



**FEDERAL PUBLIC  
DEFENDER**  
— District of Nevada —

## Criminal Justice Act Policies & Procedures Manual

APPROVED BY THE CJA STANDING COMMITTEE  
for the  
DISTRICT COURT OF NEVADA

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## I. AUTHORITY

The Criminal Justice Act (“CJA”) requires each United States District Court to have a plan for furnishing representation to any person financially unable to obtain adequate representation. 18 U.S.C. § 3006A. The District of Nevada’s CJA Plan (“CJA Plan”) provides for representational services by the Office of the Federal Public Defender (“FPDO”) and for the appointment and compensation of private attorneys from an approved CJA Panel. The District Court has established such a plan that seeks, *inter alia*, to incorporate policies and recommendations of the [2017 Report of the Ad Hoc Committee to Review the Criminal Justice Act of the Judicial Conference](#).

[Nevada’s CJA Plan](#) provides that the FPDO is responsible for the administration of the CJA Panel. With oversight from the CJA Standing Committee, the FPDO assists the District Court in the selection, oversight, and management of panel attorneys. Additionally, with [General Order 2021-01](#), the District Court delegates to the FPDO the authority to review, approve, adjust, or deny CJA vouchers and requests for case funding within certain limits. To comply with the District’s CJA Plan, the FPDO adopts the following policies and procedures.

## II. FEDERAL PUBLIC DEFENDER CJA UNIT

### A. Members

The Federal Public Defender (“FPD”) establishes a CJA Unit within the FPDO to administer the CJA Plan on behalf of the District Court. The CJA Unit consists of CJA Resource Counsel and a CJA Panel Administrator. CJA Resource Counsel are attorneys who have been designated by the FPD to administer the CJA Panel. The CJA Panel Administrator assists Resource Counsel in the performance of their duties.

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## **B. Principal Functions**

The CJA Unit's principal functions are as follows:

- (1) Appoint counsel when directed by the District Court and the Ninth Circuit Court of Appeals;
- (2) Review and determine vouchers and requests for case funding consistent with the CJA Plan and [General Order 2021-01](#);
- (3) Manage the recruitment, selection, and removal of CJA panel attorneys;
- (4) Develop and implement training and mentoring programs;
- (5) Investigate and respond to administrative and tax audits; and
- (6) Monitor compliance with eVoucher user security and audit procedures.

The **eVoucher** program is the electronic voucher payment system used to prepare, submit, review, and certify CJA vouchers for payment and requests for case funding. The CJA Unit manages the District Court's eVoucher program and is responsible for training and troubleshooting for the Court, CJA panel attorneys, and service providers.

## **C. Guidelines**

The CJA Unit follows policies of the FPDO, in addition to the following:

- (1) the policies, procedures, and regulations of the Judicial Conference of the United States, found in Volume 7A of the *Guide to Judiciary Policy*, available at [www.uscourts.gov](http://www.uscourts.gov);
- (2) the [Ninth Circuit Judicial Council's CJA Policies & Procedures](#), which highlight and supplement national CJA Guidelines; and
- (3) the District Court's [CJA Plan](#).

## **III. APPOINTMENT and COMPENSATION**

### **A. Appointment of CJA Counsel**

When a judicial officer orders the appointment of counsel, such appointment is managed by the CJA Unit. To appoint counsel, the CJA Unit performs the following duties:

- (1) Maintains a list of current and former attorneys on the CJA Panel, together with current office addresses, telephone numbers, and other contact information;
- (2) Distributes appointments to CJA panel attorneys on a rotational basis subject to exceptions based on the nature and complexity of the case;
- (3) Reviews requests for the appointment of associate attorneys, consistent with [General Order 2021-01](#);
- (4) Enters representation and appointment data into eVoucher to maintain a record of FPDO and CJA case assignments; and
- (5) Generates reports on appointment statistics for review by the CJA Panel Committee, the CJA Standing Committee, and the District Court.

**B. Compensating CJA Panel Attorneys and Service Providers**

Detailed instructions for submitting claims for compensation and reimbursement of expenses are available on the [FPDO's website](#).

- (1) Required Forms. Claims for compensation and reimbursement of expenses must be submitted in eVoucher using the appropriate form and attaching the required documentation.
- (2) Attorney Hourly Rates. Panel attorneys will be compensated according to the hourly rates established by the Judicial Conference:
  - a. Non-capital Cases. Hourly rates are adjusted automatically each year, contingent upon the availability of funding. The current rates appear in [Appendix C](#).
  - b. Capital Cases. Compensation of counsel in federal capital cases and capital habeas corpus proceedings is established by the Court. *See* 18 U.S.C. § 3559(g)(1).

- (3) Waivable Compensation Maximums.
- a. Attorney Fee Maximums. Each non-capital appointment carries a statutory compensation maximum for attorney services. Expenses do not apply toward the statutory maximum. Case compensation maximums increase simultaneously with changes in attorney hourly rates. The current compensation limit appears in [Appendix C](#). Case compensation limits are not applicable in federal death penalty cases or capital habeas corpus proceedings.
  - b. Service Provider Maximums. Each appointment carries a statutory compensation maximum for service providers. Expenses do not apply toward the statutory maximum. The current compensation maximum appears in [Appendix C](#).
- (4) Excess Compensation Vouchers. Exceeding the statutory maximum requires approval by the CJA Standing Committee (or designee) and the Chief Judge of the Ninth Circuit (or designee). Instructions for submitting requests to exceed the statutory maximum appear in [Section V](#).
- a. Attorney Fees. Requires certification that the representation is “extended or complex” and that the excess payment is necessary to compensate counsel fairly. 18 U.S.C. § 3006A(d)(3); *see also Guide to Judiciary Policy*, Vol. 7A, Ch. 2 § [230.23.40](#).
  - b. Service Provider Fees. Requires certification that the excess amount is necessary to provide fair compensation for “services of an unusual character or duration.” 18 U.S.C. § 3006A(e)(3) & § 3599(g)(2); *see also Guide to Judiciary Policy*, Vol. 7A, Ch. 3 § [310.20.20](#).
- (5) Rates and Standards for Service Providers. The CJA Unit follows rate and billing standards as approved by the CJA Standing Committee (or designee). These standards are necessary to provide fair compensation and may be adjusted as needed with approval of the CJA Standing Committee (or designee). Current rates and standards appear in [Appendix A](#).

(6) Payment Processing. To facilitate the timely processing of requests for payments, the following policies are established:

- a. Interim Payments. Claims for compensation must be submitted at 30- to 90-day intervals after the initial appointment, provided the claim exceeds \$500 excluding expenses.

**NOTE:** This requirement does not apply to claims for compensation by service providers.

- b. Final Vouchers. Final vouchers must be submitted no later than 90 days from final disposition of the case or when the appointment is terminated, whichever occurs earlier.
- c. Late Vouchers: Final vouchers submitted outside the time limits identified in [Section III\(B\)\(6\)\(b\)](#) must include a letter demonstrating good cause for the untimely submission. Notwithstanding the letter of justification, vouchers submitted late may still be rejected.

**NOTE:** Counsel must obtain prior authorization from the CJA standing Committee (or designee) **before** submitting a voucher more than one year after final disposition of the case or termination of the appointment, whichever occurs earlier.

Requests for prior authorization must be emailed to [NV\\_CJAResource@fd.org](mailto:NV_CJAResource@fd.org).

- d. CJA Unit Processing Time. Absent extraordinary circumstances, review of CJA-related requests will be initiated within 30 days of submission.
- e. Violations. Repeated violations of this claim submission policy will be reported to the FPD as Chair of the CJA Panel Committee and may result in disciplinary action or removal from the CJA Panel.



**C. Expense Reimbursement (not travel)**

CJA attorneys are expected to use their own office resources, including secretarial help, for work on CJA cases. However, if **itemized** and **reasonably documented**, CJA attorneys may claim reimbursement for the following expenses:

- (1) Reasonable out-of-pocket expenses (e.g. phone calls, legal research, postage)
- (2) Unusual or extraordinary expenses (e.g., copy service, computer hardware)

*See Guide to Judiciary Policy, Vol. 7A, Ch. 2 § [230.63](#) and Ch. 3 § [320.70.30](#).*

**Receipts are required for every expense greater than \$50.00.** Prior authorization must be obtained for any individual expense exceeding \$500 by emailing [NV\\_CJAResource@fd.org](mailto:NV_CJAResource@fd.org).

Expenses considered part of office overhead, *i.e.*, pens, paper, paper clips, and loose-leaf binders, are non-reimbursable because they are required on an everyday basis for lawyers to perform their job. Except in extraordinary circumstances, the following expenses associated with CJA representation **are not** reimbursable:

- (1) personnel;
- (2) rent;
- (3) telephone service;
- (4) secretarial; and
- (5) items of a personal nature

**Claims for reimbursement of expenses must be itemized on the expenses tab of an eVoucher payment voucher with receipts attached to the documents tab.**

**D. Travel Expenses**

Consistent with [General Order 2021-01](#), the CJA Unit is authorized to approve requests for routine travel. The CJA Unit requires advance authorization for travel expenses over \$150 or when traveling overnight or by air. Travel authorizations must comply with *Guide to Judiciary Policy, Vol. 7A, Ch. 2 § [230.64.40](#)*. Detailed instructions for submitting travel authorizations are available on the [FPDO's website](#).

When traveling under a CJA authorization, attorneys and service providers will be reimbursed for their actual travel expenses subject to the same limitations and regulations as federal judiciary employees and up to the allowable General Services Administration ([GSA](#)) per diem rate.

**Itemized, line-item receipts must accompany all claims for travel expenses, including meals, transportation, parking, lodging, etc., regardless of amount.**

- (1) National Travel Service. Attorneys are encouraged to contact [National Travel Service](#) (“NTS”) to obtain government-rate airfares and request that the fees be charged directly to the FPD CJA Citibank card on file. NTS contacts the CJA Unit for approval and issues the ticket. The CJA Unit receives and reconciles the Citibank bill monthly.
- (2) Direct Booking. Attorneys are permitted to make travel arrangements without using NTS; however, reimbursement for airfare is limited to the [GSA city-pair rate](#).
- (3) Privately Owned Vehicle (“POV”). Travel by POV will be reimbursed at the [GSA mileage rate](#) currently prescribed for federal judiciary employees. The CJA eVoucher program generates the appropriate mileage rate based on the date of travel.

**NOTE:** The date, destination, and number of miles traveled is required for reimbursement. Google Maps mileage calculations are considered reasonable.

Mileage calculations originate from the attorney or service provider’s place of business unless good cause is shown.

- (4) Vehicle Rentals. Reimbursement of a reasonable rental car expense is permitted when the use of a rental vehicle is less expensive than using a POV, taxi, car service, or other mode of transportation. Car rental must be authorized in advance.
- a. Reservations through National Travel Service: The government contract car rental rate (which includes collision insurance) is available if the vehicle is reserved using NTS. A government credit card is not required.
  - b. Direct Booking. With prior approval from the CJA Unit, counsel may reserve a vehicle without using NTS but has the responsibility of insuring the vehicle. Adding insurance coverage is not reimbursable under CJA Guidelines.

A travel authorization is valid for 90 days from the date of its approval. During that 90-day period, the traveler may contact [NTS](#) to reschedule departure/arrival dates provided (a) the cost remains substantially the same and (b) notice is provided to the CJA Unit. The CJA Unit maintains a spreadsheet of approved travel authorizations—including travel dates—to ensure compliance with this policy.

#### **IV. AUTHORIZATION FOR INVESTIGATIVE, EXPERT, OR OTHER SERVICES**

Appointed counsel is entitled to funding for fees and expenses associated with hiring an expert, investigator, or other professional (e.g., paralegals, interpreters) to assist defense counsel in tasks necessary to an adequate representation. *See* 18 U.S.C. § 3006A(e). Consistent with [General Order 2021-01](#), the CJA Unit determines requests for service providers on behalf of the District Court. Instructions for submitting requests are available on the [FPDO's website](#).

##### **A. Rates and Standards**

The CJA Unit follows rate and billing standards as approved by the CJA Standing Committee. *See* [Appendix A](#). With a showing of good cause and prior approval by the CJA Standing Committee (or designee), rates above the District Court's standards may be authorized in an individual case.

**B. Authorizations (“AUTHS”)**

The [CJA Guidelines](#) authorize CJA counsel to retain investigative, expert, and other services without prior judicial authorization up to \$900. The combined fees of all services on a case count toward the \$900 limit, but reimbursable expenses do not. This limit is adjusted periodically. *See Guide to Judiciary Policy*, Ch. 3 § [310.20.30\(A\)](#).

- (1) Prior Authorization. For services exceeding \$900, counsel must seek prior judicial authorization by completing the authorization form available on the [FPDO’s website](#) and submitting an AUTH in eVoucher identifying the following:
  - a. Type of service provider and qualifications if using an expert, including a resume or CV if applicable;
  - b. Expected dates of service;
  - c. Description of services to be provided and why they are necessary to the defense;
  - d. Explanation of the fee arrangement (e.g., hourly rate); and
  - e. Statement of any expected expenses exceeding \$500.

**Flat fee arrangements are strongly disfavored as they prevent the voucher reviewer from assessing reasonableness.**

- (2) Supplemental AUTH. If funds on an existing authorization have been depleted and additional services are necessary, counsel must submit a new AUTH in eVoucher, selecting “Request Additional Funds” as the Authorization Type and link the supplemental request to the existing AUTH.
- (3) Nunc Pro Tunc AUTH. Nunc pro tunc AUTHs are strongly disfavored but may be granted if the reviewer finds that timely procurement of necessary services could not await prior authorization.

**C. Requests for CJA Funding for Service Providers by Retained Counsel**

Consistent with 18 U.S.C. § 3006A, the [District Court’s CJA Plan](#), and the [CJA Guidelines](#), defendants with retained counsel may seek CJA funding for services that are “necessary to an adequate defense,” provided the Court determines the defendant is financially eligible. Counsel must follow the steps below **before fees are incurred** to obtain CJA funding for service providers:

- (1) Contact CJA Resource Counsel for guidance applying relevant CJA Guidelines, including those found in [Section 310.10](#) of the *Guide to Judiciary Policy*;
- (2) File an ex parte and under seal motion asking for a determination that the client is financially eligible for CJA services. The motion must include an executed financial affidavit ([Form CJA-23](#));
- (3) If the Court finds the client indigent, contact CJA Resource Counsel to be added as an eVoucher attorney user and participate in eVoucher training;
- (4) Submit an authorization in eVoucher following the procedures in [Section IV\(B\)\(1\)](#); and
- (5) Follow the procedures in [Section III\(B\)](#) to request compensation for approved services.

Counsel is expected to submit vouchers through the eVoucher program. Claims for compensation will be reviewed for compliance with [CJA Guidelines](#) and the District’s rates and standards that appear in [Appendix A](#).

**D. Delegation to CJA Resource Counsel**

Consistent with [General Order 2021-01](#), funding requests up to \$10,000 per service provider are reviewed and determined on behalf of the District Court by CJA Resource Counsel, with those in excess of the statutory maximum (as reflected in [Appendix C](#)) directed to the Chief Judge of the Ninth Circuit Court of Appeals (or designee) for secondary approval. Requests that exceed \$10,000 per provider are reviewed by CJA Resource Counsel and the CJA Standing Committee (or designee) before they are directed to the Chief Judge of the Ninth Circuit Court of Appeals (or designee) for secondary approval.

## **E. Denials or Reductions**

Except in cases involving mathematical or technical corrections, no request for service provider funding may be reduced or denied without affording counsel the opportunity to be heard. The CJA Unit will notify counsel of any reduction or denial and offer counsel the opportunity to justify the request. If the reduction or denial is not contested, or if no response is received within ten (10) business days, the CJA Unit will reduce or reject the AUTH.

When an AUTH has been reduced or rejected (in whole or in part), counsel may seek an independent review by the Peer Review Committee (“PRC”) following procedures set forth in [Section VII\(B\)](#). The District Court, through its CJA Standing Committee, retains ultimate review and approval authority.

## **V. EXCEEDING STATUTORY MAXIMUM ATTORNEY FEE LIMITS**

Approval by the CJA Standing Committee (or designee) and the Chief Judge of the Ninth Circuit Court of Appeals (or designee) is required to exceed the statutory maximum attorney compensation limit. Counsel must complete the [Request for Excess Compensation form](#) available on the [FPDO’s website](#), which requires the attorney to provide detail sufficient to find the following:

- (1) The representation involves an extended or complex case; and
- (2) Excess payment is necessary to provide fair compensation.

*Guide to Judiciary Policy*, Vol. 7A, Ch. 2 § [230.23.40\(b\)](#); [18 U.S.C. § 3006A\(d\)\(3\)](#).

### **A. Advance and Nunc Pro Tunc Authorizations**

The CJA Unit encourages panel attorneys to request **advance authorization** to exceed the statutory maximum when necessary for an adequate representation and to ensure that counsel will be compensated for tasks completed. **Nunc pro tunc authorizations to cover fees already incurred are strongly disfavored by the Ninth Circuit.**

The CJA Unit utilizes eVoucher’s gatekeeper function to prevent vouchers exceeding the statutory maximum from being submitted without prior approval. Because a CJA-20 voucher exceeding the statutory maximum will not be accepted by eVoucher, the panel attorney must first submit a CJA-26 to justify the excess compensation. The CJA-26

must be approved by the Chief Judge of the Ninth Circuit Court of Appeals (or designee) before the attorney can submit an excess voucher. Instructions for completing a CJA-26 form are available on the [FPDO's website](#).

Once the CJA-26 is approved, the CJA Unit manually updates the representation limit to allow for the excess compensation claim. The eVoucher program notifies the panel attorney that the compensation limit has been increased.

**Repeated failures to secure advance authorization before exceeding the statutory maximum are reported to the CJA Panel Committee and may result in discipline or removal from the CJA Panel.**

**B. Delegation to CJA Resource Counsel**

Consistent with [General Order 2021-01](#), requests to exceed the statutory maximum by up to \$25,000 are reviewed and determined by CJA Resource Counsel and directed to the Chief Judge of the Ninth Circuit Court of Appeals (or designee) for secondary approval. Prior to making this approval request, CJA Resource Counsel must make the required certification that the representation is extended or complex as defined in [Section V](#). Requests that exceed \$25,000 are reviewed by CJA Resource Counsel and the CJA Standing Committee (or designee) before they are directed to the Chief Judge of the Ninth Circuit Court of Appeals (or designee) for secondary approval.

**VI. VOUCHER REVIEW**

Following the requirements of [General Order 2021-01](#), vouchers are directed to the appropriate approving authority according to their workflows:

| Form  | Amount Sought/Claimed | Approvers*        |
|-------|-----------------------|-------------------|
| AUTHs | Less than \$2,701     | PA, RC            |
| AUTHs | \$2,701 < \$10,000    | PA, RC, 9CCA      |
| AUTHs | \$10,001 +            | PA, RC, CSC, 9CCA |

|                               |   |                           |
|-------------------------------|---|---------------------------|
| CJA-26                        | Less than \$25,001<br>\$25,001 +  | RC, 9CCA<br>RC, CSC, 9CCA |
| TRAVEL                        | Routine<br>Non-routine  | PA, RC<br>PA, RC, CSC     |
| TRANSCRIPTS                   | Non-Daily<br>Daily  | PA, RC<br>PA, RC, CSC     |
| CJA-20, 21, 30, 31,<br>CJA-24 | Within statutory limits or amounts<br>approved with prior authorization | PA, RC                    |
| FINAL VOUCHERS                | If exceeding statutory maximum  | PA, RC, CSC, 9CCA         |

\*PA = Panel Administrator; RC = Resource Counsel; CSC = CJA Standing Committee (or designee); 9CCA = Chief Judge of the Ninth Circuit Court of Appeals (or designee)

**A. Technical Review by CJA Panel Administrator**

Vouchers are submitted to the CJA Unit for review and processing. Technical review refers to ensuring the voucher’s arithmetic computations are accurate, only authorized services and expenses are included, and all charges are at the authorized rates. Any discrepancies are noted on the voucher, and appropriate audits are available for review by CJA Resource Counsel and the CJA Standing Committee.

**B. Reasonableness Review by CJA Resource Counsel**

CJA Resource Counsel determines whether the billed services are reasonable or if additional documentation is needed before a payment is approved. Voucher reductions are limited to mathematical errors, instances in which work billed was not compensable or undertaken, and instances in which the hours billed clearly exceed what was reasonably required to complete the task. Instructions for challenging a reduced voucher appear in [Section VI\(D\)](#).



**C. Certifying Payments**

Vouchers that have been approved for payment are reviewed and certified by the Administrative Officer for the FPDO (or designee).

**D. Voucher Reductions**

Except in cases involving mathematical or technical corrections, no claim for compensation may be reduced by more than \$500 without affording counsel the opportunity to be heard. The CJA Unit will notify CJA counsel of any proposed reduction and offer counsel the opportunity to justify the submission. If counsel indicates that the reduction is not contested, or if no response is received within ten (10) business days, the CJA Unit will approve the reduced voucher.

If counsel responds and provides justification that complies with [CJA Guidelines](#), the voucher will be approved as submitted. If, after reviewing counsel's response, the CJA Unit notifies counsel that the voucher will be reduced by at least \$500 in spite of the justification, counsel may seek an independent review by the Peer Review Committee following the procedures set forth in [Section VII\(B\)](#).

**VII. INDEPENDENT REVIEW OF VOUCHERS, AUTHORIZATIONS, AND ATTORNEY PERFORMANCE**

The FPD, as Chair of the CJA Panel Committee, has established PRCs in the unofficial northern and southern divisions of the District Court to review matters concerning the administration of the CJA Panel, including the performance and compensation of panel attorneys and their service providers. *See* [Appendix B](#).

**A. Peer Review Committees**

- (1) Membership. The FPD (or delegate) serves as Chair of the unofficial northern and southern division PRCs. Each PRC is comprised of at least three (3) and no more than (5) attorneys from the division experienced in federal criminal defense, at least one of whom is a nonconflicted supervising litigator at the FPDO. Members of the PRCs are appointed by the FPD (or delegate) at the FPD's discretion.

- (2) Duties. The PRC advises the CJA Panel Committee on matters concerning the administration of the CJA Panel, including the following:
  - a. Vouchers and Authorizations. At the request of the District Court, CJA Resource Counsel, the CJA Panel Committee, or a CJA panel attorney, the PRC assesses the reasonableness of a specific voucher or series of vouchers, or a request for case funding in accordance with the procedures set forth in [Section VII\(B\)](#).
  - b. Receiving Complaints. Except in cases that are active, the PRC reviews and evaluates the performance of CJA panel attorneys in accordance with the procedures set forth in [Section VII\(C\)](#).
- (3) Authority. The District Court has delegated to the CJA Panel Committee the authority to address and take action regarding the conduct or performance of attorneys on the CJA panel consistent with the CJA Plan.
- (4) Terms. Members of the PRC serve for two-year terms, which expire at the end of a calendar year. There is no prohibition against reappointment for additional terms.
- (5) Conflicts. Members of the PRCs who have a conflict of interest must recuse themselves from participation in the review of a panel attorney or service provider's voucher or performance.
- (6) Preservation of the Record. The PRC provides CJA Resource Counsel with the official record of review.

**B. Independent Review of Vouchers and Case Funding Requests**

The PRC reviews voucher reduction(s) and/or request(s) for case funding and issues recommendations following these procedures:

- (1) Initiation. Requests for independent review must be directed to the FPD CJA Unit at [NV\\_CJAResource@fd.org](mailto:NV_CJAResource@fd.org). CJA Resource Counsel will provide the request to the FPD, as Chair of PRC, who will convene a meeting of the PRC.

- (2) Response. Any CJA counsel who seeks independent review by the PRC may be asked to respond in writing and appear before the PRC. Additionally, such CJA counsel may request to respond in writing and appear before the PRC.
- (3) Review. The PRC will determine whether counsel's AUTH or voucher conforms to [CJA Guidelines](#), is reasonable based on the circumstances of the case, and is otherwise accurate and proper.
- (4) Disposition by PRC. Within 30 days of CJA counsel's request for independent review, the PRC will provide written notice of its decision to the panel attorney and to the CJA Panel Committee. If CJA counsel wishes to seek formal review with the CJA Standing Committee, counsel must submit a written request within ten (10) days of notice of the PRC's decision by emailing [NV\\_CJAResource@fd.org](mailto:NV_CJAResource@fd.org).
- (5) Final Disposition by the Court. Within 30 days of CJA counsel's request for formal review, the CJA Standing Committee will communicate a final disposition in writing to CJA counsel and the CJA Panel Committee.
- (6) Preservation of the Record. To ensure counsel's challenge to a voucher reduction and/or case funding request is preserved, CJA counsel must file a notice on the court docket (ex parte and under seal) and attach the written decision issued by the CJA Standing Committee.
- (7) Confidentiality. Information acquired during the review of a voucher or request for case funding is confidential, unless otherwise directed by the Court or required by applicable ethical standards.

**C. Complaint Review Procedures**

In an active case, complaints regarding the panel attorney's performance will be reviewed by the presiding judge.

General complaints regarding panel attorney performance must be directed to the FPD CJA Unit at [NV\\_CJAResource@fd.org](mailto:NV_CJAResource@fd.org). CJA Resource Counsel will provide the complaint to the FPD, as Chair of PRC, who will follow these procedures:

- (1) Initiation. Except in active cases, a complaint about a panel attorney's performance may be initiated by any concerned individual and should be directed to the FPD, who will notify PRC members whether further investigation is necessary. If the FPD determines that no further investigation is required, the FPD will notify the complainant.
- (2) Content. Complaints must be in writing and state the alleged deficiency with specificity. A complaint must contain the following minimum requirements:
  - a. The complainant's identity and contact information;
  - b. A detailed statement of the allegations, including names and contact information for witnesses to the events supporting the complaint; and
  - c. Supporting documentation, if available.
- (3) Notice. If the FPD determines the complaint warrants a formal investigation, the FPD will provide a copy of the complaint to PRC members, notify the panel attorney of the specific allegations, and advise the panel attorney that the PRC has commenced an investigation.
- (4) Response. A panel attorney under review may be asked to respond in writing and appear before the PRC or may request to do so. A copy of the complaint and any additional information then known to the PRC will be provided to the panel attorney before the appearance before the PRC.
- (5) Protective Action. Prior to deciding the matter, the PRC will notify the CJA Panel Committee and may recommend the panel attorney's temporary suspension from the appointment rotation, removal from any pending case(s), and/or may take any other protective action in the best interest of the client or administration of the CJA Plan.
- (6) Investigation. Any investigation undertaken by the PRC will be concluded within 60 days of receiving the initial complaint. Should the investigation need to continue beyond this period, the PRC must notify the attorney, the CJA Panel Committee, and the complainant.

- (7) Review and Recommendation. After investigation and review, the PRC may close the matter with no further action or may recommend to the CJA Panel Committee remedial action. Remedial action may include the following:
- a. Limiting the panel attorney's participation to certain categories of cases;
  - b. Directing the panel attorney to complete specific training requirements before receiving further appointments;
  - c. Limiting the panel attorney's participation to handling cases that are directly supervised or overseen by another panel attorney or other experienced practitioner;
  - d. Directing the panel attorney to attend counseling for substance abuse or other issues; or
  - e. Any other appropriate remedial action.
- (8) Oversight of Remedial Action. Any recommendation for remedial action must include a plan for overseeing completion of conditions for full panel reinstatement. Any remedial action plan recommended by the PRC must include a time frame for completing required remedial actions.
- (9) Disposition of Complaint by the CJA Panel Committee
- a. No Action. If the PRC determines that remedial action is required, it will provide its recommendation to the CJA Panel Committee and the panel attorney. Remedial action will commence accordingly. At the conclusion of the time allowed for completing the remedial action, the PRC will conduct a follow-up review to ensure that the remedial action was completed. If the panel attorney completes the required remedial actions within the time frame established by the PRC, the PRC will provide a report to the CJA Panel Committee and CJA Standing Committee indicating that a complaint was received, corrective action was made, and no further action need be taken.
  - b. Referral to the CJA Standing Committee. If the PRC determines the panel attorney failed to comply with the plan for remedial action in

any way or that the remedial action failed to remedy the issues identified by the PRC, the panel attorney will meet with the PRC and CJA Standing Committee to determine whether any new or additional remedial action, consistent with the recommendations in Section VII(C)(7), should be imposed. Should additional remedial measures be recommended, the PRC will follow the steps outlined above in Section VII(C)(9)(a).

- c. Removal. If the PRC determines removal of a panel attorney is required, it will provide the CJA Panel Committee with a formal recommendation. After reviewing the recommendation of the PRC, the CJA Panel Committee will submit its recommendation to the CJA Standing Committee and notify the panel attorney accordingly.
- (10) Final Disposition by the CJA Standing Committee. Within 30 days of receiving the CJA Panel Committee's recommendation for removal, the CJA Standing Committee will communicate a final disposition in writing to the CJA panel attorney and the CJA Panel Committee.
  - (11) Confidentiality. Information acquired concerning complaints and potential disciplinary action are confidential unless otherwise directed by the Court or required by applicable ethical standards. The complainant will receive only confirmation that the complaint was received, unless the complainant is a member of the judiciary.

## VIII. QUALITY CONTROL

Recognizing that transparency, feedback, and consistency in the application of performance measures is paramount to a fair evaluation system, and to ensure that all panel attorneys provide exceptional representation consistent with the CJA Plan, the CJA Unit establishes the following standards and procedures for panel attorney training, performance, and review.

### A. Performance Standards

To promote effective representation, the FPDO requires panel attorneys to achieve the performance standards available on the [FPDO's website](#). These standards offer panel

attorneys a clear understanding of the District Court's expectations and must be followed to maintain membership on the CJA Panel.

## **B. Performance Evaluations**

As part of their service to the District Court's CJA Panel Committee, CJA Resource Counsel organize performance evaluations for attorneys seeking reappointment to the CJA panel. Before the panel attorney's appointment term expires, CJA Resource Counsel solicit feedback from the District Court, the United States Pretrial and Probation Offices, the FPD, and the CJA Panel Representative. The respective reviewers utilize the following performance indicators for their evaluation:

- (1) Nature and history of appointments
- (2) Adherence to performance standards
- (3) Vouchers and case funding requests
- (4) Personal observations of in-court performance
- (5) Complaints
- (6) Training
- (7) Professionalism

CJA Resource Counsel provide a summary of the evaluation to the panel attorney under review, with notice that any response to the evaluation must be submitted to CJA Resource Counsel within ten (10) days of receipt.

CJA Resource Counsel provide the summary of the evaluation and the panel attorney's response (if any) to the CJA Panel Committee and the CJA Standing Committee. If, as a result of the panel attorney's performance evaluation, there is a concern about a panel attorney's performance, CJA Resource Counsel will refer the evaluation and the panel attorney's response to the FPD, as Chair of the PRC, who will follow procedures outlined in [Section VII\(C\)](#). The PRC may recommend to the CJA Panel Committee a one-year probationary term to allow for further assessment of the panel attorney seeking reappointment.

### **C. Reports**

To assist in monitoring attorney performance and compliance with the [CJA Guidelines](#), on a monthly basis the CJA Unit prepares, reviews, and saves the following eVoucher reports:

- (1) Appointment Assignment Statistics;
- (2) Payment Status Report;
- (3) Attorney Time Over 10 hours;
- (4) Authorization Report
- (5) Voucher Reduction Report
- (6) eVoucher User Changes and Login Report

### **D. Training**

The FPDO provides panel attorneys with training necessary to meet the performance standards identified in Section VIII(A) and to satisfy the following CLE requirements:

- (1) Each panel attorney must complete at least six hours of training in federal criminal practice every year of his/her appointment term.
- (2) For attorneys on the trial panel, at least three of their six hours must include training on the topic of the [Federal Sentencing Guidelines](#).
- (3) For attorneys on the appellate or habeas panels, at least three of their six hours must include training on the topic of appellate or habeas law.

Panel attorneys must record their training hours in eVoucher within seven days of completing the training.

CLE requirements must be satisfied **before the appointment term expires**. Unless good cause is shown, those seeking reappointment to the CJA Panel must ensure their CLE requirements are met **before applying for reappointment**. Failure to complete the required training will be considered by the CJA Panel Committee in determining whether the attorney should be reappointed.



## **IX. PANEL SELECTION**

The District Court has delegated to the CJA Panel Committee the authority to oversee the panel selection and renewal process for attorneys on the CJA Panel. The CJA Panel Committee must make recommendations to the CJA Standing Committee, which will accept or reject such recommendations after giving them due weight.

As part of their service to the CJA Panel Committee, CJA Resource Counsel manage the recruitment and selection of panel attorneys. The CJA Unit publishes on the [FPDO website](#) the application for CJA Panel membership and directs applicants to submit their applications via email to [NV\\_CJAResource@fd.org](mailto:NV_CJAResource@fd.org).

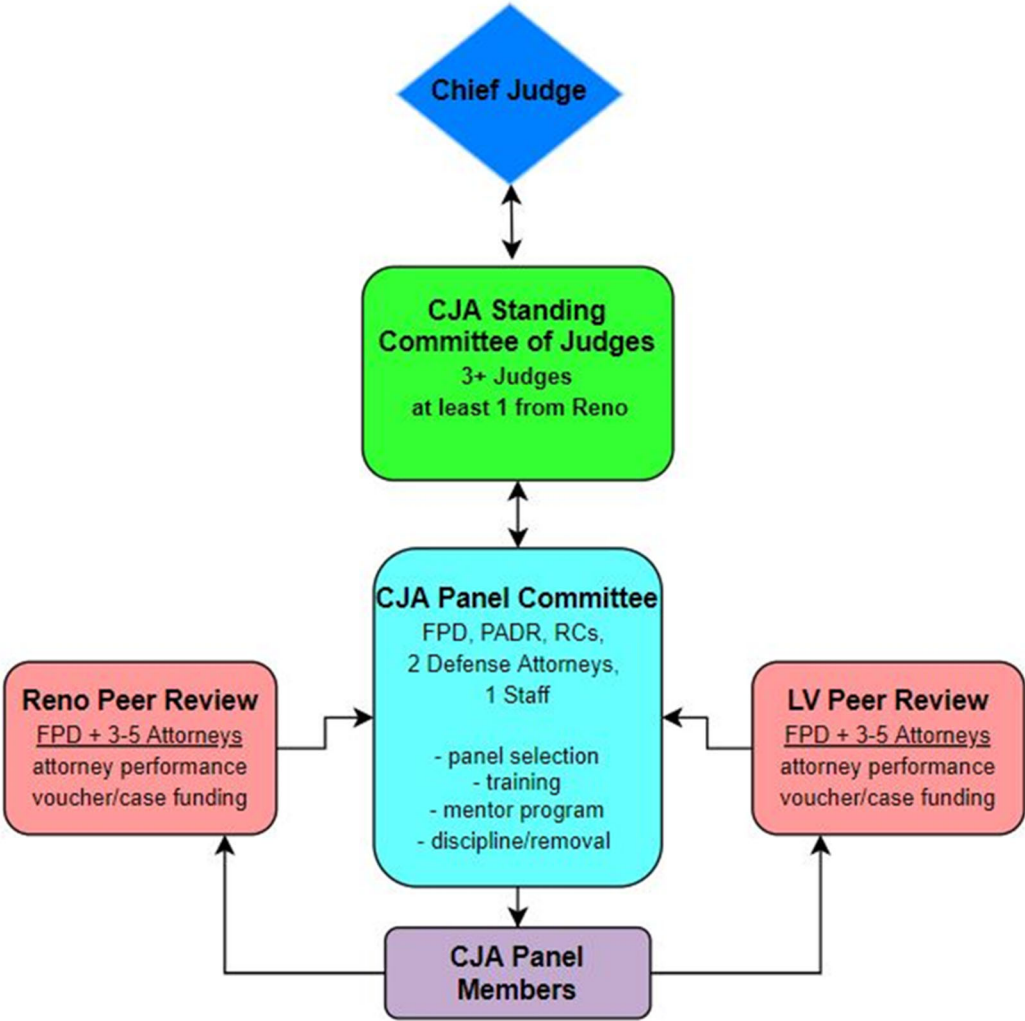
By September 1 of each year, CJA Resource Counsel present the applications to the CJA Panel Committee and the CJA Standing Committee for review and approval.

Attorneys appointed to the CJA Panel will be contacted by CJA Resource Counsel and provided with the CJA Plan, this Procedures Manual, the FPD's CJA Performance Standards, and instructions for using eVoucher.

**APPENDIX A: RATES AND STANDARDS FOR CJA SERVICE PROVIDERS**

| SERVICE PROVIDER TYPE                           | RATE   | NOTES  |
|---|--|--|
| Accountant                                      | \$150-\$350/hr                                   |  |
| Attorney Expert – Capital                       | CJA Hourly Rate                                  | E.g., immigration law expert   |
| Audio, Video, Photo Analyst                     | \$100-\$200/hr                                   |  |
| Ballistics/Firearms Expert                      | \$200-\$300/hr                                   |  |
| Chemist/Toxicologist (non-M.D.)                 | \$175-\$275/hr                                   |  |
| Crime Scene / Police Practices                  | \$150-\$250/hr                                   |  |
| Document Translation                            | \$40/page double<br>\$50/page single             | <b>Subject to change on budgeted cases</b>   |
| Document Transcription<br>(without translation) | \$3.65/page                                      | Contract <a href="#">court reporter rate</a>   |
| Audio Transcription/Translation                 | <b>Varies</b>                                    | Contact <a href="#">CJA Resource Counsel</a>   |
| DNA Analyst                                     | \$150-\$250/hr                                   |  |
| Fingerprint Examiner                            | \$150-\$250/hr                                   |  |
| Forensic Computer/Cellphone                     | \$150-\$250/hr                                   |  |
| Gang Expert                                     | \$150-\$200/hr                                   |  |
| Handwriting Examiner                            | \$150-\$250/hr                                   |  |
| Interpreter                                     | Half Day<br>\$111-\$226<br>Full Day<br>\$202-418 | <a href="#">Contract rate</a> accommodates both certified and non-certified providers. |
| Investigator                                    | \$75/hr  |  |
| Jury Consultant                                 | \$150-\$225/hr                                   |  |
| Law Student                                     | \$15-\$25/hr                                     |  |
| Legal Analyst/Consultant                        | \$75-\$100/hr                                    | E.g., Sentencing Guidelines consultant   |
| Mitigation Specialist – Capital                 | \$125/hr   |  |
| Mitigation Specialist – Non-Capital             | \$75-\$125/hr                                    |  |
| Neurologist (M.D.)                              | \$275-\$400/hr                                   |  |
| Neuropsychologist (Ph.D.)                       | \$225-\$375/hr                                   |  |
| Other Medical (M.D. or D.O.)                    | \$275-\$400/hr                                   |  |
| Paralegal and Litigation Support                | \$65/hr  |  |
| Psychiatrist (M.D.)                             | \$275-\$400/hr                                   |  |
| Psychologist (Ph.D.)                            | \$150-\$300/hr                                   |  |

**APPENDIX B: JUDICIAL OVERSIGHT OF CJA PANEL COMMITTEE**



**APPENDIX C: HOURLY RATES AND COMPENSATION MAXIMUMS**

| <b>REPRESENTATION LIMITS</b>  |   |  |
|---|---|--|
| <b>Representation</b>   | <b>Maximum Fee</b>  | <b>Notes</b>   |
| Felony  | \$12,100  | Any request for funds over the listed statutory maximum must be approved by the Chief Judge of the Ninth Circuit Court of Appeals (or delegate). |
| Misdemeanor   | \$3,400   |  |
| Other Types (e.g. Supervised Release Violation, Material Witness, Grand Jury Witness) | \$2,600   |  |
| Post-Conviction<br>28:2241, 2254, 2255  | \$12,100  |  |
| Appeal  | \$8,600   |  |
| Capital   | \$30,000  | There is no statutory maximum for capital cases. Our district allows “seed” money to begin the case.   |
| <b>WAIVABLE CASE MAXIMUMS FOR SERVICE PROVIDERS</b>                                   |   |  |
| \$900   | No preauthorization required for service provider fees that, when combined, do not exceed \$900   |  |
| \$900   | Any individual fee (or a combination of fees) exceeding \$900 <b>must be approved in advance</b> with AUTH  |  |
| \$2,701 +   | Any individual fee (or a combination of fees) exceeding \$2700 requires <b>prior approval</b> from the Chief Judge of the Ninth Circuit Court of Appeals (or delegate). |  |
| Capital Cases<br>\$7501+  | Any individual fee (or a combination of fees) exceeding \$7500 requires <b>prior approval</b> from the Chief Judge of the Ninth Circuit Court of Appeals (or delegate). |  |
| <b>HOURLY RATES FOR COUNSEL</b>   |   |  |
| All non-capital representations   | \$155   |  |
| Capital   | \$197   |  |
| Associates  | CJA Panel Attorney: \$155<br>Other: \$90-\$120 depending on experience  |  |