

CJA FELONY PANEL

MANUAL

UNITED STATES DISTRICT COURT

DISTRICT OF MARYLAND

Revised 4/06

INTRODUCTION

The Judges of the United States District Court for the District of Maryland are grateful for the service provided to indigent defendants by the dedicated panel attorneys in this District.

This manual has been prepared in an effort to inform the felony panel of this Court's policies and procedures relating to CJA appointments

Please remember that funds for CJA representation are limited and must be utilized in the most fiscally responsible fashion. If you have any questions regarding your CJA representation please contact the office of the CJA Supervising Attorney.

Your panel representatives are

**Northern Division: Joshua Treem, Esq.
410-332-0850**

**Southern Division: Timothy Sullivan, Esq.
301-927-3035**

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I. Instructions For CJA Form 20 - Appointment of & Authority To Pay Court Appointed Counsel

A. Rules For Processing of Voucher Payments

- **at completion of your representation please complete, sign and return your voucher (CJA Form 20/30) or expert voucher (CJA form 21/31) to:**

**Donna P. Shearer
CJA Supervising Attorney
USDC Room 8A
101 W. Lombard Street
Baltimore, MD 21201**

- **the voucher must be submitted for approval within 45 days after the final disposition of the case, unless good cause is shown.**
- **worksheets or billing statements must accompany your voucher or the voucher will be returned. See, forms on web.**
- **worksheets must provide the date of service, a brief description of the service performed and the time spent performing the service.**
- **if you are claiming time for discovery review, please note the documents that you are reviewing and, if possible, the page numbers. Simply writing “reviewing discovery” and billing a number of hours is not acceptable.**
- **each worksheet page must provide the case name and docket number and be numbered sequentially.**
- **you may use computer generated time slips as long as the entries are organized by the categories on the CJA form 20.**
- **panel attorney time must be reported in tenths of hours. See, forms and instructions on web.**
- **the hourly rates in the District of Maryland as of January 1, 2006 are \$92.00 per hour in and out of court.**

- the previous hourly rates and their effective periods are:

May 1, 2002- December 31, 2005	\$90/\$90
April 1, 2001- April 30, 2002	\$75/\$55
January 1, 2000- March 31, 2001	\$70/\$50
January 1, 1997-December 31, 1999	\$65/\$45
Time billed prior to December 31, 1996	\$60/\$40
- expenses must be itemized.
- receipts are required for any travel expense, including daily parking fees.
- receipts are required for any other expense in excess of \$50.
- mileage claims must be itemized on the expense worksheet and include: date of travel, destination, number of miles, and the amount due.
- mileage is reimbursed at 44.5 cents per mile. The rate of reimbursement from September 1, 2005 through December 31, 2005 was 48.5 cents per mile. Prior to September 1, 2005 mileage was reimbursed at 40.5 cents per mile.
- include the District Court Criminal Case Number on your voucher if your case originated as a target representation
- upon receipt of your voucher it will be reviewed for compliance w/the CJA Guidelines, mathematical accuracy, and reasonableness of the claim.
- **INCLUDE THE DISPOSITION CODE IN BOX 21.**

DISMISSED	1
ACQUITTED BY COURT	2
ACQUITTED BY JURY	3
CONVICTED/FINAL PLEA GUILTY	4
CONVICTED/ FINAL PLEA NOLO	5
CONVICTED/ COURT TRIAL	8
CONVICTED/ JURY TRIAL	9
MISTRIAL	C
NOT GUILTY/INSANE/COURT TRIAL	E
GUILTY/ INSANE/COURT TRIAL	F
NOT GUILTY/INSANE/JURY TRIAL	G
GUILTY/INSANE/JURY TRIAL	H

***OTHER (PRE-TRIAL DIVERSIONS,
TRANSFERS)
SUPERVISORY RELEASE REVOKED
SUPERVISORY RELEASE RESTORED RS**

**X
RV**

*** use X other if the defendant fails to appear and
a bench warrant is issued or if private counsel
enters their appearance.**

**** Failure to adhere to these procedures will result in your voucher
being returned to you.**

B. Voucher Review Guidelines

- 1. There will be strict scrutiny of vouchers in excess of the
statutory case compensation maximum for cases that were
resolved through a guilty plea.**
- 2. A CJA form 26 or a detailed memorandum in support of excess
compensation must accompany any voucher claim in excess
of the statutory maximum: See, Case compensation maximum
chart in forms. When determining the final amount of
compensation the Judge may rely on your memo or CJA form
26 without soliciting further information. See, forms.**
- 3. The use of associates is allowed under the Guidelines.
However, you must:**
 - on the face of the voucher separately identify the time
claimed by each attorney.**
 - submit separate worksheets for each attorney or
associate.**
 - you will not be compensated for associate time spent in
meetings. Only appointed counsel may bill for meeting
or conference time.**
 - Associates may not bill for time spent in court.**

**Note: Please be fiscally responsible in your use of associates.
Excessive research or copying by associates will not be
reimbursed.**

4. **Claims for compensation for services provided by expert witnesses or investigators must be billed on a CJA form 21. Counsel may not claim expert services as an expense of counsel.**
5. **Law clerks are billed on the CJA form 20 as an expense of counsel.**
 - **the law clerk presumptive rate is not more than \$15 per hour.**
 - **you will not be compensated for time spent in office meetings by law clerks. Only appointed counsel may bill for time spent in meetings or conferences.**
 - **law clerks may not bill for time spent in court.**
 - **receipts or canceled checks must be attached. If the law clerk is a salaried employee please attach a note to that effect.**
6. **Paralegals**
 - **Effective November 16, 2005 the paralegal presumptive rate was raised to \$35 per hour. Prior to that date the presumptive hourly rate was \$25.**
 - **paralegal services are now billed on a CJA form 21. The use of a paralegal can not be billed as an expense of counsel.**
 - **the limits on service providers are applicable to paralegals.**
7. **Research**
 - **you will be reimbursed for reasonable and necessary research time. Each CJA attorney is expected to have a basic knowledge of federal criminal practice and procedure.**
 - **detail must be provided on the worksheets regarding the issues researched to facilitate the reasonableness review of each voucher claim.**

8. **Detail must be provided on the worksheets for any time spent in file review or discovery review. Simply noting “discovery review” is insufficient, please describe what documents are being reviewed on each date.**
9. **The use of Messenger/Courier Service is strongly discouraged. An explanation and receipt must be provided for any expense of that nature. Please use the United States mail or other low cost service.**
10. **Attorneys will not be compensated for time spent driving to court to file motions unless it is of an emergency nature, and an explanation of the claimed time is attached.**
11. **Copying: In-house duplication in excess of 500 pages must be approved by the CJA Supervising Attorney. Coordinated or commercial duplication may be less expensive than in-house duplication.**
12. **Waiting Time - reasonable waiting time will be compensated.**
 - **attorneys will not be compensated for “foreseeable” waiting time. If you know that you will have to wait for a verdict please be prepared and bring another matter to work on during your waiting time.**

B. The Voucher Payment Process

1. General Information

- **the CJA forms are computer generated. You will receive a copy of the original voucher after appointment. The original is docketed and placed in the court file. You will also receive a CJA form 21 for your use in obtaining investigative services.**
- **a voucher number will not appear on the face of the voucher. The voucher number is generated when the voucher is certified for payment.**
- **your voucher must be filed within 45 days after the conclusion of your representation, absent good cause. IF YOU SUBMIT**

YOUR VOUCHERS OUTSIDE OF THE TIME LIMITS WITHOUT GOOD CAUSE YOU RISK NOT BEING PAID FOR THE REPRESENTATION.

- **mail your completed vouchers to the CJA Supervising Attorney for payment.**
- **vouchers are electronically certified for payment in the CJA Supervising Attorney's Office. You can expect your check within 10-14 days after certification for payment.**
- **it generally takes 30-45 days for vouchers to be certified for payment if the claim is less than the statutory maximum. Failure to adhere to the Guidelines will result in delay of your payment.**
- **Vouchers in excess of the statutory maximum may take up to 90 days to process for payment. Every effort is being made to speed up the payment process.**
- **questions regarding the status of your voucher should be directed to the CJA Supervising Attorney.**

2. Voucher review- Vouchers are reviewed by the Office of the CJA Supervising Attorney for:

- 1. Technical compliance with the Guidelines and completeness**
- 2. Mathematical accuracy**
- 3. Reasonableness of claim**

3. Approval for payment.

1. Vouchers under the statutory case compensation maximum or interim vouchers are approved for payment by the CJA Supervising Attorney.

2. Excess Compensation Vouchers, including final interim vouchers, are reviewed by the CJA Supervising Attorney and forwarded to the Judge with a recommendation for approval or reduction. The District Judge will certify the approved amount (please see following on the voucher reduction appeal process)

and forward the voucher to Chief Judge Wilkins of the United States Court of Appeals for the Fourth Circuit for approval.

4. Social Security and Employer Identification Numbers

- the current payment system uses your social security number as your identification.
- your social security number or employer identification number will not appear on the face of the voucher.
- your payment information was entered in the payment system at the time of the conversion to the new payment system in accord with your instructions on how your income is to be credited.
- if there is any change in how your income should be credited notify the CJA Supervising Attorney prior to the payment of the voucher.

C. Voucher Reduction Procedures

- prior to the reduction of any voucher or the denial of certification the CJA Supervising Attorney shall notify the panel attorney of the reason for the denial or reduction and allow the panel attorney to submit a written request for reconsideration.
- any request for reconsideration must be submitted to the CJA Supervising Attorney within 10 days of notification of the proposed reduction or denial unless good cause is shown.
- the CJA Supervising attorney will review a timely submitted request for reconsideration and may grant it in full, in part, or not at all.
- the decision of the CJA Supervising Attorney shall be communicated to the Panel Attorney.

1. Appeals from Final Voucher Reductions.

- **within 10 days the panel attorney may appeal the denial of the reconsideration to the Presiding Judicial Officer.**
- **the appeal is to the District Judge or United States Magistrate Judge who heard the case.**
- **the appeal must be filed with the Judge in writing with a copy to the CJA Supervising Attorney.**
- **the decision of the District Judge or United States Magistrate Judge is final.**

2. Appeals from Interim Payment Voucher Reductions.

- **reductions may be made by the CJA Supervising Attorney on interim vouchers submitted for payment.**
- **the panel attorney will be notified of any reduction.**
- **a request for reconsideration of the reduction should be made with the final voucher claim for payment.**
- **the CJA Supervising Attorney will review the final voucher and the request for a reconsideration of the earlier reduction.**
- **if the CJA Supervising Attorney contemplates a recommendation for an additional reduction in the final voucher amount, the attorney will be notified of the additional reduction recommendation.**
- **the attorney will have 10 days to submit an appeal of the CJA Supervising Attorney's reduction recommendation.**
- **the final voucher, the CJA Supervising Attorney's Recommendation, and the panel attorneys appeal and/or request for reconsideration will be forwarded to the Judge for his/her decision.**
- **the decision of the Judge is final.**
- **the voucher will be forwarded to the Chief Judge of the United States Court of Appeals for the Fourth Circuit for approval.**

D. Interim Payment Requests

- 1. In extended cases a request for interim payment may be granted. The request must be approved by the District Judge and the Chief Judge of the United States Court of Appeals for the Fourth Circuit.**
- 2. Requests for interim payment must be in writing with sufficient detail to support the request and should be addressed to the United States District Court Judge and forwarded to the CJA Supervising Attorney for review. After review, the request for interim payments will be sent to the District Judge with a recommendation. Once the request is granted or denied it will be referred for docketing and a copy will be mailed to you.**
- 3. Interim Payment Requests can be made for every 60 or 90 days. Payment periods may also be tied to case events - for example, one payment pre-trial, one at the conclusion of trial, and a final payment after sentencing. For more information contact the CJA Supervising Attorney.**
- 4. In any case in which attorney hours are expected to exceed 300, a request for interim payments MUST be made. This will allow the court to begin the budgeting process if necessary.**

E. Procedure Upon Approval of Interim Payments

- 1. Make copies of your appointing voucher and use those copies to file your voucher for payment.**
- 2. Please keep all returned copies of your vouchers that have been certified for payment vouchers for ease in making your final claim for payment.**
- 3. Interim vouchers are approved by the CJA Supervising Attorney. The final claim for payment is certified by the District Judge (after a review and recommendation by the CJA Supervising Attorney) and forwarded to the Chief Judge of the Circuit for his approval for payment.**
- 4. Worksheets or billing statements must accompany each interim payment voucher.**

5. Interim vouchers are calculated for payment on a 2/3's basis. In other words, 2/3's of your approved amount will be paid. The 1/3 withholding is made so that the Chief Judge of the Circuit can decide the reasonableness of the final claim for payment. Expenses claimed on each interim voucher are paid in full.

6. The final claim for payment must:

- be accompanied by worksheets for the final work period.
- be accompanied by a letter detailing the payment history. For example:

<u>Voucher No.</u>	<u>Amount Claimed</u>	<u>Amount Paid</u>	<u>Amount Owed</u>
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- on the face of the final voucher show the total number of hours and expenses claimed on all prior voucher submissions.
- the letter must state if any expenses are claimed from the final work period.

7. Claims for excess compensation must be accompanied by a CJA Form 26 (see forms) or a detailed memorandum in support of the claim. When considering your claim the Judge may rely on your memo or CJA Form 26 without soliciting further information. Please provide sufficient information to justify your claim.

8. Claims for final interim payment will require more than 60 days to electronically certify for payment due to the statutory requirement for approval by the Chief Judge of the Fourth Circuit.

F. Reimbursable Expenses

1. **General Rule - Reasonable out-of-pocket expenses incurred in connection with your representation may be claimed on your CJA Form 20 voucher. Expenses must be separately listed on the expense worksheet. Any out-of-pocket expenses in**

excess of fifty dollars must be accompanied by a receipt. All travel expenses, including daily parking, must be accompanied by a receipt.

- 2. Supporting Documentation: all expenses, including mileage claims, must be thoroughly documented. Reimbursement may be delayed or denied for failure to itemize or supply documentation for expenses.**
- 3. Travel time and expenses.**
 - a videoconference link exists between the attorney conference room in the Southern Division, the Northern Division first floor conference room and the Charles County Detention Center.**
 - compensation will be approved for time spent in reasonable and necessary travel. Allowable time includes only those hours actually spent in or awaiting transit on commercial carrier and should be recorded on the out of court hourly worksheet.**
 - in a case where the client is jailed at considerable distance from counsel's office, consideration should be given to telephone conferencing with the client when appropriate.**
 - case related travel by privately owned automobile is reimbursed at 0.445 cents per mile. Mileage expenses should be itemized on the expense worksheet by date, number of miles and amount due (number of miles multiplied by 44.5 cents).**
 - permission for out of District travel should be obtained from the CJA Supervising Attorney. This will facilitate use of favorable government rates for panel attorney travel.**
 - reimbursement for meals will not be allowed unless in authorized overnight travel. Meals obtained must be in accord with existing government travel regulations. Alcoholic beverages are not reimbursable.**
- 4. Telephone**

- reimbursement may be claimed for the actual cost of case related long distance phone calls.
- your billing record must be attached with the case related long distance expense highlighted.
- CJA funds will not be approved for reimbursement of local calls or telephone surcharges.

5. Facsimile

- reimbursement is limited to the actual cost of any long-distance charge associated with the phone transmission for an outgoing document.
- no reimbursement is allowed for receipt of a facsimile.
- the costs of the machine, supplies and phone line are considered general office overhead and are not reimbursable.

6. Photocopying

- counsel is expected to use the most fiscally responsible method for discovery duplication. In some instances, this will require coordination among co-counsel and use of a commercial duplication firm.
- receipts must be attached for reimbursement of any commercial duplication expense.
- in office copying will be reimbursed at not more than 15 cents per page. As use of your in house copy machine is considered a general overhead expense counsel should seek reimbursement only for the actual per page cost of operating the duplication equipment. In some cases, that rate will be less than 15 cents per page.
- claims for reimbursement of in office copying must be itemized and contain:
 - the nature of the items copied;

- the number of pages copied;
- the actual cost per page for duplication.
- in-house copying in excess of 500 pages should be approved by the CJA attorney.
- excessive duplication of case law is strongly discouraged.
- excessive duplication of discovery materials for associate review will not be reimbursed.

7. Postage

- reimbursement will be made for the actual cost of case related regular United States postage.
- reimbursement for rush/overnight mail service will not be granted absent justification for the use of such services.

8. Messenger or Courier Services

- use of messenger or courier service is strongly discouraged.
- justification of such expenses must be attached.
- receipts or invoices are required for reimbursement of such expenses.

9. Transcripts

- counsel must submit a CJA Form 24 to the trial judge for approval.
- payment is made directly to the court reporter with the CJA Form 24.
- expedited or daily copy is discouraged. Any requests for expedited or daily copy must be justified.
- please see the attached notice regarding transcript

duplication in multiple defendant cases. See, notices.

- only necessary portions of the transcript should be ordered. Justification should be made in a letter to the judge explaining the need for any special authorization requested in box 13 of the form.
- it is counsel's responsibility to prepare the necessary CJA Form 24 for each individual court reporter or court room deputy if the proceeding was electronically recorded and to obtain the judge's approval prior to ordering the preparation of any transcripts.
- each transcript request must contain the date of the necessary testimony.

10. Computer Assisted Legal Research (CALR)

The cost of use, by appointed counsel, of computer-assisted legal research services, may be allowed as a reimbursable out-of-pocket expense, provided that the amount claimed is reasonable. Whenever appointed counsel incurs charges for computer-assisted legal research, counsel should attach to the compensation voucher a copy of the bill and receipt for the use of the legal research services or an explanation of the precise basis of the charge (e.g., indicating the extent to which it was derived by proration of monthly charges, or by charges identifiable to the specific research). If the amount claimed is in excess of \$500 or if it includes costs for downloading or printing, counsel should include a brief statement of justification.

11. Law Clerks

- will be reimbursed at the actual hourly rate not to exceed the court's presumptive rate of \$15.00 per hour.
- receipts or copies of payment by check are required. If

the law clerk is a salaried employee of the firm you should include a note to that effect. Reimbursement should be sought for the hourly wage (not to exceed \$15.00) times the number of hours spent on each task.

- **reimbursement should be claimed as an out-of-pocket expense on the CJA Form 20 and itemized on the expense worksheet.**

I. Non-reimbursable Out-of-Pocket Expenses

- 1. General office overhead items such as secretarial service, rent and telephone service are not reimbursable.**
- 2. Time spent in voucher preparation is not compensable.**
- 3. Expert or investigative services, including paralegal services are not a reimbursable expense of appointed counsel. Prior authorization for expert or investigative services must be obtained, and payment is made directly to the investigator or expert on a CJA Form 21. Please see the section on CJA Form 21.**
- 4. The printing of briefs is not reimbursable.**
- 5. Filing Fees are waived for persons proceeding under the CJA. Fees for deeds of trust to secure a defendant's release on bail are not reimbursable under the CJA. These fees must be paid by the person securing the collateral.**
- 6. Personal items and services for the client such as clothing for court, haircuts, travel or lodging are not reimbursable under the CJA. Payments for such items or expenses by appointed counsel will not be reimbursed.**
- 7. Fact witness fees, witness travel costs and expenses for service of subpoenas are not reimbursable under the CJA. These expenses are paid by the Department of Justice. See attached motion for issuance of subpoenas pursuant to FRCrP 17B, in forms. Travel vouchers for fact witnesses may be obtained by contacting the office of the CJA Supervising Attorney.**

8. Books, journals, publications, and supplies for the law office are not reimbursable.
9. Costs related to educational seminars or continuing legal education are not reimbursable.

III. Instructions For the CJA Form 21 and the Use of Investigators, Paralegal services, and Expert Witnesses.

- A. All requests for investigators, paralegal services, or expert witnesses shall be made by a motion and an accompanying affidavit of counsel. This motion and affidavit shall be mailed to the CJA Supervising Attorney. The CJA Attorney will forward the motion with a recommendation to the district judge. The affidavit is contained in box 12 of the CJA form 21.
- B. Prior Authorization Must be obtained for any investigative, paralegal, or expert witness expense where the cost will exceed \$500.
 1. Failure to obtain prior authorization may result in disallowance of any claim for investigative or expert compensation in excess of \$500.00.
 2. The above policy will be strictly enforced.
 3. Claims for investigative, paralegal, or expert compensation in excess of \$500.00 without prior authorization will only be approved if the presiding judicial officer finds, in the interest of justice, that timely procurement of necessary services could not await prior authorization.
 4. The CJA plan for the District of Maryland states “Applications for the ratification of expenses incurred without prior Court approval are not looked upon with favor and will not be approved, except in the most unusual situations, not exceeding the limitations set forth in the Act.”

- C. Investigative, Paralegal, or Expert compensation, exclusive of reasonable expenses, may not exceed \$1,600 unless payment in excess of \$1,600 is certified by the presiding judicial officer as necessary to provide fair compensation for services of an unusual character or duration AND the amount of excess compensation is approved by the Chief Judge of the Fourth Circuit.**

****If you obtain prior approval for expert or investigative services and it later becomes apparent that the cost will exceed the initial approved amount, additional expert or investigative compensation must be requested and approval obtained from the presiding judicial officer before any further service is provided.**

D. Procedure for Obtaining Approval for and Compensation of Investigative, Paralegal, or Expert Expenses.

- 1. A request for prior approval of investigative, paralegal, or expert services is prepared by appointed counsel and submitted to the CJA Supervising Attorney. See, CJA forms.**
- 2. A request for Expert/Investigative Services must contain:**
 - a. The expert's name, address, telephone number and tax payer identification number or social security number;**
 - b. the investigator's, paralegal's or expert's hourly rate (see section on presumptive rates);**
 - c. the estimated number of hours to complete the work;**
 - d. justification for the use of the expert, paralegal, or investigator;**
 - e. a properly prepared CJA Form 21 for the judge's approval; and**
 - f. an affidavit of counsel.**
- 3. The CJA Supervising Attorney prepares a cover memo with a recommendation for approval or denial of the request and**

submits the request to the District Court Judge for his/her approval.

- 4. If the approved request for compensation exceeds \$1,600 the request will be forwarded to the Chief Judge of the Fourth Circuit Court of Appeals for approval.**
- 5. After receipt of the approval memo, a copy of the approval memo and the CJA Form 21 will be mailed to appointed counsel by the CJA Supervising Attorney.**
- 6. Appointed counsel should forward the CJA Form 21 to the expert/investigator with instructions not to exceed the amount approved for compensation without additional approval of the court.**
- 7. Once the expert/investigator has completed his/her service the CJA Form 21 should be completed and forwarded to appointed counsel for certification along with an itemized bill.**
- 8. Experts must attach to each voucher a billing sheet which breaks down the work by:**
 - date(s) the work was performed**
 - brief description of what was done**
 - time spent (in tenths of hours)**
- 9. After review of the expert/investigative itemized bill and voucher for accuracy, appointed counsel should certify the voucher in box 19. The voucher and itemized bill should then be mailed to the office of the CJA Supervising Attorney for processing for payment.**
- 10. The CJA Supervising Attorney will review and approve vouchers with prior approval under \$1,600 or those vouchers without prior approval if the compensation does not exceed \$500. If the expert compensation amount is in excess of \$1,600 the voucher will be forwarded to the presiding judicial officer along with a recommendation to approve or reduce the voucher claim. If the voucher is certified by the District Judge for compensation in excess of the statutory maximum, the voucher will be referred to the Chief Judge of the Fourth Circuit Court of Appeals for approval.**

E. Presumptive Rates of Investigators and Expert Witnesses

- **Psychiatrist or Psychologist**
Effective 11/16/05 hourly rate may not exceed \$225.
From 3/1/03 through 11/15/05 the hourly rate was \$190.
From 10/1/00 through 2/28/03 the hourly rate was \$160.
- **Effective 11/16/05 the investigators' presumptive hourly rate was raised to \$60. Prior to that date the hourly rate was \$45.**
- **pathologist's rates may not exceed \$250 per hour.**
- **Effective 11/16/05 paralegal services may not exceed \$35 per hour. Prior to that date the presumptive hourly rate was \$25. If the paralegal is a salaried employee of the firm, the payment is limited to the actual hourly rate, not to exceed \$35.**
- **approval for any expert witness' hourly rate exceeding the court's presumptive rate must be obtained from the CJA Supervising Attorney and certified by the District Judge.**
- **appointed counsel should attempt to obtain the lowest possible hourly rate.**

F. Information and Considerations Regarding Investigators and Expert Witnesses

1. **Lists of investigators, paralegals, psychologists and psychiatrists willing to work for or under the presumptive rates may be obtained by contacting the CJA Supervising Attorney.**
2. **Information regarding the abilities or usefulness of a particular expert or investigator should be obtained by contacting the Federal Public Defender's Office.**
3. **The \$1,600 limit is enforced. Justification to approve compensation in excess of the amount must be provided.**
4. **Vouchers in excess of \$1,600 without prior approval will not be approved absent compelling justification.**

5. Try to use investigators located near the scene of the investigation. For example, an investigator located in Washington, DC hired to investigate a crime in Baltimore will cost too much in travel time.
6. Subpoenas may be served by an investigator if and only if the service of the subpoena is incident to an interview of the witness.
7. In multiple defendant cases it may be possible to split investigative costs among the defendants. Obviously, counsel must be wary of conflict issues.
8. Investigators will not be compensated for “assisting counsel at trial.”
9. Two investigators from one firm may not bill for attending meetings with appointed counsel.
10. Do not underestimate your expert’s or investigator’s time. We prefer not to send two requests for prior approval to the Chief Judge of the Fourth Circuit Court of Appeals.
11. If in doubt as to the amount of time needed to complete the service consider seeking the District Judge’s approval for the statutory limit of \$1,600. Once the initial work is completed counsel and the expert should have a basis to estimate the number of hours needed to complete the service. An accurate request for additional approval in excess of the statutory maximum can then be forwarded to the Chief Judge of the Court of Appeals.
12. Please communicate any concerns or problems to the CJA Supervising Attorney.

IV. Interpreters/Translators

A. In-Court Interpreting

In-court interpreting is covered by 28 USC 827(b)(1). With respect to in court work you should distinguish between an interpreter who is serving the court and one who is serving you. In many cases in this district, that will be the

same person. We often try to arrange for the in court interpreter who is serving the court to arrive early to help counsel communicate with his/her client. If the interpreter is interpreting both for the court and for counsel, the statute requires that effort be made to obtain a certified interpreter. A list of certified interpreters in Maryland is included in the CJA forms and notices section on the website.

For in-court interpreting needs contact Martina West in Baltimore and Kathy Chiarizia in Greenbelt from the Clerk's office. You may reach Ms. West at (410)962-3837. You may reach Ms. Chiarizia at (301)344-3104.

* If the hearing for which you requested an interpreter is canceled or rescheduled, you must notify the Clerk's Office immediately so the interpreter's services can be canceled for that date.

B. Out-of-Court Interpreting:

The selection of an interpreter for an out of court conference should be handled in the same manner as the selection of any other expert. There is no statutory requirement that a call first be made to a certified interpreter. The fee structure is set out below.

Fee Rates to Be Paid to Interpreters (effective January 1, 2006)

Certified Interpreters

Full Day	-	\$355
Half Day	-	\$192
Overtime	-	\$ 50 per hour or part thereof

Language Skilled (Non-Certified) Interpreters

Full Day	-	\$ 171
Half Day	-	\$ 92
Overtime	-	\$ 28 per hour or part thereof

C. A Guide to Out-of-Court Interpreter's Fees and Payment:

The Court's web site contains a list of certified Spanish interpreters. If your interpreter is not on that list, he/she may only bill at the rate of a language skilled interpreter.

1. It is permissible to negotiate an hourly rate. For language skilled interpreters the hourly rate should not exceed \$21 per hour, and for certified interpreters the hourly rate should not

exceed \$42 per hour.

2. All out of court interpreting requires the permission of the court if the interpreter's fee will exceed \$500.00.
3. All interpreters are paid with CJA form 21 vouchers. The vouchers must be completely filled out, including the top portion of the voucher containing the case and defendant information.
4. Please review an interpreter's voucher for completeness and accuracy prior to submitting the voucher for payment.

V. Subpoenas/Fact Witness Reimbursement

A. Subpoenas

1. After a subpoena is prepared, it must be certified by the United States District Court clerk.
2. Certified blank subpoena's can be obtained from the Clerk's Office. Please call 24 hours in advance if you require a large number of subpoenas:

You should call:

- LuAnn Davis (Greenbelt) 301-344-3225
- Intake (Baltimore) 410-962-6792

3. Subpoenas will be served by the United States Marshal upon order of the court. A sample motion is included in the CJA forms section on the web.
4. The subpoenas must be prepared by your office and certified by the Clerk of the Court.
5. The original certified subpoena, a copy of the subpoena and the court order, must be delivered to the United States Marshal's Office.
6. The Marshal's Office requests that subpoenas be filed

fourteen days before the scheduled trial date.

7. The motion is filed *ex parte*. You may request that the motion and order be sealed.
8. Subpoenas may be served by an investigator, if and only if, the service of the subpoena is incident to an interview of the witness to be served.
9. Travel Arrangements for out of state witnesses must be approved by the presiding judicial officer.

B. Fact Witness Reimbursement

1. You can obtain fact witness vouchers from this office, the United States Attorney's Office or the Federal Public Defender's Office.
2. Fill out the fact witness voucher for each witness. Fill in all the marked areas (#1 through #11, and E through I). If any of sections E through I do not apply, leave them blank. Do not fill in anything in the amounts column. The United States Marshall's office does this and will not accept the form if the amounts are filled in.
3. Attach any receipts for expenses of \$25 or more and all receipts relating to travel expenses.
4. Attach a copy of the subpoena and court order.
5. When the form is filled out and signed by the witness in the witness certification space forward the voucher to the Judge Clerk of Court, or CJA Supervising Attorney for signature in Part D.
6. Send the form to the United States Marshal's Office for payment.

*** REMEMBER NEVER PAY WITNESS FEES, TRANSPORTATION, LODGING, MEALS, ETC. BECAUSE ATTORNEYS CANNOT GET REIMBURSED THROUGH CJA FOR SUCH EXPENSES. ALL OUT OF STATE WITNESS TRAVEL MUST BE APPROVED BY THE PRESIDING JUDICIAL OFFICER.**

VI. Panel Travel

A. General Rules

- 1. Effective January 1, 2006 all claims for mileage are reimbursed at \$0.445 per mile. Claims for mileage reimbursement must contain the stated purpose of the travel, the number of miles, and the amount due. The claims must be itemized on the expense worksheet.**
- 2. Receipts are required for any travel expense, including daily parking and tolls.**
- 3. Overnight travel must be approved by the presiding judicial officer.**
- 4. Reimbursement for meals may not be claimed unless you are on overnight travel status.**
- 5. Travel expenses which will be reimbursed are confined to expenses considered essential and in connection with your representation under the CJA and supported by receipts.**
- 6. The most fiscally responsible method of travel must be selected. The attorney should consider the amount of travel time as well as travel fares in making the selection.**
- 7. All overnight travel should be arranged using government discount travel rates.**

B. Procedures for obtaining government discount travel rates.

- 1. A written request for travel authorization must be submitted to the CJA Supervising Attorney.**
 - A written travel authorization must be signed by the judge.**
 - Contact the CJA Supervising Attorney for the applicable per diem rate for your destination.**

- **The CJA Supervising Attorney will review the request and travel authorization and forward them to the judge for approval.**
 - **After the request is approved the CJA Supervising Attorney will complete the authorization by forwarding the form to the fiscal department of the Court to complete the accounting information.**
 - **The CJA Supervising Attorney will forward the travel authorization to counsel.**
- 2. After obtaining the travel authorization**
 - A. Call Omega Travel to arrange for tickets and hotel accommodations. The number is 866-450-0401**
 - B. Identify yourself as a panel attorney (or expert) providing CJA representation.**
 - C. Provide Omega Travel with the required information from the travel authorization.**
 - D. Instruct Omega Travel where to send the tickets.**
 - 3. Within 10 days of the conclusion of travel, a copy of the travel authorization and ticket receipt must be submitted to the CJA Supervising Attorney.**
 - 4. Costs for common carriers are paid directly by the Court.**
 - 5. Hotel costs are claimed for reimbursement on the travel section of the voucher.**
 - 6. Receipts are required for reimbursement for all travel expenses. Credit Card bills are not sufficient for reimbursement purposes.**

Important Notice:

If you arrange your own travel without using the government rate you will be reimbursed at the contracted government discount rate. Failure to obtain a judicial approval for overnight travel may result in your claim for reimbursement

being disallowed.

VII. CASE BUDGETING

GUIDELINE TO JUDICIARY POLICIES AND PROCEDURES VOLUME 7, SECTION 2.22(B)4

1. Courts are encouraged to budget cases expected to exceed 300 attorney hours or \$30,000 total case cost. The \$30,000 triggering amount includes experts and expenses, but is calculated per the individual defendant.

2. District of Maryland Case Budgeting procedures in non-capital cases:

- A. If counsel expects that the case could approach the 300 hour or \$30,000 mark, then counsel MUST notify the court and seek an interim payment order.**
- B. The CJA Supervising Attorney will monitor the payments made under the interim payment order. Either the Attorney or the CJA Supervising Attorney can request that a budget be put in place.**
- C. Budget requests shall be made on the approved AO budgeting worksheets. See, forms.**
- D. Budgets are mandated if any case is expected to exceed 500 attorney hours or \$50,000 total case costs.**

VII. Writs

- A. You must obtain approval of the trial judge for the issuance of any writ.**
- B. The order must state that as this is an indigent defendant represented under the CJA the transportation costs are at the expense of the United States Marshall's Office.**
- C. Habeas Corpus Writs (FEDERAL PRISONERS IN OR OUT OF DISTRICT)**

The panel attorney shall submit to the office of the USM a Habeas Corpus Writ (original and four copies) with raised seal of the court at least 14 calendar

days in advance of the date the subject is to appear in court. The writ shall be addressed to the USM for the District of Maryland and the Warden of the BOP Facility where the subject is confined. The panel attorney must receive prior written approval for transfer of sentenced prisoners from the BOP. The panel attorney is required to post a sufficient deposit in advance with the USM for costs associated with the production of the prisoner unless otherwise directed by the court. Prior written approval for transfer of sentenced prisoners must be obtained from the Federal Bureau of Prisons by the litigant's attorney.

D. Habeas Corpus Writs (STATE PRISONERS IN DISTRICT)

The panel attorney shall submit a Habeas Corpus Writ (original and four copies) with raised seal of the court to Warden of Facility and the Office of the USM, at least 14 calendar days in advance of production. The State requires that writs be in their possession 5 work days in advance of production. The panel attorney should contact the facility to ensure prisoner will be released. The panel attorney is required to post a sufficient deposit in advance for costs associated with production of prisoner unless otherwise directed by the court.

E. Habeas Corpus Writs (STATE PRISONERS OUT OF DISTRICT)

The panel attorney shall submit a Habeas Corpus Writ (original and four copies) with raised seal of the court addressed to Warden of the state facility, USM for District of Maryland and WSM for the district in which the state facility is located, at least 20 calendar days in advance of production. The panel attorney shall contact the state facility to insure that prisoner will be released to USM custody. The panel attorney is required to post a sufficient deposit in advance for costs associated with production of prisoner unless the court orders otherwise.

Some States may require that writs be submitted a minimum of 30 days in advance of production.

F. Other USMS Requirements for Issuance of Writs

1. In addition to the information indicated above, all Habeas Corpus Writs shall include the following information as provided by the requesting agency, official, attorney, etc.
 - a. The prisoner's name, and sufficient numeric identifiers.
 - b. A statement indicating the need for appearance,

including the charges against the prisoner.

- c. The name of the court where the prisoner is to appear.
 - d. The name and phone number of the requesting party with the responsibility for transporting the prisoner.
 - e. The projected date of return.
 - f. A statement from the issuing court that the requesting agency will provide for the safekeeping, secure custody, and care of the prisoner at no cost to the Federal Government and that they will assume full responsibility for custody.
 - g. A statement that the prisoner will be returned promptly to USMS custody upon the conclusion of the appearance for which the writ was issued or upon the demand of the USM.
 - h. Approval from the USAO.
- If the Habeas Corpus Writ does not indicate an approval from the USAO (see paragraph 1h above), the USM shall contact the USAO by telephone or in person to advise them of out of district or local Habeas Corpus Writs and to ascertain whether there are any reasons for not honoring the writ.
 - When a writ of habeas corpus out of district is issued for a prisoner in district who has not been sentenced, the USM shall obtain written concurrence from the USAO and the Judge if required.

VIII. Appointments and compensation under the Civil Asset Forfeiture Reform act of 2000.

Congress has passed legislation that provides for the appointment and compensation of counsel to represent claimants in judicial civil forfeiture proceedings commenced on or after August 23, 2000. The Civil Asset Forfeiture

Reform Act of 2000 (CAFRA), Pub.L. No. 106-185, was enacted on April 25, 2000. It is codified in part in Title 18 of the United States Code, Section 983. Section 2(b)(1) of the Act authorizes the appointment of counsel, to be paid at CJA rates, for a person claiming an interest in seized property who is financially unable to obtain representation and who is already represented by CJA-appointed counsel in a related criminal case, providing that the person has standing to contest the forfeiture and the claim appears to be made in good faith.

Permission of the court is required for appointments under this section. If you are CJA appointed in a criminal matter and your client has pending a civil forfeiture proceeding, has standing and wishes in good faith to contest the forfeiture, you may write to the presiding judicial officer seeking appointment under this section. Counsel will not be compensated for work in a civil forfeiture proceeding absent authorization by the court.

The case compensation maximum for appointments under this section is \$5,200.00. The CJA Committee has determined and instructed the CJA Supervising Attorney that claims under this section shall not necessarily be viewed as worthy of the compensation maximum. Counsel must not claim time on the CAFRA appointment for work related to the criminal case. For that reason, you may be required to account for the work performed on the civil forfeiture even if your voucher is under the statutory maximum.

IX. Ancillary Proceedings

What constitutes an ancillary proceeding may be difficult to determine. Reproduced below is the section on ancillary proceedings from the Guide to Judiciary Policies and Procedures, Vol. 7, Appointment of Counsel in Criminal Cases:

Representation may be furnished for financially eligible persons in “ancillary matters appropriate to the proceedings” pursuant to subsection (c) of the Act.

In determining whether a matter is ancillary to the proceedings, the court should consider whether the matter, or the issues of law or fact in the matter, arose from, or are the same as or closely related to, the facts and circumstances surrounding the principal criminal charge.

In determining whether representation in an ancillary matter is appropriate to the proceedings, the court should consider whether such representation is reasonably necessary to accomplish, inter alia, one of the following objectives.

- (i) to protect a Constitutional right;
- (ii) to contribute in some significant way to the defense of the principal criminal charge;
- (iii) to aid in preparation for the trial or disposition of the principal criminal charge;
- (iv) to enforce the terms of a plea agreement in the principal criminal charge;
- (v) to preserve the claim of the CJA client to an interest in real or personal property subject to a civil forfeiture proceeding pursuant to 21 U.S.C. §881, 19 U.S.C. §1602 or similar statutes, which property, if recovered by the CJA client, may be considered for reimbursement under subsection (f) of the Act and paragraph 2.04 of these Guidelines; or
- (vi) to effectuate the return of real or personal property belonging to the CJA client which may be subject to a motion for return of property pursuant to Fed. R. Crim. P. 41(e), which property, if recovered by the CJA client, may be considered for reimbursement under subsection (f) of the Act and paragraph 2.04 of these Guidelines.

The scope of representation in the ancillary matter should extend only to the part of the ancillary matter that relates to the principal criminal charge and to the correlative objective sought to be achieved in providing the representation (e.g., a CJA defendant in a criminal stock fraud case should be represented by CJA counsel at the defendant's deposition in a parallel civil fraud action for the limited purpose of advising him concerning his Fifth Amendment rights.)

Representation in an ancillary matter shall be compensable as part of the representation in the principal matter for which counsel has been appointed and shall not be considered a separate appointment for which a separate compensation maximum would be applicable under paragraph 2.22B of these Guidelines. A private panel attorney appointed under the Act may obtain, through an ex parte application to the court, a preliminary determination that the representation to be provided in an ancillary matter is appropriate to the principal criminal proceeding and compensable under subsection (c) of the Act and this guideline. However, failure to obtain such a preliminary determination shall not bar the court from approving compensation for representation in an ancillary matter provided that the services and compensation related thereto are justified in a memorandum submitted by the attorney to the court at the conclusion of the principal criminal matter and the presiding judicial officer finds that such

representation was appropriate.

Please remember the representation in an ancillary matter is considered part of your original appointment. The statutory case compensation maximum will apply. **COUNSEL ARE STRONGLY URGED TO OBTAIN A PRELIMINARY DETERMINATION FROM THE COURT THAT THE REPRESENTATION IN THE ANCILLARY MATTER IS APPROPRIATE TO THE PRINCIPAL CRIMINAL PROCEEDING AND THUS COMPENSABLE UNDER THE CRIMINAL JUSTICE ACT.**

X. Depositions

- A. Depositions are covered by F.R.Cr.P. Rule 15.**
- B. Expenses incurred in the taking of fact witness depositions (notarial fees, interpreters, transcripts, etc.) are paid by the Department of Justice, regardless of which party requested the deposition.**
- C. Costs of Attending Deposition:**
 - I. Fact Witnesses - paid for by the Department of Justice under F.R.Cr.P. Rule 17(b).**
 - II. Expert Witnesses - if a defense expert witness, the cost is paid under the CJA.**
- D. Expenses of counsel and the defendant to attend the deposition are paid by:**
 - I. If the government is the party requesting the deposition, the Department of Justice bears the costs of attending.**
 - II. If the defense is the requesting party, the CJA bears the cost of attending the deposition.**

NOTE: The presence of the defendant may not be essential at the deposition since the confrontation clause only requires the defendant's presence if the depositions are intended to be used against him.

- E. In habeas corpus and 28 U.S.C. §2255 cases, the Court may order the state or the government to pay "the expenses of**

travel and subsistence and fees of counsel” to attend the taking of a deposition at the request of the state or government. See, Rules governing Sections 2254 and 2255 cases in United States District Courts, Rule 6.

XI. The Conclusion of Your Representation

- A. The appeal is a new appointment. Time spent perfecting the appeal may not be included on your District Court voucher.**
- B. You are required to file the appeal. Please make sure you file the notice of appeal.**
- C. After the notice of appeal is filed, jurisdiction lies with the United States Court of Appeals for the Fourth Circuit. The District Court CANNOT grant your motion to withdraw from representation at the appellate level. Any motion to withdraw from representation must be sent to the Fourth Circuit.**
- D. You will receive a new voucher for your work on the appeal from the United States Court of Appeals for the Fourth Circuit.**
- E. If your client has a Rule 35 or a probation/parole matter this is a new case and you must be issued a new voucher.**
- F. If there is a mistrial declared in your case, please send the payment voucher in for payment. Attach a note regarding the disposition and a new voucher will be issued for that portion of the representation following the mistrial.**

IMPORTANT NOTICE:

If the District Judge releases you from the representation following the sentencing hearing and orders the appointment of new counsel on appeal, please notify the CJA Supervising Attorneys immediately after the filing of the notice of appeal. In these circumstances it is your duty to note the appeal. If the Fourth Circuit is not notified that the District Court has released you from the appeal, the Circuit will automatically appoint you for that appeal.

XII. Miscellaneous Matters

- A. Pacer available to attorneys appointed under the CJA.**

1. The Judicial Conference approved an amendment to the Miscellaneous Fees Schedule exempting CJA appointed attorneys in the performance of services authorized by the CJA from fees for the use of Public Access to Court Electronic Records (PACER) effective January 1, 1995.
2. CJA attorneys who use PACER in connection with their CJA appointments can obtain an exempt login and password with a CJA appointment by contacting the PACER Service Center at 1-800-676-6856. If you inadvertently use the service in connection with your appointment without your exempt login and password, a request for credit may be made in writing to PACER SERVICE CENTER after receipt of the quarterly statement, however, this should be the exception and may only be used in unusual circumstances.

B. Public Release of Information Pertaining to Activities Under the CJA and Related Statutes:

1. General Principles

Neither the Freedom of Information Act (5 U.S.C. §552) nor the Privacy Act (5 U.S.C. §552a) applies to the Judiciary and neither is applicable to requests for release to the public of records and information pertaining to activities under the Criminal Justice Act (CJA) and related statutes.

Generally, such information which is not otherwise routinely available to the public should be made available unless it is judicially placed under seal, or could reasonably be expected to unduly intrude upon the privacy of attorneys or defendants; compromise defense strategies, investigative procedures, attorney work product, the attorney-client relationship or privileged information provided by the defendant or other sources; or otherwise adversely affect the defendant's right to the effective assistance of counsel, a fair trial, or an impartial adjudication. (See 5 U.S.C. §522(b).)

Upon request, or upon the court's own motion, documents pertaining to activities under the CJA and related statutes maintained in the clerk's open files, which are generally available to the public, may be judicially placed under seal or otherwise safeguarded until after all judicial proceedings, including appeals, in the case are completed and for such time thereafter as the court deems appropriate. Interested parties should be notified of any modification of such order.

Requests for release of information pertaining to activities under the CJA and related statutes in the custody of the Administrative Office will be disposed of in accordance with internal directives of that office.

2. Public Release of Payment Information.

The antiterrorism and Effective Death Penalty Act of 1996, Pub. L. No. 104-132, 110 Stat. 1214, amended the CJA, 18 U.S.C. §3006A, and the Anti-Drug Abuse Act of 1988 (ADAA), codified in part at 21 U.S.C. §848(q), expressly to provide for disclosure to the public of the amounts paid for representation with respect to cases commenced, and appellate proceedings in which an appeal is perfected, on or after April 24, 1996. With respect to non-capital cases, the CJA, as amended, 18 U.S.C. §3006A(d)(4) and (e)(4), provides that the amounts paid under those subsections in any case “shall be made available to the public.” With respect to capital cases, the ADAA, as amended, 21 U.S.C. §848(q)(10)(C), provides that the amounts paid under that paragraph in any case “shall be disclosed to the public, after the disposition of the petition.” The timing of disclosure should be consistent with the principles stated in paragraph 5.01A.

C. Videoconferencing in the District of Maryland

The court has a videoconferencing link between the Charles County Detention Center and both courthouses.

The video camera and phone line for the Southern Division is located in the first floor room provided for the use of the Federal Public Defender’s office. That room is located to the left of the attorney conference rooms. The system utilizes a phone line and you will be able to maintain client confidentiality. The microphone is placed on the desk so you can speak in a normal conversational tone and still see your client on the television screen. At the scheduled time, your client will be brought to an attorney-client conference room in the Charles County Detention Center. The client will be secured in a chair and will be able to see you and hear you. The door to the attorney-client conference room will be closed and locked. No personnel from the detention center will be present in the room and no one will be able to hear your conversation. Eventually a document system will be added to the cameras which will better enable you to deal with documents, but at this point in time any documents must be held up to the camera.

The camera and phone line in Baltimore will be located in the court’s conference room on the first floor. The videoconferencing system in Baltimore is available upon appointment. Please contact Mrs. Mayford at 410-962-4674.

The videoconference system will be available to the Office of the Federal

Public Defender, counsel appointed under the CJA, U.S. pretrial or probation officers, and if not in use by one of these groups, retained counsel in a federal criminal case. Between the hours of 1:00 p.m. and 2:00 p.m. the Office of the Federal Public Defender will have priority in reserving the room in Greenbelt.

You may reserve the room and use of the videoconference equipment in Greenbelt by contacting Ms. Kathy Allen, Administrative Assistant, Office of the Federal Public Defender, 301-344-0600. For conferences in Baltimore, please contact Mrs. Donata Mayford at 410-962-4674. Please try to give us 24 hours notice as we must notify the CCDC to bring your client down to the conference room and must notify the Court Security Officers to unlock the room in the courthouse. If you can't reach Ms. Allen in Greenbelt, please ask for Ms. Nikki Nicely and she will assist you in scheduling your interview.

The videoconferencing system will be available in Greenbelt during the following hours:

**8:00 a.m. - 11:00 a.m.
12:00 p.m. - 3:30 p.m.
3:30 p.m. - 4:30 p.m.
5:30 p.m. - 6:45 p.m.**

The videoconferencing system will be available in Baltimore upon appointment. Since other groups use the conference room you should try to contact Mrs. Mayford as soon as possible.

At the conclusion of your video interview, please call the CCDC to tell them to release your client from the conference room. The phone number is in the conference room. There is also a binder entitled "video conference log" on the desk. Please fill in an entry regarding your use of the equipment. The entry in the log book does not include your client's name or case number. We only want to record who is using the system, for how long, and the expected amount of travel time saved through videoconferencing. Please be prompt. Other people may be scheduled to follow your interview therefore it is important that you not exceed your allotted time. If you need to cancel your scheduled interview, please call Let. Masri at CCDC (301-932-3034) to notify him that you will not need your client to be brought down to the interview room.

The court intends that use of the videoconference system will be an adjunct to your in-person meetings with your client. The court will not require that the system be used. It is hoped, however, that in some instances the videoconference system will expand rather than restrict your access to your clients in pretrial detention. Certainly, in those cases where frequent contact with your client is necessary, use of videoconferencing should be explored.

PLEASE MAKE AN EFFORT TO UTILIZE THE VIDEOCONFERENCE SYSTEM WHEN APPROPRIATE.

D. Policies regarding attorney client visits at Maryland Correctional Adjustment Center (aka Super Max)

1. The current attorney visiting hours at MCAC are:
Monday, Wednesday, Friday, and Saturday - 9:00 a.m. to 2:00 p.m.
Tuesday and Thursday - 9:00 a.m. to 9:00 p.m.

*****If you arrive between 3pm and 4pm- expect a significant delay due to shift change.***

2. If you visit during these hours you do not need to schedule an appointment.
3. Attorney visits during the time reserved for social visits (Monday, Wednesday, and Friday from 2:00 p.m. to 9:00 p.m.) will be limited to thirty minutes.
4. Families of inmates and pretrial detainees are allowed to visit on Monday, Wednesday, and Friday between 3:30 and 9:00 p.m. Please make every effort not to schedule your attorney-client visit during that time.
5. You should not have to wait for your visit longer than 15 minutes under normal circumstances. We recognize that even this amount of time is burdensome for you – we continue to seek improvement on this.
6. If you should have to wait longer than 30 minutes to see your client, please notify the CJA Supervising Attorney in writing by providing your name, date of attorney visit, the time you arrived and the length of time you had to wait before being escorted to the attorney booth.
7. To schedule a visit outside of regular attorney visiting hours, please fax a request to the Warden or the Security Chief. The MCAC fax number is 410-332-4561.
8. Do not attempt to visit during the shift change between 2:30 and 3:30 p.m. If you arrive during that time then you will have to wait until the conclusion of shift change.
9. When you are ready to exit the visiting booth, pick up the phone and call the correctional officer assigned to the area. If the officer is on the phone, it will ring over to another line. The Warden has assured us that the phone will always be answered (let us know if this is not occurring.)
10. Correctional Officers will assist you in delivering discovery to your client prior to the start of the interview. Simply ask the correctional officer assigned to the visiting area to deliver the documents to your client. The documents will be returned to you upon exiting. We have

been assured that this should take no longer than five minutes (again, please let us know if there are any problems.)

11. AS OF AUGUST 21, 2002 FEDERAL PRETRIAL DETAINEES WILL NOW BE ALLOWED TO BRING PAPER AND A WRITING INSTRUMENT TO THE ATTORNEY MEETING.
12. VERIFY YOUR CLIENT'S LOCATION PRIOR TO VISITING. While checking with MCAC is important, the best way to verify your client's location is by calling the United States Marshal's prisoner operations section at 410-962-2518.

******REMEMBER MCAC IS A HUB FOR FEDERAL PRETRIAL DETAINEES. IT SERVES THE DISTRICT'S NEED FOR HOUSING PRIOR TO A COURT APPEARANCE. YOUR CLIENT MAY BE TRANSPORTED TO ANOTHER FACILITY FOLLOWING A COURT HEARING. ALWAYS CHECK YOUR CLIENT'S LOCATION WITH THE MARSHAL'S OFFICE PRIOR TO VISITING.**

E. REQUESTS FOR CONTACT VISITS AT MCAC

Requests for contact visits at MCAC must be made by faxing the contact visit request form to the CJA Supervising Attorney. Please provide the reason(s) necessitating a contact visit with your client and two possible appointment times. In the event that you need permission for a contact visit and the CJA Supervising Attorney cannot be reached, please contact the chambers of Judge James K. Bredar at 410-962-0950. If the contact visit is approved, the form indicating approval will be faxed to your office. PLEASE MAKE EVERY EFFORT TO SCHEDULE A CONTACT VISIT ON TUESDAY OR THURSDAY. AT LEAST 24 HOURS NOTICE MUST BE GIVEN. CONTACT THE CJA SUPERVISING ATTORNEY BEFORE FAXING THE CONTACT VISIT FORM.

Please note: Permission for contact visits will be granted only in the following circumstances:

1. Voluminous discovery - a request for a contact visit to review voluminous discovery will be granted in appropriate circumstances. Please remember that correctional officers will assist you by delivering discovery to your client during a regular, non-contact visit.
2. More than two people in visiting booth (e.g. two attorneys plus interpreter) - the attorney visiting booth will hold two people; if you require more than two people at your visit, contact the CJA Supervising Attorney for permission for a contact visit.
3. Need to review videotapes - the contact visiting room has a TV for viewing videotapes. On your request form please note if you are requesting the contact visit

for review of videotapes. This will allow notice to MCAC regarding the use of their video system. Audiotapes can be reviewed in the regular visiting room. An audio tape player may be borrowed from MCAC by requesting it at the control center upon your arrival at the institution.

4. Security concerns or other special circumstances - if you have a special situation requiring a contact visit with your client, contact the CJA Supervising Attorney.

Please note: when visiting clients at MCAC do not bring in anything other than the discovery, your notepad, and a pen. You will need identification and 25 cents for a locker rental. You will need to lock your car keys in the locker.

****IF YOU HAVE A PROBLEM WHILE AT MCAC, YOU MAY WISH TO SPEAK TO CORPORAL THERESA MARTIN. CORPORAL MARTIN IS MCAC'S CONTACT PERSON WITH THE FEDERAL COURTS.**