
Proceeding under 18 U.S.C. §§ 4107 or 4108 (for each verification proceeding)	\$2,000	\$2,200	\$2,400	\$2,800
Proceeding under 18 U.S.C. § 983	\$7,000	\$7,800	\$8,600	\$9,700
Post-conviction proceeding under 18 U.S.C. §§ 2241, 2254 or 2255	\$7,000	\$7,800	\$8,600	\$9,700
Proceeding under 28 U.S.C. § 1875	\$7,000	\$7,800	\$8,600	\$9,700
Appeal (from felony, misdemeanor, proceeding under 18 U.S.C. § 4106A, 18 U.S.C. § 983, post-conviction proceeding under 18 U.S.C. §§ 2241, 2254 or 2255, and 28 U.S.C. § 1875)	\$5,000	\$5,600	\$6,100	\$6,900
Other representation required or authorized by the CJA (including, but not limited to probation, supervised release hearing, material witness, grand jury witness)	\$1,500	\$1,700	\$1,800	\$2,100
Appeal of other representation	\$1,500	\$1,700	\$1,800	\$2,100

**Waivable Compensation Maximums for Services other than Counsel (e.g., investigators and experts):****Non-Capital Cases:**

[Note: the maximum with prior authorization applies separately for each service provider; the maximum without prior authorization applies for each category of service.]

With prior court authorization	\$1,600	<a href="#">CJA Guidelines 3.02</a>
Without prior court authorization	\$500	<a href="#">CJA Guidelines 3.02</a>

**Capital Case:**

For capital representations commenced, and capital appeals perfected on or after April 24, 1996, there is a waivable limit of \$7,500. The \$7,500 limit applies to the total payments for investigative, expert, and other services in a case, not to each service individually.

For services provided in earlier capital cases, please contact the [Legal and Policy Branch Duty Day Attorney](#) at 202-502-3030.

*Last revised December 22, 2009*

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## HISTORY OF CRIMINAL JUSTICE (CJA) RATES

### Non-Capital Hourly Rates

If services were performed between...	The hourly rate maximum is...
1/1/2010 to present	\$125
3/11/2009 through 12/31/2009	\$110
1/1/2008 through 3/10/2009	\$100
5/20/2007 through 12/31/2007	\$94
1/1/2006 through 5/19/2007	\$92
5/1/2002 through 12/31/2005	\$90

### Capital Hourly Rates

If services were performed between...	The hourly rate maximum is...
1/1/2010 to present	\$178
3/11/2009 through 12/31/2009	\$175
1/1/2008 through 3/10/2009	\$170
5/20/2007 through 12/31/2007	\$166
1/1/2006 through 5/19/2007	\$163
2/1/2005 through 12/31/2005	\$160
4/24/1996 through 1/31/2005	\$125

For rates applicable with respect to services performed prior to 5/1/2002 for non-capital cases and prior to 4/24/1996 for capital cases, please

contact the [Legal and Policy Branch Duty Attorney](#) at 202-502-3030.

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