

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS


WASHINGTON, D.C. 20544

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GUIDE TO JUDICIARY POLICY

TRANSMITTAL 07-016 VOLUME/PART 7A CHAPTER(S) 2, 3

TO: Judges, United States Courts of Appeals
Judges, United States District Courts
United States Magistrate Judges
Circuit Executives
Federal Public/Community Defenders
District Court Executives
Clerks, United States Courts of Appeals
Clerks, United States District Courts
Chief Probation Officers
Chief Pretrial Services Officers
Senior Staff Attorneys
Circuit Librarians
Chief Circuit Mediators

FROM: Judge Robert J. Conrad, Jr. 
Director

RE: DEFENDER SERVICES

This transmittal provides notice of changes to *Guide to Judiciary Policy*, Volume 7 (Defender Services), Part A (Guidelines for Administering the CJA and Related Statutes):

[Chapter 2 – Appointment and Payment of Counsel](#)

[Chapter 3 – Authorization and Payment for Investigative, Expert, or Other Services](#)

The revised guidance advises panel attorneys who elect to purchase transcripts of non-federal court proceedings to use Form CJA 20 in eVoucher rather than Form CJA 24 when submitting reimbursement claims. Federal court transcripts, however, should continue to be authorized and funded using Form CJA 24. Also, Chapter 2 was amended to clarify that pro hac vice admission fees reimbursed under the CJA would result in a transfer of appropriated funds to a non-appropriated account. The significant changes are detailed in the Redline Comparison below.

Questions regarding this transmittal may be directed to the AO Defender Services Offices, at 202-502-3030.

REDLINE COMPARISON REFLECTING CHANGES

[Significant changes in Chapter 2 (Appointment and Payment of Counsel) follow:]

§ 230 Compensation and Expenses of Appointed Counsel

[. . .]

§ 230.63 Reimbursable Out-of-Pocket Expenses

[. . .]

§ 230.63.20 Reimbursement for Transcripts

- (a) Generally, court reporters or reporting services which furnish court authorized transcripts in CJA cases claim and receive compensation for their services through the eVoucher system on [Form CJA 24 \(Authorization and Voucher for Payment of Transcript\)](#). [. . .] While this is the preferred method for payment of transcripts, if appointed counsel has elected to pay for ~~the court-authorized~~ transcripts for non-federal court proceedings “out-of-pocket,” the cost may be claimed in eVoucher on Form CJA 20 (Appointment of and Authority to Pay Court Appointed Counsel) as a reimbursable expense, as provided for in under 18 U.S.C. § 3006A(d)(1), in eVoucher. ~~However, unlike most reimbursable expenses, which should be claimed on the Form CJA 20 (Appointment of and Authority to Pay Court Appointed Counsel), reimbursement to the attorney who has paid for the transcript as an “out-of-pocket” expense should be claimed on a Form CJA 24.~~

[. . .]

§ 230.66 Non-Reimbursable Expenses

[. . .]

§ 230.66.30 Filing and Other Fees

Attorneys are not required to pay district or appellate filing, pro hac vice, or PACER, or miscellaneous fees in connection with ~~a CJA case, as such payment and reimbursement thereof is tantamount to the government billing itself to accomplish a transfer of appropriated funds into the General Fund of the Treasury representations.~~ See: Guide, Vol. 4, § 610.60(b). [. . .]

Courts are encouraged to waive or reduce pro hac vice and attorney admission fees specified in Guide, Vol. 4, § 670(a)-(b) for appearances in CJA representations. If charged such fees in connection with a CJA representation, appointed attorneys may be reimbursed those payments under the CJA as necessary out-of-pocket expenses.

[Significant changes in Chapter 3 (Authorization and Payment for Investigative, Expert, or Other Services) follow:]

§ 320 Authorization of Investigative, Expert, and Other Services

[. . .]

§ 320.30 Transcripts

§ 320.30.10 Authorization and Payment

- (a) For panel attorneys, the preferred method for payment of transcripts authorized by the court is for the court reporter or reporting service to claim compensation directly through eVoucher’s Authorization and Voucher for Payment of Transcript ([Form CJA 24](#)). Alternatively, the panel attorney may pay for transcripts for non-federal court proceedings and obtain reimbursement as an “out-of-pocket expense” in the eVoucher system using [Form CJA 204](#). [. . .]