

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

*Lawrence K. Baerman*  
*Clerk*

June 10, 2009

~ Attention CJA Panel Attorneys in the Northern District of New York ~

The Board of Judges of the Northern District of New York has voted to approve the reimbursement of travel time of less than one hour to CJA Panel Attorneys.

The U.S. District Court and the NDNY CJA Panel Committee remind all CJA Panel Attorneys of the importance of meaningful, periodic contact with incarcerated clients. Panel Attorneys will be compensated for necessary and reasonable travel time incurred to provide such client contact, as in accordance with Volume VII, Chapter 2.26, of The Guide to Judiciary Policies and Procedures and the NDNY CJA Voucher Instructions.

Please consult the CJA page of the Northern District of New York web-site regularly at:  
<http://www.nynd.uscourts.gov/cja.cfm>

Very truly yours,

  
Clerk of Court

## INSTRUCTIONS FOR COMPLETING THE CJA 20 WORKSHEETS

### **In Court Hourly Worksheet:**

The attached worksheet must be filled out by the appointed counsel for all *time spend in court*. The worksheets must be submitted with your completed CJA-20 Voucher. All information must be typewritten in the fillable .pdf form. Please include the following information:

1. The Case Number and CJA-20 Voucher Number pertaining to the claim.  
The Name of the Defendant that you are representing.  
The Voucher Number - Refer to the CJA-20 Voucher (upper right-hand corner)
2. For each in-court service rendered, provide the following:
  - a. The date that the service was performed
  - b. A brief description of the service performed
  - c. The time spent performing the service

The time spent performing the service must be reported in hours and *tenths of hours*, using percentages. *Examples - .1, 2.2, 3.5, 1.6, etc. (Tenths of hour)*  
The time reported must be listed under the appropriate *in court* service category, such as Arraignment and/or Plea, Motions and Requests, Bail Hearings, etc.

Once all *in court* services have been documented, the hours column pertaining to each service category must be totaled. If more than one page is required, a page total should be provided on each page. A grand total of all page totals should be provided on the final page. The grand total for each service category will then be transferred to Item #17 on the CJA-20 Voucher Form. Please list each category separately to arrive at the total hours for all *in court* services. The *in court* compensation should then be calculated by multiplying the applicable rate per hour by the total hours. Current rates are available at -> [http://www.nynd.uscourts.gov/documents/HourlyRates\\_000.pdf](http://www.nynd.uscourts.gov/documents/HourlyRates_000.pdf)

3. Each page should be numbered. Examples - Page 1 of 2, Page 2 of 2, etc.

Once all necessary information has been completed and transferred to the CJA-20 Voucher, the *in court* worksheet(s) must be attached to the CJA-20 Voucher Form.

### **Out of Court Hourly Worksheet:**

The attached worksheet must be filled out by the appointed counsel for all *out of court* time. The worksheets must be submitted with your completed CJA-20 Voucher. All information must be typewritten in the fillable .pdf form. Please include the following information:

1. The Case Number and CJA-20 Voucher Number pertaining to the claim.  
The Name of the Defendant that you are representing.  
The Voucher Number - Refer to the CJA-20 Voucher (upper right-hand corner)
2. For each *out of court* service rendered provide the following:
  - a. The date that the service was performed
  - b. A brief description of the service performed
  - c. The time spent performing the service

The time spent performing the service must be reported in hours and *tenths of hours*, using percentages. *Examples - .1, 2.2, 3.5, 1.6, etc. (Tenths of hour)*

The time reported must be listed under the appropriate *out of court* service category. Example - Interview and Conferences, Obtaining and Reviewing Records, Legal Research and Brief Writing, Travel Time, etc.

Pursuant to The Guide to Judiciary Policies and Procedures, Volume VII, Chapter 2.26, compensation shall be approved for time spent in necessary and reasonable travel. Effective 6/09/2009: CJA Panel Attorneys may be reimbursed for travel to and from court (or the place where service is rendered) if travel time is less than one hour.

Once all *out of court* services have been documented, the hours column pertaining to each service category must be totaled. If more than one page is required, a page total should be provided on each page. A grand total of all page totals should be provided on the final page. The grand total for each service category will then be transferred to Item #18 on the CJA-20 Voucher Form. Please list each category separately to arrive at the total hours for all *out of court* services. The *out of court* compensation should then be calculated by multiplying the applicable rate per hour by the total hours. Current rates are available at -> [http://www.nynd.uscourts.gov/documents/HourlyRates\\_000.pdf](http://www.nynd.uscourts.gov/documents/HourlyRates_000.pdf)

3. Each page should be numbered. Examples - Page 1 of 2, Page 2 of 2, etc.

Once all necessary information has been completed and transferred to the CJA-20 Voucher, the *out of court* worksheet(s) must be attached to the CJA-20 Voucher Form.

### **Other Expense Worksheet:**

The attached worksheet must be filled out by the appointed counsel for all *other expenses* incurred in the defense of a client under the CJA. The worksheets must be submitted with your completed CJA-20 Voucher. All information must be typewritten in the fillable .pdf form. Please include the following information:

1. The Case Number and CJA-20 Voucher Number pertaining to the claim.  
The Name of the Defendant that you are representing.  
The Voucher Number - Refer to the CJA-20 Voucher (upper right-hand corner)
  
2. For each *Expense Item* claimed please provide the following:
  - a. The date that the service was performed
  - b. A brief description of the service performed
  - c. The time spent performing the service

Attach supporting documentation. Example - receipts, canceled checks and invoices for all expenses over \$50. Such expense items as mileage and copying should show total miles. Mileage rate is available at <http://www.nynd.uscourts.gov/documents/mileage.pdf>  
The expenses incurred should then be listed under the appropriate other expense category. IE. Mileage, Parking, Meals, etc.

Once all *other expenses* have been itemized, total each column listing the total amount on the bottom of the worksheet. Transfer and list *other expense* categories and the applicable totals under item #19 on the CJA-20 Voucher Form. The *other expense* worksheet(s) must be attached to your CJA-20 Voucher when it is submitted to the court for payment.

**2.26 Travel Time.** Compensation shall be approved for time spent in necessary and reasonable travel. Ordinarily, allowable time for travel includes only those hours actually spent **in or awaiting transit**. Accordingly, if a trip necessarily and reasonably requires overnight lodging, compensable travel time to the destination from the claimant's office would terminate upon arrival and check-in at the hotel or other place of accommodation plus travel time returning directly to the claimant's office from said destination. Compensation for travel time shall be at a rate not to exceed the rate provided in subsection (d) of the Act for "time reasonably expended out of court."

If such travel is made for purposes in addition to representing the person whom the attorney has been appointed to represent under the Act, the court shall determine whether, in fairness to the appointed attorney, the travel time should be apportioned, and the appointed attorney compensated for that portion of the travel time reasonably attributable to the performance of the attorney's duties under the Act. In determining whether such travel time should be so apportioned, the court may consider the time reasonably expended in the performance of the attorney's duties under the Act, in relation to the time expended furthering other purposes of the trip, the significance to the representation of the duties performed, and the likelihood that the attorney would have made the trip to perform the duties under the Act in the absence of the other purposes for making the trip.

**C. Travel Expenses.** Travel by privately owned automobile should be claimed at the rate currently prescribed for federal judiciary employees who use a private automobile for conduct of official business, plus parking fees, ferry fares, and bridge, road, and tunnel tolls. Transportation other than by privately owned automobile should be claimed on an actual expense basis.

Per diem in lieu of subsistence is not allowable, since the Act provides for reimbursement of expenses actually incurred. Therefore, counsel's expenses for meals and lodging incurred in the representation of the defendant would constitute reimbursable "out-of-pocket" expenses. In determining whether actual expenses incurred are "reasonable," counsel should be guided by the prevailing limitations placed upon travel and subsistence expenses of federal judiciary employees in accordance with existing government travel regulations.

Government travel rates at substantial reductions from ordinary commercial rates may be available from common carriers for travel authorized by the court in connection with representation under the CJA. To obtain such rates, attorneys must contact the clerk of the court and obtain prior approval from the presiding judicial officer.