

**BUDGETING AND EXCESS
COMPENSATION**
AN OVERVIEW

**Non Capital Mega Case Now
Over \$39,000**
No Need to Budget Unless You Expect More Than 300 Attorney
Hours
All Capital Cases are budgeted.

YOU HAVE A NEW CASE
WHAT TO DO NOW?

HOLY ####! LOOK AT ALL THIS DISCOVERY!

DO NOT

- JUMP IN WITH BOTH FEET AND START READING
- START LISTENING TO HUNDREDS OF HOURS OF AUDIO TAPES

CALL 510-637-1950

- NATIONAL LITIGATION SUPPORT ADMINISTRATOR
- SEAN BRODERICK
- KELLY SCRIBNER
- ALEX ROBERTS

• CHECK FD.ORG PAGE AND CLICK LITIGATION SUPPORT

OR 513-564-7358

- BOB RANZ
- 6TH CIRCUIT CASE BUDGETING ATTORNEY

YES, I NEED A BUDGET

- FILE A MOTION WITH THE COURT TO HAVE THE CASE DECLARED COMPLEX AND/OR EXTENDED, FOUND TO BE CONSIDERED A MEGA CASE AND ELIGIBLE FOR BUDGETING AND ASK FOR INTERIM PAYMENTS FOR ATTORNEYS AND SERVICE PROVIDERS.

CALL ME FOR THE FORMS

- DON'T WAIT UNTIL A WEEK BEFORE TRIAL - CALL WHEN YOU FEEL YOU HAVE A HANDLE ON THE CASE.

YOU DON'T NEED A BUDGET TO ASK FOR A SERVICE PROVIDER

- FILE A MOTION AND APPENDIX C (OR 3A) ASKING FOR A PROVIDER.
- UP TO \$2400 CAN BE APPROVED BY DISTRICT JUDGE.
- OVER \$2400 NEEDS TO COME TO THE CIRCUIT.

- CHECK OUT www.lacourt.org/division/criminal/pdf/witnesses.pdf

FIGURE OUT THE TIME NEEDED

- THE BEST WAY TO DO THIS IS TO DECIDE HOW MANY HOURS PER WEEK YOU THINK YOU WILL SPEND ON THE CASE ON AVERAGE. THEN BREAK IT DOWN INTO HOW MUCH PER CATEGORY.

- REMEMBER THIS IS NOT YOUR ONLY CASE.

WHAT EXPERTS AND SERVICE PROVIDERS DO I NEED?

- DO I NEED AN INVESTIGATOR?
- DO I NEED A PARALEGAL?
- DO I NEED A DOCTOR?

- ASK FOR WHAT YOU THINK YOU NEED.

JUSTIFY WHAT YOU NEED

- TELL US WHY YOU NEED THE SERVICE PROVIDER.
- WE DON'T NEED A SMALL NOVEL.
- THE PROSECUTOR HAS ONE IS NOT JUSTIFICATION.
- THEY TOLD ME TO GET ONE AT A SEMINAR IS NOT JUSTIFICATION.

PRESUMPTIVE RATES

- 1. LEARNED COUNSEL (DEATH PENALTY) \$181
 - 2. COUNSEL (DEATH PENALTY) \$181
 - 3. INVESTIGATOR \$55 - \$100
 - 4. MITIGATION SPECIALIST \$75 - \$100
 - 5. PARALEGAL \$25 - \$50
 - 6. LAW CLERK \$15 - \$25
 - 7. PSYCHOLOGIST \$150 - \$250
 - 8. NEUROPSYCHOLOGIST \$150 - \$250
 - 9. PSYCHIATRIST \$150 - \$250
 - 10. ASSOCIATES \$80(NON-CJA) \$90(CJA)
 - 11. INTERPRETERS(CERTIFIED) \$226 HALF DAY \$418FULL DAY
 - 11A. INTERPRETERS(NON-CERTIFIED)\$111 HALF \$202 FULL
 - 12. TRANSLATIONS .12 - .15 CENTS PER WORD
- Rates are presumptive—experience and type of work factors in – call me if you need to go outside of the presumptive rates.

ONCE THE BUDGET IS APPROVED

- ONLY THE FINAL VOUCHERS HAVE TO COME TO THE CIRCUIT.
- THE 20% HOLDBACK IS OPTIONAL FOR THE JUDGE.

NOW YOU HAVE DONE A BUDGET

- IT IS NOT AS HARD AS IT LOOKS.
- IT HELPS YOU PLAN YOUR STRATEGY.
- IT GETS YOU PAID QUICKER.
- IT DOES THE MATH FOR YOU.

OUR GOAL

- TO KEEP THE QUALITY OF THE REPRESENTATION HIGH.
- WE WANT TO GIVE YOU WHAT YOU NEED.
- WE WANT TO SHOW THE JUDGE WE ARE ATTEMPTING TO CONTAIN COSTS.

WHAT YOU NEED TO DO

- TRY TO AVOID DUPLICATION OF EFFORT.
- YOU DON'T HAVE TO NECESSARILY DO IT ALL YOURSELF. (CONSIDER USING A PARALEGAL)
- SHARE RESOURCES WHEN POSSIBLE.
- NEGOTIATE WITH SERVICE PROVIDERS.
- ALWAYS ASK FOR PRIOR APPROVAL.
- REMEMBER - YOU CAN ALWAYS ASK FOR MORE!

EXCESS COMPENSATION

- YOU CAN STILL ASK THAT A CASE BE DECLARED COMPLEX AND/OR EXTENDED AND ASK FOR INTERIMS EVEN IF YOU DON'T NEED TO BUDGET.
- FILE A CJA 26 FORM OR A MEMORANDUM ASKING FOR EXCESS COMPENSATION WITH YOUR VOUCHER.

JUSTIFY IT! WHAT NOT TO DO

- MY CLIENT WAS DIFFICULT IS NOT ENOUGH.
- I GAVE UP OTHER CASES IS NOT ENOUGH.
- MY NORMAL RATE IS \$400 PER HOUR IS NOT ENOUGH.
- I HAVE BEEN AN ATTORNEY FOR 30 YEARS IS NOT ENOUGH.
- YOU ALWAYS CUT MY VOUCHERS IS NOT ENOUGH.

WHAT WE ARE LOOKING FOR

- WAS DISCOVERY EXCESSIVE.
- WAS THERE A LOT OF TRAVEL.
- WERE THERE A LOT OF MOTIONS.
- DID YOU PREPARE FOR TRIAL.
- WERE THERE A LOT OF PROFFERS.
- WAS THERE A TRIAL.
- JUST TELL US WHAT MADE THIS CASE MORE DIFFICULT.

WHEN YOU HAVE QUESTIONS

- PLEASE CALL ME. 513-564-7358

- THAT'S WHY I AM HERE.

Guide to Judiciary Policy

Vol 7: Defender Services

Pt A: Guidelines for Administering the CJA and Related Statutes

Appx 3A: Sample Request for Advance Authorization for Investigative, Expert or Other Services

TO: Chief Judge (or Delegate) _____
United States Court of Appeals For the _____ Circuit

DATE: _____

FROM: _____

SUBJECT: Advance Authorization for Investigative, Expert, or Other Services

It is requested that advance authorization be granted to obtain services in an amount in excess of the maximum allowed under the provisions of subsection (e)(3) of the Criminal Justice Act, 18 U.S.C. § 3006A, [or, for capital cases commenced, and appellate proceedings in which an appeal is perfected, on or after April 24, 1996, under 18 U.S.C. § 3599(g),] as follows:

Case Name & Designation

Name of Expert or Investigator or Service Provider

Address _____

Type of Service _____

Reasons for Application

Estimated Compensation (Non-Capital Case) \$ _____

Estimated Compensation and Expenses (Capital Case) \$ _____

Estimated Compensation and Expenses of All Investigative, Expert, and Other Services
(Capital Case) \$ _____

I certify that the estimated compensation in excess of the maximum set forth in
18 U.S.C. § 3006A(e)(3) [or, if applicable, the estimated compensation and expenses in
excess of the maximum set forth in 18 U.S.C. § 3599(g),] appears necessary to provide
fair compensation for services of an unusual character or duration and therefore
recommend approval of this advance authorization in the amount of

\$ _____.

United States District Judge
or United States Magistrate Judge

Date

Advance authorization is hereby approved in the amount of

\$ _____.

Chief Judge, United States Court of Appeals
(or Delegate)

Date