



## UNITED STATES DISTRICT COURT District of South Dakota

### Case Budget Instructions

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 300 times the prevailing CJA panel attorney non-capital hourly rate, rounded up to the nearest thousand, for an individual defendant for appointed counsel and services).

When determining whether you need a case budget, the earlier the better. Red flags for a case budget include high volumes of discovery, difficult clients, multiple defendants, cases where the defendant has mental health issues, and any case that appears, from an early stage, destined for trial.

**What counsel needs to do:** Read the Eighth Circuit Opinion In Re Carlyle, 644 F. 3d 694 (8th Cir. 2011). For your convenience, it is located on our website.

Use the Detailed Budget Worksheet to determine what your budget will be. Forms are located at <http://www.uscourts.gov/FormsAndFees/Forms/CourtFormsByCategory.aspx?panel=panel5>

Then prepare a Case Budget Proposal located on our website. Add or remove service providers as needed. While not required, it is encouraged that you include the estimated expenses as a second line under your compensation. Your case budget should include:

- the summary of the case;
- work completed so far (generally hours spent in which category);
- an outline of the proposed budget (generally hours expected for attorney and any service provider); and
- an explanation of costs.

Contact the Circuit Case Budget Clarke Devereux at 312-818-6618 or email your proposed budget to Clarke at [clarke\\_devereux@ca7.uscourts.gov](mailto:clarke_devereux@ca7.uscourts.gov). Clarke will review your budget, make recommendations, and help assist you in locating service providers.

Submit your Case Budget Proposal using the BudgetAUTH option in eVoucher.

If you are requesting additional funds for a service provider, you must simultaneously submit an AUTH detailed in the Instructions for Obtaining Expert and Other Services Authorization. If the service provider has already been approved the correct amount of funds, attach a copy of the authorization under the documents tab. It is important that each service provider has an AUTH in eVoucher that has the correct funds for future payment purposes. The BudgetAUTH does not automatically create service provider authorizations at this time.

The Case Budget will be reviewed by both the District Judge assigned to the case and the Chief Judge of the 8<sup>th</sup> Circuit Court of Appeals.

**If you have any questions about the CJA case budget process or procedure, please contact Summer in Sioux Falls at 605-330-6607.  
All vouchers involving a case budget will be audited in Sioux Falls.**

