

# Witness Payment in CJA Cases

In order for a witness to be paid for court appearances in cases where the defendant is represented by Court Appointed Counsel (CJA Appointment), there must first be a motion for issuance of subpoena filed and it must be granted by the Court. Upon granting of the motion subpoena(s) will be issued. The steps in the procedure must be followed for the witness to be paid witness fees/travel reimbursements.

The DOJ-3 form needs to be filled out for each witness seeking reimbursement. The highlighted version of the form indicates the fields that must be filled out. Pages 3-6 of this form also contain instructions. It is important to note that these forms should not be completed until after the witness has testified and the Court has excused the witness.

These forms can be found on our website: <https://www.sdd.uscourts.gov/forms/all-forms>

It is the attorney's responsibility to fill out a DOJ-3 form for each witness that has attended the trial/hearing.

Only a witness subpoenaed by the Court can seek reimbursement. You must attach each applicable subpoena to the DOJ-3 form for that witness and attach a google map printout showing the mileage from where travel began to the courthouse they reported to.

Please note: If the witness is planning on staying in a hotel, they will only be reimbursed for the government hotel rate. We require a hotel receipt itemizing each night. We cannot reimburse a witness without a hotel receipt. The current government hotel rate and mileage can be found at <http://www.gsa.gov>.

If a minor is a Fact Witness or Travel Companion, the name and Social Security Number (SSN) of that minor is not required on the DOJ-3 Fact Witness Voucher. Instead, the name and SSN of the parent or guardian traveling with the minor should be referenced. Also, the statement "In care of minor witness or in care of minor travel companion" should be annotated next to the name of the parent or guardian on the DOJ-3. A subpoena is still required for payment of fees and expenses.

After completion of the DOJ-3 forms deliver them to the Clerk's Office for certification. The Clerk's Office will deliver the forms to the USMS so they can be processed for payment. Please do not instruct witnesses to take these forms directly to the USMS.

If you have any questions, please contact the clerk's office