



UNITED STATES DISTRICT COURT District of South Dakota

Instructions for Obtaining Expert and Other Services Authorization

See also SD eVoucher Attorney Training Manual

All attorneys appointed to provide representation under the Criminal Justice Act, 18 U.S.C. §3006A, may request, under subsection (e) of the Act, authorization to obtain investigative, expert and other services necessary for adequate representation, to be paid from funds appropriated for the administration of the Act.

In addition to investigators, psychiatrists, psychologists and reporters; services other than counsel may include, but are not necessarily limited to, interpreters, computer systems and automation litigation support personnel and experts, paralegals and legal assistants, including law students; neurologists and laboratory experts in areas of ballistics, fingerprinting and handwriting.

Under \$800

The total cost of services obtained without prior authorization may not exceed \$800, excluding expenses (see CJA Guidelines § 310.20.30). Once the \$800 limitation has been met by any one or combination of service providers, prior authorization must be obtained from the Court, unless counsel meets the exigency requirements of § 3006A(e)(2)(B).

What counsel needs to do: Instruct the service provider to submit their bill to you. Require that they sign their bill. Submit a CJA 21 through eVoucher, selecting the option for no authorization required. Counsel submits the CJA 21 once as the service provider, then a second time as the attorney certifying those services have been received. The voucher will be audited by the Clerk’s Office and approved by the District Judge assigned to the case.

More than \$800 but less than \$2500.

Note. For eVoucher purposes, the Court prefers that counsel submit one request for the full amount needed, rather than request additional funds in stages.

If the total cost of services, excluding expenses, is expected to be more than \$800, prior approval is needed by the District Judge assigned to the case, or to the Magistrate Judge designated to review those requests. Failure to obtain prior approval may result in a disallowance or reduction of any amount claimed for compensation in excess of the maximum unless the presiding judge finds that the timely procurement of necessary service could not await prior authorization. § 310.20.20

What counsel needs to do: Submit an AUTH through eVoucher. If appropriate, attach any documentation you believe would benefit the Judge during review (curriculum vitae, estimates, etc). The highlighted fields are required:

Order Date	<input type="text"/>	
Nunc Pro Tunc Date	<input type="text"/>	
Repayment	<input type="checkbox"/>	
Estimated Amount	\$ <input type="text"/>	*
Authorized Amount	\$ <input type="text"/>	
Basis of Estimate	<input type="text"/>	
Description	<input type="text"/>	
Service Type	<input type="text"/>	✓ *
Requested Provider	<input type="text"/>	

Communicate often with your service provider the funds authorized and spent. After the authorization has been approved and the work has been completed, instruct the service provider to submit a signed bill to you. Submit a CJA 21 through eVoucher, selecting the option for use prior authorization. Counsel submit the CJA 21 once as the service provider, then a second time as the attorney certifying those services have been received. The voucher will be audited by the Clerk’s Office and approved by the District Judge assigned to the case.

TRAVEL

Authorization is required for any travel outside of the District of South Dakota. Counsel will need to submit a Travel request through eVoucher outlining the anticipated dates, reason for the travel, and anticipated expenses.

Mileage is reimbursed at the current GSA rate <http://www.gsa.gov/portal/content/100715>

Receipts are required for all travel expenses. Travel expenses are reimbursed at the actual expense, not to exceed the current per diem rate <http://www.gsa.gov/portal/category/21287>

Service providers are eligible for the government rate! Contact the Clerk's Office if air travel is anticipated.

More than \$2500, but total case budget under \$30,000*

*(*Note case budgets should be submitted if the attorney hours are expected to exceed 300 hours or total expenditures are expected to exceed \$30,000 for appointed counsel and services. If this applies to you, the next two sections apply.)*

If the total cost of services, excluding expenses, is expected to be more than \$2,500, prior approval is needed by both the District Judge assigned to the case and the Chief Judge of the 8th Circuit Court of Appeals. Failure to obtain prior approval may result in a disallowance or reduction of any amount claimed for compensation in excess of the maximum unless the presiding judge finds that the timely procurement of necessary service could not await prior authorization. § 310.20.20

What counsel needs to do: As soon as you know you will exceed the \$2,500 maximum, submit an AUTH through eVoucher. Attach the Memorandum on our website. The request will be reviewed by both the District Judge assigned to the case and the Chief Judge. Communicate often with your service provider the funds authorized and spent. Follow the same payment procedure as above.

Case Budgets

It is encouraged to use case budgeting techniques in representations that appear likely to become or have become extraordinary in terms of potential cost (ordinarily, a representation in which attorney hours are expected to exceed 300 hours or total expenditures are expected to exceed \$30,000 for appointed counsel and services other than counsel for an individual CJA defendant).

What counsel needs to do: See the Case Budget Instructions for information on preparing a case budget. Case Budgets may be submitted simultaneously with or independent of the service provider requests detailed in this memorandum.

Interpreting vs. Translating

If needed, you may obtain the assistance of an interpreter or translator. Interpreting is oral and reimbursed at half day/full day rates.

Interpreters can be certified, professionally qualified, or language skilled. Translating a written document from one language to another written language will be reimbursed at the current Department of State translation rate. It would be extremely rare that a document would be translated from English into a foreign language, since the language of the courts is English. Translators accredited by the American Translators Association are listed at: <http://www.atanet.org/onlinedirectories>.

Other Information Regarding Service Providers

- CJA 21 and CJA 31 Forms must be used for claims. Counsel may not pay the service provider directly and then request reimbursement.
- Since service providers no longer sign a CJA 21 form, their bill must be signed by the expert. Attach the itemized invoice and receipts to the documents tab.
- Paralegals fall under the other service provider category and payment is made on a CJA 21, not through the attorney's CJA 20. Services must be itemized.
- A separate authorization should be obtained for each type of service for each person served, for each defendant served, and for each case.
- While the service provider may be compensated separately for each person served, care should be taken to ensure that duplicate charges are not being made for the same services.

If you have any questions about the CJA process or procedure, please contact Kathy in Pierre at 605-945-4606, Shaunna in Rapid City at 605-399-6012, or Summer in Sioux Falls at 605-330-6607

