

## NOTICE ON COMPLIANCE WITH THE GUIDE TO JUDICIARY POLICY FOR DEFENDER SERVICES

Whereas, the Administrative Office of the United States Courts and the United States Court of Appeals for the Third Circuit seek our cooperation and increased vigilance in ensuring compliance with Chapter 2 of the Guidelines for Administering the CJA and Related Statutes (Guide to Judiciary Policy, Vol. 7, Pt. A),

Pending review of this Court's CJA Plan, this Court expects appointed counsel and service providers to fully comply with the Criminal Justice Act ("CJA") and its corresponding Guidelines. Counsel is advised that the Court will require such compliance by closely scrutinizing CJA 20 and 21 vouchers, particularly in the following areas<sup>1</sup>:

### 1. Compensation Approval without Prior Authorization for Services

No prior authorization is required for a request of \$800 or less in compensation for investigative, expert, or other services. When counsel fails to obtain preapproval and submits a bill in excess of \$800, the Court may authorize such payment only if it determines, in the interest of justice, that timely procurement of necessary services could not await prior authorization. In all other circumstances, the Court must deny the portion of the request in excess of \$800.

### 2. Compensation Approval with Prior Authorization for Services

With prior authorization, service providers are generally limited to \$2,400 in compensation for services performed after May 27, 2010. The Court may waive this \$2,400 limit only when (a) counsel obtains preapproval for the investigative, expert, and other services, (b) the trial judge certifies that the requested payment is necessary to provide fair compensation for services of an unusual character or duration, *and* (c) the chief judge of the circuit or his or her designee determines that this payment is necessary.

Counsel shall seek early judicial review of anticipated defense expenditures. Counsel shall also request judicial authorization of anticipated work by service providers. Service providers shall submit invoices clearly indicating their hourly rates,<sup>2</sup> proposing maximum spending limits for future invoices, and explicitly acknowledging that they will not be compensated for services performed beyond those preapproved by the Court, absent additional advance judicial authorization.

### 3. Computer-Related Support Services

Counsel in need of computer-related litigation support services shall seek preapproval from the Court for such services. Where the expected combined cost of these services exceeds \$10,000, appointed counsel shall first consult the National Litigation Support Team in the Defender Services Office, Administrative Office of the United States Courts for guidance. Counsel shall also inform the Court in writing of the Defender Services Office's advice and recommendation regarding counsel's proposed expenditure. Once counsel has obtained the Court's preapproval for support services, counsel must still satisfy the requirements outlined above, including securing Third Circuit approval, to receive more than \$2,400 for these services.

By the Court,



Petrese B. Tucker  
Chief Judge

<sup>1</sup> We note that these limitations do not apply in capital cases or cases in which the Third Circuit has approved case budgeting plans.

<sup>2</sup> Medical professionals, however, may continue to submit invoices charging flat fees for services.