CJA eVoucher Administration Manual
For the
United States District Court,
Eastern District of Tennessee
&
Federal Defenders Services of Eastern Tennessee

I. AUTHORITY

The Criminal Justice Act ("CJA") requires each United States District Court to have a plan for furnishing representation to any person financially unable to obtain adequate representation. 18 U.S.C. § 3006A. The CJA Plan for the Eastern District of Tennessee ("CJA Plan") provides for representational services by the Federal Defender Services of Eastern Tennessee ("FDSET") and for the appointment and compensation of private attorneys from an approved CJA Panel.

The CJA Plan establishes joint administration of the Court's CJA payment program ("eVoucher") by the Court and FDSET. Section VI(C), CJA Plan. The Court retains ultimate approval authority over requests for CJA funds. *Id*. The District Judges reserve the right to deny, approve, or question payment of any voucher consistent with the Judiciary's CJA Guidelines. See *Guide to Judiciary Policy* (the *"Guide"*) Vol. 7, Part A.

The following policies and procedures shall apply to eVoucher administration pursuant to sections VI(C) and XII(C) of the Plan. Section XII(C), CJA Plan.

II. FDSET CJA UNIT

A. Members

FDSET shall establish a CJA eVoucher Unit ("CJA Unit") within the FDSET office to assist with administering the CJA e-Voucher payment program in conjunction with the District Court. The CJA Unit shall consist of a CJA Coordinating Attorney and a CJA Panel Administrator. Neither the CJA Coordinating Attorney nor CJA Panel Administrator will be involved in the direct representation of individuals. The Coordinating Attorney and Panel Administrator will not have access to FDSET clients' digital files and are prohibited from accessing FDSET clients' physical files. Likewise, FDSET attorneys involved in the representation of individuals will not have access to the CJA Unit's digital files or the CJA eVoucher system.

B. Principal Functions

The CJA Unit's principal functions consist of the following:

(1) Maintain aspects of the Court's CJA eVoucher payment program. Conducts a reasonableness and technical review of vouchers and requests for case funding submitted by attorneys and service providers consistent with the Judiciary's CJA

Guidelines, the Court's CJA Plan, the Court's CJA Billing Guidelines, and these procedures. Assists the reviewing judge in his or her review of vouchers and requests for case funding. Applies first-level approval for payment after judicial approval. Provides training and troubleshooting support to Court staff and CJA panel members.

(1) Develops and maintains internal systems to protect the confidentiality of CJA panel client matters and ensure the separation of information relating to the representation of CJA panel clients from the representation of FDSET's clients.

(2) Understands the Judiciary's CJA Guidelines, federal travel regulations, and the Court's CJA Plan and CJA Billing Guidelines and serves as a point of contact for eVoucher questions.

(3) Maintains FDSET's CJA information webpage. Establishes and updates local resources for divisional CJA panels as well as sharing other, non-local resources available such as those within the Defender Services Office Training Division, the National Litigation Support Team, the Defender Services Office, and the federal defender system.

(4) Investigates and responds to administrative and tax audits in conjunction with the Court. Monitors compliance with eVoucher user security and audit procedures.

III. COMPENSATION OF CJA PANEL ATTORNEYS AND SERVICE PROVIDERS

A. Compensation

Detailed instructions for submitting claims for compensation and reimbursement for expenses are available on FDSET's CJA Informational page.

(2) Required Forms. Claims for compensation and reimbursement of expenses must be submitted in eVoucher using the appropriate form. Any required documentation must be attached.

(3) Attorney Hourly Rates. Panel attorneys will be compensated according to the hourly rates established by the Judicial Conference:

a. Non-capital Cases. Hourly rates are adjusted automatically each year, contingent upon the availability of funding. The current hourly rates are available on FDSET's CJA Informational page.

b. Capital Cases. Compensation of counsel in federal capital cases and capital habeas corpus proceedings is established by the Court. *See* 18 U.S.C. § 3559(g)(1).

(4) Waivable Compensation Maximums.

a. Attorney Fee Maximums. Each non-capital appointment carries a statutory case compensation maximum for attorney services. Expenses do not apply toward compensation maximums. The current compensation limits are available on FDSET's CJA Informational page.

b. Service Provider Maximums. Each appointment carries a statutory case compensation maximum for service providers. Expenses do not apply toward the statutory case compensation maximum. The current compensation limits are available on FDSET's CJA Informational page.

(5) Excess Compensation Vouchers. Exceeding the statutory maximum requires approval by a District Judge (or designee) and the Chief Judge of the Sixth Circuit (or designee). Instructions for submitting requests to exceed the statutory maximum appear in Section V.

a. Attorney Fees. Requires certification that the representation is **"extended or complex"** and that the excess payment is necessary to fairly compensate counsel. 18 U.S.C. § 3006A(d)(3); *see also Guide*, Vol. 7A, Ch. 2 § 230.23.40.

b. Service Provider Fees. Requires certification that the excess amount is necessary to provide fair compensation for **"services of an unusual character or duration."** 18 U.S.C. § 3006A(e)(3) & 359(g)(2); *see also Guide,* Vol. 7A, Ch. 3 § 310.20.20.

(6) Payment Processing. To facilitate the timely processing of requests for payments, the following policies are established:

a. Interim Payments. Pursuant to Standing Order 25-05, panel attorneys and service providers may—without first obtaining Court approval—submit interim vouchers for compensation every 90 days during their representation, as long as the total costs of services and expenses incurred equals or exceeds $4,000 for the time period the voucher represents.

b. Final Vouchers. Final vouchers must be submitted no later than 45 days from the final disposition of the case or when the appointment is terminated, whichever occurs earlier.

c. Late Vouchers. Final vouchers submitted outside the 45-day time limit must include a letter establishing good cause for the untimely submission.

d. Voucher Processing Time. Absent extraordinary circumstances, review of CJA-related requests will be initiated within 30 days of submission.

e. Violations. Repeated violations of this claim submission policy will be reported to the Community Defender and may result in disciplinary action or removal from the CJA Panel.

B. Travel Expenses

The Court does not require advanced authorization for travel occurring inside of the district or for travel outside of the district as permitted by Standing Order 23-04. The Court must approve travel requests for travel occurring outside of the district that is not covered by Standing Order 23-04. Travel authorization requests must comply with *Guide,* Vol. 7A, Ch. 2 § 230.63.40. Detailed instructions for submitting a travel authorization request are available on FDSET's CJA Informational webpage.

When traveling under a CJA authorization, attorneys and service providers will be reimbursed for their actual travel expenses subject to the same limitations and regulations as federal judicial employees and up to the allowable General Services Administration (GSA) per diem rate.

A travel authorization is valid for 90 days from the date of its approval.

(1) Airfare. Attorneys should contact the CJA Unit to obtain government-rate airfares through the National Travel Service ("NTS"). Attorneys may make travel arrangements without using NTS, however, reimbursement is limited to the GSA city-pair rate.

(2) Privately Owned Vehicle ("POV"). Travel by POV will be reimbursed at the GSA POV mileage rate currently prescribed for federal judiciary employees. The CJA eVoucher program generates the appropriate mileage rate based on the date of travel.

a. The date, destination, and number of miles traveled is required for reimbursement. Mileage calculations originate from the attorney or service provider's place of business unless good cause is shown.

(3) Vehicle Rentals. Reimbursement of a reasonable rental car expense is permitted when the use of a rental vehicle is less expensive than using a POV, taxi, car service, or other mode of transportation. Car rental must be authorized in advance.

a. Reservations through National Travel Service. The government contract car rental rate (which includes collision insurance) is available if the vehicle is reserved using NTS. A government credit card is not required.

b. Direct Booking. With prior approval from the Court, counsel may reserve a vehicle without using NTS but has the responsibility of insuring the

vehicle. Adding insurance coverage is not reimbursable under the Judiciary's CJA Guidelines. *See Guide,* 7A, Ch.2 § 230.63.40(c).

(4) Rescheduling. During the 90-day authorization period, the traveler may contact NTS to reschedule departure/arrival dates provided (a) the cost remains substantially the same and (b) notice is provided to the CJA Unit, who will provide notice to the Court.

IV. AUTHORIZATION FOR INVESTIGATIVE, EXPERT, OR OTHER SERVICES

Appointed counsel is entitled to funding for fees and expenses associated with hiring an expert, investigator, or other professional (e.g., paralegals, interpreters) to assist defense counsel in tasks necessary to provide adequate representation. *See* 18 U.S.C. § 3006A(e). Instructions for submitting requests are available on the FDSET's CJA Information webpage.

A. Rates and Standards

Rate and billing standards are approved by the Court and the Sixth Circuit. The current rates are available on the FDSET's CJA Information webpage. Rates above the standards may be authorized in an individual case upon showing good cause.

B. Authorizations ("AUTHS")

The Judiciary's CJA Guidelines authorize CJA counsel to retain investigative, expert, and other services. Counsel must receive prior approval for services expected to exceed $1,000. This limit applies per individual or organization. Services expecting to exceed $3,000 require local prior approval as well as Circuit preapproval. Similarly, payment for services totaling more than $3,000 require both local and Circuit approval. The combined fees of all services count toward these limits, but reimbursable expenses do not. These limits are adjusted periodically by the Judicial Conference. *See Guide,* Vol. 7A, Ch. 3 § 310.20.

(1) Without Prior Authorization. Counsel need not obtain prior authorization for services up to $1,000, although services are subject to subsequent review. *Guide,* Vol. 7A, Ch. 3 § 310.20.30.

(2) Prior Authorization. For services exceeding $1,000, counsel must seek prior authorization by submitting an AUTH in eVoucher identifying the following:

a. Type of service provider and qualifications if using an expert, including a resume or CV if applicable;

b. Expected dates of service;

c. Description of services to be provided and why they are necessary to the defense;

d. Explanation of the fee arrangement (e.g., hourly rate); and

e. Statement of any expected expenses exceeding $500.

NOTE: Flat fee arrangements are strongly disfavored as they prevent the voucher reviewer from assessing reasonableness.

(3) Supplemental AUTH. If funds on an existing authorization have been depleted and additional services are necessary, counsel must submit a new AUTH in eVoucher, selecting "Request Additional Funds" as the Authorization Type and link the supplemental request to the existing AUTH.

(4) Nunc Pro Tunc AUTH. *Nunc pro tunc* AUTHs are strongly disfavored but may be granted if the reviewer finds that timely procurement of necessary services could not await prior authorization. *See Guide,* Vol. 7A, Ch. 3 § 310.20.05(b).

C. Requests for CJA Funding for Service Providers by Retained Counsel

Consistent with 18 U.S.C. § 3006A, the District Court's CJA Plan and CJA Billing Guidelines, and the Judiciary's CJA Guidelines, defendants with retained counsel may seek CJA funding for services that are "necessary to an adequate defense," provided the Court determines the defendant is financially eligible. Counsel must follow the steps below **before fees are incurred** to obtain CJA funding for service providers:

(1) Contact the CJA Unit for guidance applying relevant CJA Guidelines, including those found in Volume 7, Chapter 3, Section 310.10 of the *Guide*.

(2) File an *ex parte* and under seal motion asking for a determination that the client is financially eligible for CJA services. The motion must include an executed financial affidavit (Form CJA-23).

(7) If the Court finds the client indigent, contact the CJA Unit to be added as an eVoucher attorney user and participate in eVoucher training.

(3) Submit an authorization in eVoucher following the procedures in Section IV(B).

(4) Follow the procedures in Section III(A) to request compensation for approved services.

Counsel are expected to submit vouchers through the eVoucher program. Claims for compensation will be reviewed for compliance with the Judiciary's CJA Guidelines, the

Court's CJA Billing Guidelines, and the Sixth Circuit's rates and standards, which are available on FDSET's CJA Informational webpage.

D. Denials or Reductions

Except in cases involving mathematical or technical corrections, no request for service provider funding may be reduced or denied without affording counsel the opportunity to be heard. The Court will notify counsel of any reduction or denial and offer counsel the opportunity to justify the request.

When a voucher has been reduced or rejected (in whole or in part), counsel may seek an independent review by the CJA Fee Review Committee following the procedures set forth in Section XII(C) of the Court's CJA Plan.

V. EXCEEDING STATUTORY CASE COMPENSATION MAXIMUM FEE LIMITS

A. Non-Budget Cases

Vouchers that exceed the statutory case compensation limit require the following levels of approval: CJA Unit (Panel Administrator and Coordinating Attorney), presiding magistrate judge (or designee), presiding District Judge (or designee) and the Chief Judge of the Sixth Circuit Court of Appeals (or designee).

Counsel must fill out a CJA 26 form and upload it as a PDF file to the "Documents" tab of their CJA 20 voucher. Detailed instructions are available on the FDSET's CJA Informational webpage.

The voucher, CJA 26 form, and any additional documentation provided by counsel must be sufficient to show:

1. The representation involves an extended or complex case; and
2. Excess payment is necessary to provide fair compensation.

See Guide, Vol 7A, Ch. 2 § 230.23.40(b); 18 U.S.C. § 3006A(d)(3).

B. Budgeted Cases

In non-capital representations of unusual complexity that are likely to exceed 300 hours or $40,000 in total expenditures, counsel must contact the Sixth Circuit case-budgeting attorney for a consultation.

After consulting with the Sixth Circuit case-budgeting attorney, if the Sixth Circuit case-budgeting attorney agrees that the case should be budgeted, counsel should file *ex parte* a proposed initial litigation budget for the Court to approve.

All capital cases must be budgeted.

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VI. VOUCHER REVIEW WORKFLOWS

Pursuant to Section XII(C) of the Court's CJA Plan, vouchers shall be directed to the appropriate approving authority according to the following workflows:

FORM	Amount Sought/Claimed	Workflow
AUTHs Authorization requests for service providers[1]	Up to statutory case maximum limit	Technical Review (PA) → Reasonableness Review (CA) → Approval (CJ)
AUTHs Authorization requests for service providers	Above statutory case maximum limit	Technical Review (PA) → Reasonableness Review (CA) → Approval (MJ) → Final Approval (6CCA)
CJA 20, 30 Payment voucher for attorneys in non-capital and capital cases	Within statutory case maximum limit	Technical Review (PA) → Reasonableness Review (CA) → Approval for Payment (CJ) → First Level Approver (CA) → Certifier (CO)
CJA 20, 30 (CJA 26) Payment voucher for attorneys in non-capital and capital cases	Above statutory case maximum limit	Technical Review (PA) → Reasonableness Review (CA) → Approval (MJ) → Approval (DJ) → Final Approval for payment (6CCA) → First Level Approver (CA) → Certifier (CO)
CJA 21s, 31s Payment voucher for service providers (non-capital and capital cases)	Up to statutory case maximum limit	Technical Review (PA) → Reasonableness Review (CA) → Approval for Payment (CJ) → First Level Approver (CA) → Certifier (CO)
CJA 21s, 31s (Appx3A) Payment voucher for service providers (non-capital and capital cases)	Above statutory case maximum limit	Technical Review (PA) → Reasonableness Review (CA) → Approval (MJ) → Approval (DJ) → Final Approval for payment (6CCA) → First Level Approver (CA) → Certifier (CO)
CJA 20s, 30s, 21s, 31s Payment vouchers for attorneys and service providers	Under statutory case maximum where Coordinating Attorney proposes a reduction or denial	Technical Review (PA) → Reasonableness Review (CA) → Approval (MJ) → Approval (DJ) → First Level Approver (CA) → Certifier (CO)

[1] Service providers include, but are not limited to, paralegals, investigators, medical specialists, etc.

Travel Authorizations For attorneys and service providers	Travel outside of district unless pre-approved by Standing Order 23-04	Technical Review (PA) → Reasonableness Review (CA) → Approval (CJ)
Transcripts (AUTH 24s) Requests for transcripts	All	Technical/Reasonable Review (PA/CA) → Approval (DJ)
Transcripts (CJA 24s) Payment for transcripts to Court Reporter	All	Technical/Reasonable Review (PA/CA) → Approval (DJ) → First Level Approver (CA) → Certifier (CO)

* PA = Panel Administrator; CA = Coordinating Attorney; CO = Certifying Officer (or Designee); MJ = Magistrate Judge or Designee[2] (presiding); DJ = District Judge or Designee (presiding); CJ = Chief Judge (or Designee); 6CCA = Sixth Circuit Court of Appeals (or Designee).

Vouchers are first submitted to the CJA Unit for review and processing.

A. Technical Review by CJA Panel Administrator

The CJA Panel Administrator will perform a technical review to ensure the voucher's arithmetic computations are accurate, only authorized services and expenses are included, and all charges are at the authorized rates. Any discrepancies are noted on the voucher, and appropriate audits are available for review. The technical review will also include making sure the defendant's name is correct, the defendant number is correct, the correct judges are assigned, and the correct case style is selected.

B. Reasonableness Review by CJA Coordinating Attorney

The CJA Coordinating Attorney determines whether the billed services are reasonable or if additional documentation is needed before a payment is submitted to a judge for approval. The CJA Coordinating Attorney will review vouchers for compliance with Judiciary Guidelines and the Court's CJA Billing Guidelines. Voucher reductions are limited to mathematical errors, instances in which work billed was not compensable or undertaken, and instances in which the hours billed clearly exceed what was reasonably required to complete the task.

The Coordinating Attorney will review each line item on the voucher, in conjunction with the case docket and any supporting documentation, to determine whether the time and expense appear reasonable and the billed services and expenses are authorized under the Criminal Justice Act (CJA, 18 U.S.C. § 3006A), Volume7A of the *Guide to Judiciary*

[2] The approving judge may delegate the application of approval within the e-voucher system, not the substantive approval.

Policy and applicable Court policies. The Coordinating Attorney shall make a note of whether the voucher appears to comply with the CJA statute and guidelines and include a note on any discrepancies or concerns before sending the voucher to the assigned judge. The Coordinating Attorney will work with the assigned Magistrate and District Judges; Case Budgeting Attorney for the Sixth Circuit; and Sixth Circuit Judge as the voucher moves through the review process to address any questions or concerns. Once a judge approves the voucher, the Coordinating Attorney will perform a secondary in-depth review to ensure that all requirements of the *Guide*, Vol. 13 § 420.10(e), are met before applying first-level approval to the payment request.

C. Certifying Payments

After the Coordinating Attorney applies first-level approval, vouchers are routed through eVoucher to the District Court for final payment certification.

D. Voucher Reductions

Except in cases involving mathematical or technical corrections, no claim for compensation may be reduced without affording counsel the opportunity to be heard. Counsel may seek an independent review by the CJA Fee Review Committee following the procedures set forth in Section XII(C) of the Court's CJA Plan.

VII. DATA ACCESS AND COMMUNICATION

To assist in monitoring performance and adherence to the CJA Plan, the CJA Unit shall implement and maintain the following procedures in order to facilitate regular communication with the Court concerning eVoucher and other panel-related matters:

A. Data Access

Judges will maintain full access to data stored within the eVoucher system.

B. System Notes

The CJA Unit will create and save notes in eVoucher during the reasonableness and technical review as outlined in VI(A) and (B) to assist Judges with voucher review and approval.

C. Daily Communication

Judges and FDSET's CJA Unit will be members of a Microsoft Team, which will facilitate communication regarding eVoucher questions and related issues. The CJA Unit will work to maintain open lines of communication with Judges and be readily accessible via phone and email in addition to the Microsoft Team.

D. Reports

To assist in monitoring performance and adherence to the CJA Plan, the CJA Unit shall prepare and save the following eVoucher reports for each division monthly.

(1) Appointment Assignment Statistics,

(2) Payment Status Report,

(3) Authorization Report,

(4) Voucher Reduction Report, and

(5) eVoucher User Changes and Login Report.

The Panel Administrator shall provide these reports to the Clerk's Administrative Specialist by the 15th of every month.

E. Training

New panel attorneys are required to attend eVoucher training provided by the CJA Unit. The CJA Unit shall also provide eVoucher refresher training when necessary.