



District of Idaho CJA Training

Wednesday May 27, 2020

CJA Financial Analyst Sam McDonald
Circuit CJA Case Managing Attorney Blair Perilman
Western District of WA CJA Panel Attorney Amy Muth

“John, you’re on mute. John. Mute.
You have to unmute.”



Exciting Changes in CJA

- Requests for experts and service providers MUST be submitted in eVoucher. The docket will no longer be used to submit funding requests. A standardized AUTH form will be used to submit requests.
- The CJA-26 will be replaced with a new “REC” Request for Excess Compensation Form. The CJA-26 will be taken down from eVoucher.
- For representations that will likely exceed 300 attorney hours or if total case costs might exceed \$30K, a BudgetAUTH will be used instead of the CJA-26.
- eVoucher will be updated soon with a new look. The functionality will largely be the same.

Requesting Service Providers Using the AUTH Form

**DISTRICT OF IDAHO
SERVICE PROVIDER FUNDING REQUEST ("AUTH") FORM**

*Complete and attach this form to an AUTH in eVoucher BEFORE
provider work exceeding a combined \$1,500 is performed.*

SECTION I - GENERAL INFORMATION

Attorney Name:

Defendant Name:

Case Title:

Case Number:

Total No. of Defendants:

Designated Complex: YES NO

Trial date, if any:

Plea date, if any:

Sentencing date, if any:

SECTION II – SERVICE PROVIDER INFORMATION

Service Provider Name:

Requests to Exceed the Statutory Maximum

- Requests to exceed the statutory maximum will no longer be made using the CJA-26 in eVoucher.
- If you have exceeded the statutory maximum, fill out the “REC” Request for Excess Compensation Form and attach this in eVoucher to the Documents page of your CJA-20.

“REC” Request for Excess Compensation Form

DISTRICT OF IDAHO REQUEST FOR EXCESS COMPENSATION (“REC”) FORM

Complete and attach this form to CJA-20 in eVoucher if total attorney fees exceed the [statutory maximum](#).

SECTION I - GENERAL INFORMATION

Attorney Name: Voucher time period:
Appointment date:
Defendant Name:
Case Title:
Case Number:
Total No. of Defendants:
Designated Complex: YES NO
Trial date, if any: Result: Guilty Not Guilty Mistrial
of Trial days, if any:
Plea date, if any:
Sentencing date, if any:

Is this your first and final CJA-20 voucher: YES NO

Providing Detail in the REC Form: Client Relations

I expect to spend a lot of time meeting with my client, who is difficult.

NOT HELPFUL

I am the second attorney appointed to represent my client. This is my client's first experience with federal court, although he does have a state court record. I expect to spend extra time building trust with my client and explaining to him the differences between state and federal court procedure, and the much greater sentences imposed in federal court.

HELPFUL

Providing Detail in the REC Form: Discovery

There are 25,000 pages of discovery and it will be necessary for me to read every page of discovery in order to provide effective representation of my client.

NOT HELPFUL

The Government provided 25,000 pages of discovery in this multi-defendant RICO and drug distribution conspiracy case. I intend to have a paralegal do an initial review of the discovery to identify the materials that are directly relevant to the allegations against my client, and to organize the remaining materials so that I can efficiently review them to determine their relevance.

HELPFUL

Case Budgeting

- To seek prior authorization for attorney funds, attorneys can use the BudgetAUTH available in eVoucher.
- For representations that will likely exceed 300 attorney hours or if total case costs might exceed \$30K, counsel should contact Circuit Case Managing Attorney Blair Perilman at bperilman@ce9.uscourts.gov to discuss available case resources and budgeting.

Tracking Expenses On Cases

Check out the **Defendant Detail Budget Report** in eVoucher, which shows:

- All payments submitted to date
- Remaining (available) attorney fees
- Remaining (available) service provider fees

Repayment YF

Reports

[Document History Report](#)
User must indicate the Voucher number assigned.

[Form CJA21](#)

[Defendant Summary Budget Report](#)
Displays summary information for this defendant.

[Case Detail Budget Report](#)
All authorizations and vouchers paid for all defendants within a case.

[Defendant Detail Budget Report](#)
Reflects all vouchers submitted for this defendant.

[Case Summary Budget Report](#)
Provides summary of all CJA costs for all defendants within case.

NOTES
Digital Forensics
Signature of Pres
Signature of Chi Appeals (or Dele)

Payment
Preferred Paye

Defendant Detail Budget Report 3:17-CR-08000-1-JI

Counsel Budget Defendant: John Doe

Type of Representation:	Criminal Case	Document	Document Number	Amount Requested	Amount Approved
Budget Amount Requested:	\$0.00	CJA-26	0970.0822711	\$5,612.40	\$4,209.30
Budget Amount Approved:	\$15,709.30	Total:		\$5,612.40	\$4,209.30

Voucher Dates	Voucher Number	Claimed				Approved				Voucher Info	
		Fees	Expenses		Total	Fees	Expenses		Total	Claim Status	Circuit Approved
			Travel	Other			Travel	Other			
Attorney: George Attorney (Appointing Counsel)						Inactive					
09/29/2017 to 05/31/2018	0970.0508332	\$4,583.60	\$143.63	\$13.15	\$4,740.38	\$4,344.40	\$141.49	\$13.15	\$4,499.04	Final	
Total Claimed/Approved:		\$4,583.60	\$143.63	\$13.15	\$4,740.38	\$4,344.40	\$141.49	\$13.15	\$4,499.04		
Pending Approval:		\$0.00	\$0.00	\$0.00	\$0.00						
Attorney: David Attorney (Subs for Panel Attorney)						Active					
05/31/2018 to 04/17/2019	0970.0821314	\$11,362.00	\$518.27	\$210.63	\$12,090.90					Final	
Total Claimed/Approved:		\$11,362.00	\$518.27	\$210.63	\$12,090.90	\$0.00	\$0.00	\$0.00	\$0.00		
Pending Approval:		\$11,362.00	\$518.27	\$210.63	\$12,090.90						

Attorney Voucher Grand Totals

	Claimed				Approved				Fee Amount Remaining	
	Fees	Expenses		Total	Fees	Expenses		Total	After Approved	After Approved and Pending
		Travel	Other			Travel	Other			
Total Claimed/Approved:	\$15,945.60	\$661.90	\$223.78	\$16,831.28	\$4,344.40	\$141.49	\$13.15	\$4,499.04	\$11,364.90	\$2.90

Expert and Other Services Budget - Requiring Authorization

Defendant: John Doe

Voucher Dates	Voucher Number	Claimed				Approved				Voucher Info	
		Fees	Expenses		Total	Fees	Expenses		Total	Claim Status	Circuit Approved
			Travel	Other			Travel	Other			
Authorization Number: 0970.0662475		Amount Requested: \$8,250.00			Amount Authorized: \$7,500.00			Attorney: David Attorney			
Specialty: Investigator											
Vendor: Susie Privateye (Investigator)											
07/02/2018 to 01/18/2019	0970.0672569	\$5,467.50	\$506.88	\$31.06	\$6,005.44	\$5,385.00	\$506.88	\$31.06	\$5,922.94	Interim 1	
02/10/2019 to 02/22/2019	0970.0799600	\$367.50	\$0.00	\$0.00	\$367.50	\$360.00	\$0.00	\$0.00	\$360.00	Interim 2	
03/04/2019 to 03/26/2019	0970.0809955	\$1,470.00	\$83.52	\$0.80	\$1,554.32	\$1,252.50	\$83.52	\$0.80	\$1,336.82	Interim 3	
Total Claimed/Approved:		\$7,305.00	\$590.40	\$31.86	\$7,927.26	\$6,997.50	\$590.40	\$31.86	\$7,619.76		
Pending Approval:		\$0.00	\$0.00	\$0.00	\$0.00						

Authorization Number: 0970.0662475		AUTHORIZATION TOTALS							Attorney: David Attorney		
Specialty: Investigator		Amount Requested: \$8,250.00			Amount Authorized: \$7,500.00						
	Claimed				Approved				Fee Amount Remaining		
	Fees	Expenses		Total	Fees	Expenses		Total	After Approved	After Pending and Approved	
		Travel	Other			Travel	Other				
Total Claimed/Approved:		\$7,305.00	\$590.40	\$31.86	\$7,927.26	\$6,997.50	\$590.40	\$31.86	\$7,619.76	\$502.50	\$502.50
Pending Approval:		\$0.00	\$0.00	\$0.00	\$0.00						

Authorization Number: 0970.0665591		Amount Requested: \$3,025.00			Amount Authorized: \$3,025.00			Deactivated		Attorney: David Attorney	
Specialty: Paralegal Services											
Vendor: Polly Paralegal (Paralegal Services)											



Blair Perilman
Circuit CJA Case
Managing Attorney



Amy Muth
CJA Panel Attorney
Seattle, WA

CJA Billing Tips

Understanding the Court's Expectations

- Review the District's CJA Plan and Manual
- Review the Circuit's CJA policies and procedures
- Review the National CJA Guidelines

Recording Time Daily

- Attorneys who record time on a daily basis capture more time worked than those who wait to record and forget what they did.
- Recording time immediately after completing a task is the best way to ensure accuracy.
- Automated timekeeping tools make it easier if you don't use eVoucher contemporaneously:
 - Abacus Law Classic/Gold
 - Amicus Attorney
 - Clio
 - ProLaw
 - And many more!

Craft Effective Billing Entries

Describe work in sufficient detail to allow reviewers to gauge the necessity and relevance of the tasks performed.

- Vague entries require follow-up, which delays voucher processing.

Separate individual tasks rather than block bill a group of tasks under a single time entry.

- Exception: Group together tasks that take less than six minutes each, such as sending/responding to emails or reviewing ECF documents.

In-Court Time

Describe:

- Type of hearing
- Wait time vs. actual hearing time



Obtaining and Reviewing Records

Describe item (transcripts, reports, medical records, photos, audio recordings, etc.)

If available, provide Bates number ranges or total # of pages

Note if it's a video or audio recording

Identify ECF Doc numbers

Obtaining and Reviewing Records

- 60 pages per hour is presumptively reasonable
- Difficult to quantify electronic discovery review. Approximate page count is fine.
- If less than 60 pgs/hr, provide additional detail to justify time spent

Interviews and Conferences

Specify with Whom

- Initials only
- Client
- AUSA
- Investigator
- Co-D counsel

Type of Communication

- Email
- Phone
- In-person Meeting

Description

- Short description (i.e. TC w/ AUSA re plea)
- Do not reveal attorney work product

Legal Research and Writing

- Specify issue being researched or type of motion
- Include docket # if filed
- Explain if document ultimately was not filed



Investigation and Other

- Evidence Inspection
- Site Inspection
- Hearing preparation
- Everything else



Travel Time

Door to Door

Google maps is presumed reasonable

Split travel time between cases

Bill mileage to one representation

Non-Compensable Tasks

Administrative Work

- Scheduling hearings
- Time spent entering attorney billing
- Arranging travel
- Physically copying documents (copying expenses are reimbursable)
- E-filing documents
- Physical printing large quantities of documents

Time and Expense for Obtaining Clothing for Your Client

COMMON BILLING MISHAPS

Double Checking Billing Entries to Ensure
Vouchers are Correct and Will Get Paid On
Time

Duplicate Entries for Same Task

Click "Date" Header to sort task by date to review for duplicates. To delete duplicate, click the entry and click remove.

To group by a particular Header, drag the column to this area.

Service Type	Date	Description	Hrs	Rate	Amt
d. Travel Time	08/01/2019	Travel to/from Court for IA	0.5	\$148.00	\$74.00
d. Travel Time	08/01/2019	Travel to/from Court for IA	0.5	\$148.00	\$74.00
a. Arraignment and/or Plea	08/01/2019	IA before MHB	0.4	\$148.00	\$59.20
e. Investigative or Other Work	08/10/2019	2 Emails with AUSA re possible plea	2.0	\$148.00	\$296.00
b. Obtaining and Reviewing Records	08/10/2019	Review complaint	3.0	\$148.00	\$444.00

Services

Date: 08/01/2019
Service Type: d. Travel Time
Doc.# (ECF): Pages:
Hours: 0.5 at \$148.00 per hour.

Add Remove

* Required field

To group by a particular Header, drag the column to this area.

Service Type	Date	Description	Hrs	Rate	Amt
d. Travel Time	08/01/2019	Travel to/from Court for IA	0.5	\$148.00	\$74.00
d. Travel Time	08/01/2019	Travel to/from Court for IA	0.5	\$148.00	\$74.00

Misplaced
Decimal
Point
(e.g., 3.0
instead of .3)

Click "Hrs" Header to sort tasks by hours claimed, if incorrect amount billed, correct by clicking entry and adjusting the error. Click "Add" to finalize.

To group by a particular Header, drag the column to this area.

Service Type	Date	Description	Hrs	Rate	Amt
b. Obtaining and Reviewing Records	08/10/2019	Review complaint	3.0	\$148.00	\$444.00
e. Investigative or Other Work	08/10/2019	2 Emails with AUSA re possible plea	2.0	\$148.00	\$296.00
d. Travel Time	08/01/2019	Travel to/from Court for IA	0.5	\$148.00	\$74.00
d. Travel Time	08/01/2019	Travel to/from Court for IA	0.5	\$148.00	\$74.00
a. Arraignment and/or Plea	08/01/2019	IA before MHB	0.4	\$148.00	\$59.20

Date: 08/10/2019
Service Type: b. Obtaining and Reviewing Records
Doc.# (ECF): 1 Pages: 10
Hours: 3 * at \$148.00 per hour. Add Remove

* Required Fields

To group by a particular Header, drag the column to this area.

Service Type	Date	Description	Hrs	Rate	Amt
b. Obtaining and Reviewing Records	08/10/2019	Review complaint	3.0	\$148.00	\$444.00

Incorrect Billing Category

Review Service Type and Description. If incorrect service type, correct by clicking entry and selecting correct type from drop-down list. Click Add to finalize.

To group by a particular Header, drag the column to this area.

Service Type	Date	Description	Hrs	Rate	Amt
a. Arraignment and/or Plea	08/01/2019	IA before MHB	0.4	\$148.00	\$59.20
b. Obtaining and Reviewing Records	08/10/2019	Review complaint	3.0	\$148.00	\$444.00
d. Travel Time	08/01/2019	Travel to/from Court for IA	0.5	\$148.00	\$74.00
e. Investigative or Other Work	08/01/2019	Travel to/from Court for IA	0.5	\$148.00	\$74.00
e. Investigative or Other Work	08/10/2019	2 Emails with AUSA re possible plea	2.0	\$148.00	\$296.00

Services

Date: 08/01/2019
Service Type: e. Investigative or Other Work
Doc.# (ECF): Pages:
Hours: 0.5 * at \$148.00 per hour.
Description: Travel to/from Court for IA
Add Remove

* Required Fields

Other Common Mishaps

Billing time on incorrect date (e.g., travel date and mileage expense do not match hearing date or wrong hearing date listed).

Dates of service on Claim Status tab do not match first and last dates shown on the Services or Expenses tabs.

Not listing page count or type of recording when reviewing discovery.

Bundling tasks that should be claimed separately and to a different voucher category (e.g., "research suppression issues and conference with client: 1.3 hours").

PROPER CLASSIFICATION OF SERVICES (NO BUNDLING):

Do this...

Date	Service	Time	Description
4/5/16	Interviews and Conferences	1.6	Met with AUSA (.4); phone call with client (.4); met with client at jail (.8)
4/5/16	Obtain/Review <u>Rclds</u>	3.2	Reviewed 302 sre: Count 1 (Bates Nos. 001-225)
4/5/16	Legal Research	1.5	Legal research for motion to suppress

Not this...

Date	Service	Time	Description
4/5/16	Interviews and Conferences	4.1	Met with AUSA (.4); phone call with client (.8); reviewed 200 pages of wiretap transcripts (Bates Nos. 220-420) (1.0); met with client at jail (.4); legal research for motion to suppress (1.5)

Additional Billing Tips

ECF Entries

Aggregate tasks that take less than six minutes each

- .1 review of every ECF entry is not compensable

Nunc Pro Tunc

Time spent prior to appointment date

- Request Nunc Pro Tunc at time of appointment

Sufficient Detail

For large blocks of time provide more specificity.

- "Reviewed discovery" vs. "Reviewed 300 pages of FBI reports"

AGGREGATE ECF DOCUMENT REVIEW:

Do this...

Date	Service	Time	Description
4/5/16	Obtain/Review Rcds	.3	Reviewed multiple ECF filings (Doc. 2-9)

Not This....

Date	Service	Time	Description
4/5/16	Obtain/Review Rcds	.1	ECF document review
4/5/16	Obtain/Review Rcds	.1	ECF document review
4/5/16	Obtain/Review Rcds	.1	ECF document review
4/5/16	Obtain/Review Rcds	.1	ECF document review
4/5/16	Obtain/Review Rcds	.1	ECF document review

DETAILED TASK DESCRIPTIONS:

Do this...

Date	Service	Time	Description
4/5/16	Travel Time	1.0	Traveled by private car to locate and meet with two possible eye-witnesses (W1 and W2) in Fresno, CA (include travel to and within Fresno to two separate residences)
4/5/16	Interviews and Conferences	1.6	Interviewed two possible eye-witnesses (W1 and W2) in Fresno, CA, at their separate residences
4/8/16	Obtain/Review <u>Rclds</u>	1.5	Reviewed 200 pages of wiretap transcripts (Bates Nos. 220-420)
4/17/16	Legal Research	5.2	Researched whether the search of client's car without a warrant was unlawful; drafted motion to suppress (Doc. 112)
4/20/16	Obtain/Review <u>Rclds</u>	2.0	Reviewed cell site data, take notes, and draft timeline. <u>Approx 150</u> pages of cell site discovery (no bates numbers).

Not this...

Date	Service	Time	Description
4/5/16	Travel Time	1.0	Travel to Fresno, CA
4/5/16	Interviews and Conferences	1.6	Witness interviews
4/8/16	Obtain/Review <u>Rclds</u>	1.5	Reviewed discovery
4/17/16	Legal Research	5.2	Legal research and writing
4/20/16	Obtain/Review <u>Rclds</u>	2.0	Reviewed discovery

Submit Your Bills on Time

- Submit interim vouchers if authorized, following the authorized schedule.
- Submit final voucher within 45 days of judgment/case closing to avoid having to submit a letter with your voucher.
- Don't wait to submit your bills or your service providers' bills.
- Service provider invoices may be submitted after completion of work, not when case is complete.