



UNITED STATES DISTRICT COURT District of South Dakota

CRIMINAL JUSTICE ACT TIPS AND TRICKS

The Criminal Justice Act of 1964 established a plan for appointing and compensating lawyers to represent financially eligible defendants. The District of South Dakota thanks you for your service! To assist you in representing your clients, here are a few tips and tricks.

Appointed Attorney Compensation:

The CJA Act establishes maximum hourly rates and waivable limits on total compensation for attorneys and service providers. These rates can be found online at http://www.uscourts.gov/rules-policies/judiciary-policies/cja-guidelines/chapter-2-ss-230-compensation-and-expenses#a230_16

Waivable case maximums apply to compensation only, not expenses.

Non-compensable Hours:

You may not claim time spent filling out the voucher. You also may not claim time spent providing services of a personal nature, such as coordinating the care of the defendant's children.

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

Reimbursable Expenses (examples):

These are reimbursed as actual expenses, not per diem

- Computer Assisted Legal Research
- Telephone calls
- Copies (at 15 cents per page)
- Postage
- Travel expenses including meals, mileage, and actual parking costs

Non-Reimbursable Expenses (examples):

- General office overhead, including rent and secretarial expenses
- Items of a personal nature, including clothing and haircuts for defendants
- Printing briefs
- Alcoholic beverages
- Parking fines or traffic violations

Some Useful Websites:

SD CJA: <http://www.sdd.uscourts.gov/criminal-justice-act-info>

National CJA Voucher Reference Tool:

<https://cjaresources.fed.org/cjaort/index.html>

Office of Defender Services: <http://fd.org/>

TRANSCRIPTS

If transcripts are needed, an AUTH 24 must be submitted for each Court Reporter. If the hearing to be transcribed was not held in the District of South Dakota, still submit an AUTH 24 and we will pay the Court Reporter directly. Do not pay for the transcript out of pocket. If you must pay for the transcript out of pocket due to time limits, you will need to submit an AUTH 24 on your behalf. Transcripts will not be reimbursed on a CJA 20 as an expense.

SD Interpreter Information:

<http://www.sdd.uscourts.gov/interpreters>

Voucher Submission:

- Time must be in tenths of an hour
- In-court time is to be calculated from the time the hearing was scheduled to begin until the time the hearing ended and will be compared to minute entries
- Time spent meeting with the defendant before or after hearings may be claimed as out-of-court time
- Services and expenses must be itemized by date and categorized
- Attach any supporting documentation, including receipts for expenses over \$50.00
- Include justification for any voucher over the statutory maximum
- Vouchers should be submitted no later than 45 days after the final disposition of the case, unless good cause is shown. If you fail to submit your voucher within 45 days, you now must attach a justification letter explaining the late submission.

Travel Guidelines:

- Mileage is reimbursed at the current GSA rate <http://www.gsa.gov/portal/content/100715>
- Travel expenses are reimbursed at the actual expense, not to exceed the current per diem rate <http://www.gsa.gov/portal/category/21287>
- You are eligible for the government rate!
- Prior authorization is needed to travel outside the District of South Dakota
- Contact the Clerk's Office if you anticipate air travel

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 could be certified, professionally qualified, or language skilled. Written document translation 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>

Investigative, Expert, and Other Service Providers:

See the Instructions for Obtaining Expert and Other Service Providers located separately on our website.

- eVoucher is required for all vouchers.
- Travel guidelines are the same as for attorneys
- Vouchers must be signed by the expert and approved by the attorney certifying that the services were received
- 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
- Prior approval is needed from both the District Judge assigned to the case and the Chief Judge of the Eighth Circuit Court of Appeals to exceed the statutory maximum.

Subpoenas:

If a subpoena is needed, you must file an ex parte motion showing the defendant's inability to pay the witness's fees and the necessity of the witness's presence for an adequate defense. If the court orders a subpoena to be issued, the process costs and witness fees will be paid in the same manner as those paid for witnesses the government subpoenas and will be served by the US Marshals Office. Do not pay for service costs without Judge approval.

Case Budgets should be submitted for all cases 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. See the Case Budget Instructions and Forms on our website.

Capital Cases:

- The hourly rate is higher than a non-capital case
- No statutory case maximum for attorneys
- Waivable statutory maximum for experts is higher
- Case budgets should be submitted. Worksheets available on our website
- Other assistance can be found at the Capital Defense Network: <http://www.capdefnet.org/>

