

**UNITED STATES DISTRICT COURT  
Southern District of Georgia  
Augusta and Dublin Divisions**

**INSTRUCTIONS FOR ATTORNEYS APPOINTED UNDER CJA**

The following information is provided as guidance for privately practicing attorneys appointed to represent indigent defendants pursuant to the Criminal Justice Act (18 U.S.C. 3006A).

**I. Duties of Appointed Counsel**

**Also see: ([http://jnet.ao.dcn/CJAPanelAttorneys\\_Defenders/index.html](http://jnet.ao.dcn/CJAPanelAttorneys_Defenders/index.html))**

- Counsel named in the Order of Appointment Form CJA 20 must personally appear at all proceedings. Counsel shall not delegate his or her responsibility to other counsel (except for emergencies with approval of the court and consent of defendant). Counsel who are unable to personally fulfill his or her obligation to a defendant because of health or other good reason should immediately so notify the court in writing.
- Counsel is required to secure the appearance of the defendant at all pretrial conferences and at all other proceedings requiring the appearance of the defendant.
- Counsel shall fulfill his or her professional responsibility as an officer of the court, and the limited amount of compensation accruing in no respect diminishes such responsibility.
- Counsel appointed by the U. S. District Court shall continue to serve until his or her representation is terminated by the provisions of the plan of the court, adopted pursuant to the Criminal Justice Act of 1964, as amended by Public Law 91-447, or by court order.
- Counsel shall report, to the court, any change in the financial status of the person he or she was appointed to represent which indicates the ability of the person to finance all or part of the representation.

**II. Termination of Appointment**

Representation of a defendant in a criminal case shall terminate with the imposition of sentence following the acceptance of a plea of guilty, a plea of nolo contendere, or the finding of a guilty verdict. Counsel shall, following the imposition of sentence in a criminal case where the defendant has been found guilty after trial or entered a plea of guilty, advise the defendant of his or her right to appeal and of his or her right to counsel on appeal. If requested to do so by the defendant, counsel shall file a timely Notice Of Appeal. Counsel on appeal shall be appointed by the Court of Appeals. Representation in all other proceedings shall terminate when the purpose of the appointment is accomplished or when terminated by court order.

**III. Compensation**

**Counsel shall be compensated at a rate not exceeding \$125.00 per hour for time expended in court and for time reasonably expended out of court, and shall be reimbursed for expenses reasonably incurred. All time should be reported in one-tenth increments.**

<b>Compensation Rates</b>		
<b>Effective Dates</b>	<b>In-Court</b>	<b>Out-Of-Court</b>
<b>3/1/14</b>	<b>\$126</b>	<b>\$126</b>
<b>9/1/13</b>	<b>\$110</b>	<b>\$110</b>
<b>01/01/10</b>	<b>\$125</b>	<b>\$125</b>
<b>Death Penalty Cases Effective 3/1/2014: \$180.00</b>		

The maximum allowance permitted by 18 U.S.C. 3006A for representation of a person before the United States District Court, is:

<b>Felony Case (including pre-trial diversion)</b>	<b>\$9,800.00</b>
<b>Misdemeanor Case (including pre-trial diversion)</b>	<b>\$2,800.00</b>
<b>Proceeding under 18 USC §4106A</b>	<b>\$2,100.00</b>
<b>Proceeding under 18 USC §4107 or 4108 (for each verification proceeding)</b>	<b>\$2,800.00</b>
<b>Proceeding under 18 USC §983</b>	<b>\$9,800.00</b>
<b>Post-conviction proceeding under 18 USC §2241, 2254, or 2255</b>	<b>\$9,800.00</b>
<b>Proceeding under 28 USC §1875</b>	<b>\$9,800.00</b>
<b>Appeal (from felony, misdemeanor, proceeding under 18 USC §4106A, 18 USC §983, post-conviction proceeding under 18 USC §2241, 2254, or 2255 and 28 USC §1875)</b>	<b>\$7,000.00</b>
<b>Other representation required or authorized by the CJA (including, but not limited to probation, supervised release, material witness, grand jury witness)</b>	<b>\$2,100.00</b>
<b>Appeal of other representation</b>	<b>\$2,100.00</b>

- A. The maximum allowance, permitted by 18 U.S.C. 3006A, for representation of a person in an appellate court is \$7,000.00.
- B. Payment in excess of the above listed maximum amount may be made for extended or complex representation whenever the presiding judge certifies that the excess amount is necessary to provide fair compensation and the payment is approved by the Chief Judge of the 11th Circuit or his delegate. (CJA26A GUIDANCE TO ATTORNEY and CJA 26 SUPPLEMENT STATEMENT for a compensation claim in excess of the case compensation maximum)

#### **IV. Actual Expenses Other than for Expert or Other Services**

- A. Counsel shall be reimbursed for reasonable actual expenses incurred in the representation of a defendant. In determining whether actual expenses incurred are "reasonable," counsel shall be guided by the prevailing limits placed upon travel and subsistence of federal judiciary employees. Therefore, reimbursement for counsel appointed to represent a defendant in the United States District Court for the Southern District of Georgia shall be limited as follows:
1. Actual subsistence, not to exceed the maximum daily allowance for the particular area for employees of the judiciary as fixed by the Director of the Administrative Office of the U. S. Courts. Lodging, meals, and all other allowable items of expense shall be itemized, and furnished with the Form CJA 20. (*Contact the Clerk for per diem rate if needed*)
  2. Round-trip taxi or public transit fare from office to airport, train station, or from airport to courthouse.
  3. Actual travel expenses shall not exceed:
    - a. Round-trip coach air fare. (**REQUIRES SEPARATE TRAVEL AUTHORIZATION**). Counsel should contact the Court CJA Liaison before making air travel arrangement.
    - b. Round-trip taxi or public transit fare from office to airport, train station, or bus depot, and from airport to courthouse.

- c. Private automobile mileage at the rate allowed for employees of the judiciary as fixed by the Director of the Administrative Office of the United States Courts, not to exceed the amount of round-trip coach air fare.

<b>Mileage Rates</b>	
Effective Dates:	Rate:
1/01/2014	\$0.56
1/01/2013	\$0.565
4/17/2012	\$0.555

## **V. Paralegal and Computer Assisted Legal Research**

- A. Claims for paralegal research should be paid at the employee's hourly wage, not the firm's billing rate, **and should be submitted under CJA 21.**
- B. Submit a statement of the issues researched with an estimate of the number of attorney hours required to do the research manually. (Attach computer invoice). Contact the District Court CJA Liaison at (706) 849-4404 for information regarding PACER fee waiver for court appointed attorneys if needed.

## **VI. Out-of-Pocket Expenses**

**ALLOWABLE:** Necessary phone calls, supplies, postage, parking fees, photo copying (in house actual cost up to 15 cents per page, commercial copying: actual costs up to 25 cents per page and expense worksheet should include itemization of number of pages copied and cost per page.

RECEIPTS, CANCELLED CHECKS OR INVOICES must accompany claims for commercial copying, airfare, hotels, meals, computer assisted legal research, long distance telephone expenses, and any miscellaneous expense EXCEEDING \$50.

## **VII. Authorization for Obtaining Expert or Other Services**

(See attached CJA25 Memo)

- A. Prior authorization of the court must be obtained prior to obtaining investigative, expert, or other services (e.g. reporter's transcript, interpreter, investigator, psychiatrist, psychologist, or other expert services). Investigative, expert, or other services may be obtained, where it is not possible to seek prior authorization, subject to later review. **The maximum allowance, permitted by 18 U.S.C. 3006A, where prior authorization is not obtained, is \$800.00. The maximum allowance, permitted by 18 U.S.C. 3006A, without approval by the 11<sup>th</sup> Circuit is \$2,400.00.** Required Request and Payment Voucher Form CJA 21 is available at Clerk's Office.  
[http://jnet.ao.dcn/Guide/Volume 7/Section A/Chapter 3.](http://jnet.ao.dcn/Guide/Volume 7/Section A/Chapter 3)
- B. The request for prior authorization to obtain investigative, expert, or other services shall be made on Form CJA 21 entitled "Authorization & Voucher for Expert or Other Services" to be completed by counsel and presented to the judge for approval. After the investigative, expert, or other services have been obtained, the original CJA 21 claim for services shall be submitted to the Clerk of Court for payment authorization.

## **III. Preparation and Submission of Voucher for Services**

**Counsel should read these instructions carefully.** Accuracy and thoroughness will aid in the prompt payment of the claim. If possible use a typewriter to complete the form; otherwise, write legibly with a ball point pen (black or dark blue ink). Complete and attach the enclosed itemized worksheets of the services provided and expenses incurred. For additional guidance, see the Guidelines for the Administration of the Criminal Justice Act and Related Statutes (CJA Guidelines), Vol. VII, Guide to Judiciary Policies and Procedures: <http://jnet.ao.dcn/Guide/Vol 7 Defender Services/Part A.html>

- A. Form CJA 20 Appointment of and Authority to Pay Court Appointed Counsel, furnished by the Clerk's Office, is to be completed by counsel. All necessary supporting documentation must be attached to the CJA 20 voucher prior to submission for payment (including receipts for expenses over \$50.00). All time should be reported in one-tenth increments, which can easily be converted to percentages (i.e., .1, .3, .5) for purposes of entering the data into our automated system. (See attached CJA19 NOTICE TO COURT APPOINTED COUNSEL OF PUBLIC DISCLOSURE OF ATTORNEY FEE INFORMATION.)
- B. A claim for more than the maximum provided in 18 U.S.C. 3006A will delay the processing of the claim as it will require approval of the Circuit as well as the District Court Judge. (See CJA26A attached, for guidance in drafting the memorandum required for a compensation claim in excess of the case compensation maximum.)

### CJA 20 VOUCHER ITEM INSTRUCTIONS

**Item 15. IN-COURT SERVICES:** Enter the total number of hours claimed (in hours and tenths of an hour) for each applicable in-court service category. To support the totals entered in each category, attach to the voucher an itemization of services, by date, and indicate the number of hours for each service. Enter the total in court hours where required on the form, and multiply the total number of in-court hours claimed by the hourly rate in effect for the place of holding court in which the representation is provided or the attorney maintains his or her principal office. Enter the total amount claimed in the appropriate box on the form.

**Item 16. OUT-OF-COURT SERVICES:** Complete according to the instructions above for in court time, using the applicable out-of-court hourly rate of compensation.

NOTE: The "FOR COURT USE ONLY" column will reflect any mathematical or technical adjustments to the claim during the judicial approval process or changes during a required additional review of the chief judge of the court of appeals (or delegate).

**Item 17. TRAVEL EXPENSES:** Travel related expenses that are incidental to the representation (e.g., transportation, lodging, meals, car rental, parking, bridge, road and tunnel tolls, etc.) must be itemized on a separate sheet, indicating dates the expense was incurred. Attach supporting documentation (receipts, canceled checks, etc.) for all travel expenses. Travel expenses by privately owned automobile, motorcycle, or aircraft should be claimed at the rate in effect for federal employees at the time of travel. For overnight travel, reasonable expenses for lodging and meals will be reimbursed on an actual expense basis; per diem is not allowed. Counsel should be guided by prevailing limitations for travel and subsistence expenses of federal employees. The clerk of court can advise you of applicable rates and federal government travel regulations.

**Item 18. OTHER EXPENSES:** Itemize all reimbursable out-of-pocket expenses incidental to representation. Provide dates and a brief description of the expense. Enter the total claimed where required on the form. Submit supporting documentation (receipts, canceled checks, etc.) for single item expenses in excess of \$50. Reimbursable expenses may include, in some circumstances, payments to law students or law clerks for legal research and assistance and the cost of computer assisted legal research (CALR) when conducted by counsel. See paragraphs 2.31 and 3.15 of the *CJA Guidelines* for an explanation.

**The following are not reimbursable expenses, and should not be claimed:**

1. General office overhead, such as rent, telephone services, and secretarial services.
2. Expenses for items of a personal nature for the client (e.g., clothes, haircuts).
3. The cost of printing briefs. However, the cost of photocopying or similar copying service is reimbursable.
4. Fact witness fees, witness travel costs, and expenses for service of subpoenas. These expenses are not paid out of the CJA appropriation, but instead are paid by the Department of Justice pursuant to Fed. R. Crim. P. 17, and 28 U.S.C. § 1825. See enclosed memo regarding witness subpoenas. Contact the United States Marshal for payment procedures. See paragraph 3.13 of the *CJA Guidelines* for guidance on payment of witness fees.
5. Filing fees. These fees are waived for persons proceeding under the CJA.
6. The cost of allowable investigative, expert, or other services (See Chapter III of the *CJA Guidelines*). Such services should be requested using a CJA Form 21. See memo CJA 25, attached.
7. Compensation taxes. Taxes paid on attorney compensation, whether based on income, sales or gross receipts are not reimbursable expenses.

**TOTALS:** Enter the Grand Totals where required by adding "in-court" and "out-of-court" totals, "travel" and "other expenses."

**Item 19. CERTIFICATION OF ATTORNEY/PAYEE FOR PERIOD OF SERVICE:** The person appointed by the court must certify dates of service for the representation. Indicate, where required, the date range for the services claimed on the voucher.

**Item 20. APPOINTMENT TERMINATION DATE, IF OTHER THAN CASE COMPLETION:** If the appointment is discontinued by order of the court (i.e., substitute counsel or reasons other than disposition of the defendant's case, such as fugitive defendant, appointment of federal defender, or retention of counsel by a defendant), give the effective date for termination of appointment.

**Item 21. CASE DISPOSITION:** Indicate case disposition for the person represented (e.g., dismissed, convicted/final plea guilty, probation revoked, other, etc.). **Select a code from the table below.**

**Type of Disposition Code District Court Criminal and Other Proceedings**

Dismissed 1	Reversed in Part/Affirmed in Part RA
Acquitted by court 2	Affirmed in Part/Reversed in Part AR
Acquitted by jury 3	Dismissed 1
Convicted/final plea guilty 4	Probation/Parole/Supervised Release Revoked RV
Convicted/final plea nolo 5	Restored RS
Convicted/court trial 8	Habeas/Petitions/Writs Granted GR
Convicted/jury trial 9	Denied DE
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 (PTD matters, other reps. Transfers) X	
Appeals Affirmed A	
Reversed R	
Remanded 0	

**Item 22. CLAIM STATUS:** Indicate, by checking the appropriate box, whether the voucher is (1) the final payment for the services, (2) an interim payment, or (3) a supplemental payment (an additional claim submitted after a final payment is made). If an interim payment, indicate the interim payment number. Complete the remaining portion of Item 22. **SIGN AND DATE THE AFFIRMATION STATEMENT BEFORE SUBMITTING THE CLAIM FOR COURT APPROVAL.**

**CLAIMS FOR SERVICES:** Original CJA20 Voucher with worksheets and supporting documentation, should be submitted to the **Clerk, U. S. District Court, P. O. Box 1130, Augusta GA 30903 within 45 days** after final disposition in U. S. District Court, unless good cause is shown (Paragraph 2.21A, CJA Guideline). CJA 20 Vouchers in **Felony** cases should be submitted to Criminal Deputy Clerk, (706) 849-4405. CJA20 Vouchers in **Misdemeanor** cases should be submitted to the Courtroom Deputy Clerk for Magistrate Judge (706) 849-4404. *All claims beyond jurisdiction of the U. S. District Court for Southern District of Georgia should be made to the 11<sup>th</sup> Circuit Court of Appeals on the form provided by the 11<sup>th</sup> Circuit.*

All payments made pursuant to this claim are subject to post-audit; contemporaneous time and attendance records, as well as expense records must be maintained for three years after approval of the final voucher (paragraph 2.32, CJA guidelines). Any overpayments are subject to collection, including deduction of amounts due from future vouchers. Vouchers should not be submitted prematurely as an interim payment, unless scheduled interim payments are ordered by the Court.

For further information, please contact the CJA Liaison for the U. S. District Court for the Southern District of Georgia, Augusta/Dublin Divisions, at (706) 849-4404.

## **IX. Forms Obtainable from the Clerk**

See also the following link: **[http://jnet.ao.dcn/Forms/CJA\\_Forms.html](http://jnet.ao.dcn/Forms/CJA_Forms.html)**

1. CJA 26A Guide and Form CJA 26: Supplemental information statement for a compensation claim in excess of statutory case compensation maximum.
2. Form CJA 20 Appointment of and Authority to Pay Court Appointed Counsel: Voucher and Worksheets enclosed with these instructions). WORKSHEET FORMAT AVAILABLE IN WP. CONTACT CLERK FOR COPY.
3. CJA 21 Authorization and Voucher for Expert or Other Services: Obtained by counsel from Clerk's Office at time of motion for expert or other services. (See attached CJA 25 notice)
4. Form CJA 28E detailed worksheet for expert services with potential for extraordinary cost
5. Form CJA 24 Authorization and Voucher for transcript of proceedings
6. Form OBD-3 Fact Witness Voucher
7. Witness and Exhibit list and exhibit label forms (also available [www.gas.uscourts.gov](http://www.gas.uscourts.gov))
8. Transcript information sheet for Notice of Appeal

For additional forms and information, please see our web site [www.gas.uscourts.gov](http://www.gas.uscourts.gov) . Go to "District Court", then "Forms".

**Note:** Federal Rules of Criminal Procedures on line: The Federal Judiciary has expanded its web site [<http://www.uscourts.gov/>] to include information on the Federal Rules of Practice and Procedure. Internet users can now access the current rules, proposed amendments to the rules submitted for public comment, and approved proposed amendments pending review by the Supreme Court and Congress.

**See also CJA link:** **[http://jnet.ao.dcn/Forms/CJA\\_Forms.html](http://jnet.ao.dcn/Forms/CJA_Forms.html)**

**<http://jnet.ao.dcn/Guide/Vol 7 Defender Services/Part A.html>**

## NOTICE TO COURT-APPOINTED COUNSEL OF PUBLIC DISCLOSURE OF ATTORNEY FEE INFORMATION

The Criminal Justice Act (CJA), 18 U.S.C. § 3006A, was amended in 1998 to require that the amounts paid to court-appointed attorneys be made publicly available upon the court's approval of the payments. Although the amended paragraph of the statute, §3006A(d)(4), expired after two years and thus only applies to cases commenced between January 25, 1998, and January 24, 2000, the corresponding guideline (paragraph 5.01 of the Guidelines for the Administration of the Criminal Justice Act and Related Statutes, Volume VII, *Guide to Judiciary Policies and Procedures*) continues as a matter of Judicial Conference policy. The court may disclose an unredacted copy of a payment voucher submitted by defense counsel, or a redacted copy of a voucher indicating only the amounts approved for payment according to categories of services listed in the statute. The extent of disclosure depends on whether the case is pending and on whether the court determines that certain interests (listed below in part B.1) require the redaction of detailed information on the voucher. Upon court approval of a voucher claim, payment information will be made available as follows:

**A. BEFORE OR DURING THE TRIAL:** After redacting any detailed information provided to justify the expenses, the court shall make available to the public only the amounts approved for payment. Upon the completion of trial, unredacted copies of the vouchers may be released, depending on whether an appeal is being pursued and whether the court determines that one or more of the interests listed in part B.1 require the redaction of information.

**B. AFTER THE TRIAL IS COMPLETED:** The court shall make available to the public either redacted or unredacted vouchers as follows:

**1. If trial court proceedings have been completed and appellate review is not being pursued or has concluded at the time payment is approved:** The court shall make an unredacted copy of the payment voucher available to the public unless it determines that one or more of the interests listed below justify limiting disclosure to the amounts approved for payment in the manner described in part A. The interests that may require limiting disclosure include:

- (1) the protection of any person's 5<sup>th</sup> Amendment right against self-incrimination;
- (2) the protection of the defendant's 6<sup>th</sup> Amendment right to effective assistance of counsel;
- (3) the defendant's attorney-client privilege;
- (4) the work product privilege of the defendant's counsel;
- (5) the safety of any person; and
- (6) any other interest that justice may require (with the exception that for death penalty cases where the underlying alleged criminal conduct took place on or after April 19, 1995, the amount of the fees shall not be considered a reason justifying any limited disclosure).

**2. If appellate review is being pursued at the time payment is approved:** The court shall make available to the public only the amounts approved for payment in the manner described in part A unless it finds that none of the interests listed above in part B.1 will be compromised.

**C. AFTER THE APPEAL IS COMPLETED:** The court shall make an unredacted copy of the payment voucher available to the public unless it determines that one or more of the interests listed in B.1 justify limiting disclosure to the amounts approved for payment in the manner described in part A.

**If counsel believes that any of the interests listed above in part B.1 justify limiting disclosure to the amounts approved for payment, counsel should submit to the court a written request, identifying the interests at risk and the arguments in support of providing protection, AT OR BEFORE THE TIME A CLAIM FOR PAYMENT IS MADE. Failure to do so could result in the public availability of unredacted copies of your vouchers without further notice.**

**This constitutes notice under CJA Guideline 5.01. You may NOT receive additional notice before any payment information is made available to the public.**

## NOTICE TO CJA PANEL ATTORNEYS REGARDING AVAILABILITY OF INVESTIGATIVE, EXPERT AND OTHER SERVICES

All attorneys appointed to provide representation under the Criminal Justice Act (CJA), 18 U.S.C. § 3006A, may request, under subsection (e) of the Act, authorization to obtain investigative, expert, and other services necessary for adequate representation to be paid from funds appropriated for the administration of the CJA. In death penalty cases (federal capital prosecutions and capital post-conviction proceedings), 18 U.S.C. § 3599 provides additional statutory authority to appoint counsel (also see 18 U.S.C. § 3005) and authorize investigative, expert, and other services (referred to as “subsection (e) services,” below).

In addition to investigators, psychiatrists, psychologists, and reporters, services other than counsel may include, but not necessarily be limited to, interpreters, computer systems and automation litigation support personnel and experts, paralegals and legal assistants, including law students, neurologists, and laboratory experts in the areas of ballistics, fingerprinting, and handwriting.

Requests for authority to obtain subsection (e) services should be made to the presiding judge or magistrate judge (see cautionary note below). In order to prevent the possibility that an open hearing concerning a request for subsection (e) services may cause a defendant to reveal his or her defense, these requests should be made by *ex parte* application. The Guidelines for Administering the CJA and Related Statutes (CJA Guidelines), Volume 7A, *Guide to Judiciary Policy*, provide that the *ex parte* applications must be heard *in camera* and must not be revealed without the consent of the defendant. The CJA Guidelines further state that such applications must be placed under seal until the final disposition of the case in the trial court, subject to final order of the court. In death penalty cases, 18 U.S.C. § 3599 provides that counsel must make a proper showing concerning the need for confidentiality.

### CAUTIONARY NOTE

There are, however, limitations that apply to the obtaining of these services. **PRIOR AUTHORIZATION SHOULD BE SECURED** from the presiding judicial officer for all subsection (e) services, in a non-death or death penalty representation, where the total cost (exclusive of reimbursement for expenses) of all services combined will exceed \$800. In addition to prior authorization, once the services have been provided, the claims for compensation must be approved by the presiding judicial officer. The limitation of \$800 may be waived if the presiding judicial officer, in the interest of justice, finds that timely procurement of necessary services could not await prior authorization.

In addition, in non-death penalty proceedings, claims for compensation by a service provider in a representation in excess of \$2,400 (excluding reimbursement for expenses) may be paid when the presiding judicial officer certifies that payment in excess of the amount is necessary to provide fair compensation for services of an unusual character or duration, and the amount of the excess payment is approved by the chief judge of the circuit (or the active or senior circuit judge to whom the chief judge has delegated excess compensation approval authority). In death penalty cases, there is a different waivable limit of \$7,500 (the \$2,400 amount does not apply). The \$7,500 limit applies to the total payments (including expenses) for all investigative, expert, and other services combined in a representation, not to each type of service or service provider individually. For payments in excess of \$7,500, the presiding judicial officer must certify the payments as necessary to provide fair compensation for services of an unusual character or duration.

Payment for subsection (e) services should be claimed directly by the service provider on the CJA Form 21, “Authorization and Voucher for Expert and Other Services,” or, in death penalty proceedings, on the CJA Form 31, “Death Penalty Proceedings: *Ex Parte* Request for Authorization and Voucher for Expert and Other Services.”

Counsel should review both the Criminal Justice Act and the CJA Guidelines, which are accessible through [www.uscourts.gov](http://www.uscourts.gov).

INSTRUCTIONS FOR FACT WITNESSES SUBPOENAED ON BEHALF OF AN INDIGENT DEFENDANT IN A CRIMINAL CASE PENDING  
IN THE U. S. DISTRICT COURT FOR THE SOUTHERN DISTRICT OF GEORGIA  
(NOT APPLICABLE TO FEDERAL EMPLOYEES)

**IMPORTANT NOTE TO WITNESS: IMMEDIATELY UPON RECEIPT OF THE SUBPOENA PLEASE CALL THE COURT APPOINTED ATTORNEY LISTED ON YOUR SUBPOENA FOR INFORMATION REGARDING TRAVEL ARRANGEMENTS AND SPECIFIC ENTITLEMENTS, OR IF YOU HAVE A MEDICAL CONDITION OR FAMILY SITUATION THAT REQUIRES SPECIAL CONSIDERATION. READ THE INFORMATION CONTAINED ON THIS FORM BEFORE YOUR COURT APPEARANCE.**

**~ APPEARANCE IN ANOTHER CITY ~**

If you are required to travel to another city to appear in court, immediately contact the individual listed above and request instructions. Any amount advanced to you will be deducted from your fees and allowances.

**~ REIMBURSEMENT OF EXPENSES AND ATTENDANCE FEES ~**

- A. **A. ATTENDANCE FEE:** You will be paid a fee of \$40 per day, including travel days. A voucher payment form should be completed by you at the time of your attendance for testimony.
- B. **B. TRANSPORTATION:** Call the individual listed above to obtain information on transportation. Reimbursement will be made for travel at the least expensive method reasonably available to you. The following rules apply to transportation expenses:
1. **Local Travel:** The recommended method of travel in the local area of court is by bus or taxi.
  2. **Privately Owned Vehicles (POV):** You will be reimbursed the following amounts:

Motorcycle: \$\* per mile    Automobile: \$\* cents per mile    Airplane \$\* per mile \* verify current rate

In addition to the above mileage allowance, necessary tolls, parking and other fees may be reimbursed. You must keep a record of your odometer readings if you travel by motorcycle or automobile. If two or more witnesses travel in the same vehicle, only one reimbursement for mileage can be made. Note: The government does not reimburse parking tickets or towing for improperly parked vehicles.

**IF POV EXPENSES, INCLUDING MILEAGE, TOLLS AND PARKING AND OTHER ASSOCIATED COSTS, ARE GREATER THAN THE GOVERNMENT AIRFARE, YOU WILL BE RESPONSIBLE FOR THE DIFFERENCE.**

3. **Common Carrier:** If you are located outside the local court area, **IMMEDIATELY CALL THE INDIVIDUAL LISTED ABOVE FOR INSTRUCTIONS. THEY WILL MAKE ARRANGEMENTS FOR YOUR TRAVEL.** **Airline Tickets:** Prepaid government fare tickets are to be picked up on the day of travel 1½ hours before your scheduled flight departure. Train, bus or airline will be reimbursed at the Government rate. Reimbursement **WILL NOT** be made for First Class accommodations, "Frequent Flyer" tickets, or charter service. **DO NOT** purchase non refundable tickets. If your appearance date changes or is canceled, you **WILL NOT** be reimbursed for a non refundable ticket. If you have questions concerning transportation arrangements, please contact the above individual.
- C. **C. MEALS:** Witnesses who remain away from home **OVERNIGHT**, will receive \$19.50 (day you travel to court and the day you leave to return home). In addition if you stay longer than two days you will receive \$39.00 for non-travel days.
- D. **D. LODGING:** If it is necessary for you to remain away from home **OVERNIGHT** lodging is allowed. Lodging is prepaid, however, should you make your own reservations you will be reimbursed for the **ACTUAL COST** of your hotel/motel room, which may not exceed \$69.00 per night, including tax. The government does not reimburse telephone calls (local or long distant), room service, movie or game rental, extra beds, replacement of items in service refrigerators or other incidentals.

**~ YOU MUST RETAIN RECEIPTS ~**

**ALL CLAIMS FOR PARKING MUST BE SUPPORTED BY A RECEIPT. OTHER EXPENSES EQUAL TO \$25 OR MORE MUST BE SUPPORTED BY A RECEIPT, WITH THE EXCEPTION OF MEALS AND MILEAGE.**

**~ VERIFY YOUR ATTENDANCE ~**

On the last business day BEFORE you travel to court, you may call the attorney's number listed on the subpoena to verify that your attendance is required. This may prevent a wasted trip in the event the trial date is changed.

**~ DISMISSAL ~**

When you are advised that your attendance is no longer required, you should request information regarding the payment of the fees and allowances outlined above. The individual requiring your attendance will provide you with a Fact Witness Voucher (Witness Certificate). You will be required to list your expenses on this Voucher. The Voucher will be submitted to the U.S. Marshals Service for Payment. The U.S. Marshals Service will process the voucher and MAIL the payment to you. If you require funds to return home, you must bring this fact to the attention of the individual requiring your attendance, who will notify the U.S. Marshals Service.

## MEMORANDUM

**FROM:** Courtroom Deputy Clerk  
U. S. District Court, Southern District of Georgia

**RE:** Requests for Transcripts  
Hearings before Brian K. Epps, U. S. Magistrate Judge

In Accordance with Local Rule 83.32, the request should be in writing.

**If the request is being made under the Criminal Justice Act, in a criminal or habeas matter, for a transcript without cost to the defendant or petitioner, the request for transcripts should be made on CJA 24 forms.** Requests for transcripts of hearings before the Magistrate Judge should be made on one form, and requests for transcripts of hearings and trials before the District Judge should be on a separate CJA 24 form. **In multi-defendant cases involving CJA defendants, no more than one transcript of a proceeding should be purchased from the court reporter on behalf of CJA defendants. The court reporter should provide to other CJA appointed attorneys for whom a transcript has been approved, additional copies at the commercial rate. The CJA 24 forms may be obtained from the Clerk of Court.**

**If the requesting party is a civil litigant or does not qualify as an indigent in a criminal or habeas matter, the requesting party may use Form AO435, which may be obtained from the Clerk of Court, or alternatively, the requesting party may write a letter addressed to the Clerk of Court, P. O. Box 1130, Augusta, Ga. 30903, setting out the information necessary for the court reporter to produce the transcript: date of hearing, case number, proceedings requested, whether the production of the transcript is requested in expedited or ordinary transcription. The letter should include name, address, and telephone number of the requesting party.**

**If the hearing was before a U. S. Magistrate Judge, the request for a transcript will be forwarded to the contract court reporter. The court reporter will contact the requesting party directly for financial arrangements before the transcript is prepared.**

**If the requesting party is making the request under CJA, the payment will be made by CJA voucher. The voucher will be forwarded to the court reporter at the time the transcript order is made. The original transcript will be filed with the Clerk of Court after preparation, and the copy will be forwarded to the requesting party. Attorneys appointed under CJA are advised that under instructions from the United States District Court Judge, you are not to copy, allow the use of, or otherwise disseminate this transcript to any other counsel or party to this case. You may disseminate, at no cost to the government, a copy to the defendant you were appointed to represent but only if the defendant requests a copy in writing; however, the defendant may not reproduce said transcript. A failure to comply with these instructions will subject each of you to contempt proceedings by this Court.**

**If the hearing or trial was before a U. S. District Judge, the request will be directed to the official court reporter for the District Judge, and financial arrangements should be made directly with that court reporter, except when a CJA 24 is approved.**

**If further information is required concerning this procedure, please call (706) 849-4404.**

## MEMORANDUM

RE: WITNESS SUBPOENAS  
ON BEHALF OF INDIGENT DEFENDANTS

Attached is a sample motion and proposed order (pursuant to Rule 17, FRCrP) to subpoena witnesses for any hearing or trial in which the defendant has been determined by the Court to be indigent. Service of subpoenas on behalf of indigent defendants is made by the U. S. Marshal. Sufficient time for service should be allowed when filing a motion for a subpoena.

See also 28 U.S. C. 1821.

After an order is entered by the Court authorizing a subpoena, the attorney for the defendant should prepare the subpoena and deliver same to the U. S. Marshal, U. S. District Courthouse, for service. A copy of the notice to fact witness should be attached to the service copy of the subpoena to provide the witness with information concerning appearance. The defense counsel's telephone number **should be inserted** in the blank space in the second paragraph of the service copy of the subpoena.

The witness should be instructed to report to the Clerk's Office, U. S. District Court, after appearance to complete the forms for payment of witness fees and mileage.

In the event counsel requires further information concerning the issuance of subpoenas, please contact Rebecca Cirillo, Courtroom Deputy Clerk at (706) 849-4404.

S A M P L E   F O R M

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**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA  
AUGUSTA DIVISION**

**UNITED STATES OF AMERICA**

-v-

)  
)  
)

**Case No.:**

**EX PARTE MOTION FOR ISSUANCE OF WITNESS SUBPOENAS**

COMES NOW the defendant \_\_\_\_\_, by and through (his)(her) court-appointed attorney, and respectfully moves this Court, pursuant to Rule 17(b), Fed.R.Crim.P., to have the following person(s) at the (trial)(hearing), in the above-captioned case:

(ITEMIZE NAMES AND ADDRESSES OF WITNESSES)

In support of this motion, defendant represents that (1) (he)(she) is financially unable to pay the costs and fees of the witness; (his)(her) financial condition at the present time being the same as it was when the Court found (him)(her) eligible for appointed counsel; and (2) the presence of the witness is necessary to an adequate defense. Specific facts of the relevancy and necessity of the requested witness(es) are as follows:

(OPTIONAL SEALING) Defendant prays that this motion and the order to be entered thereon be sealed by the Clerk of this Court during the pendency of this case.

Respectfully submitted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

**NOTE: Counsel has the burden of articulating specific facts demonstrating both the relevancy and necessity of the requested witness's testimony. USA. v. RINCHACK 820 F.2d 1557.**







