



CJA Interim Payment Procedures

Quarterly Interim Payment Schedule

January 1 – March 31
April 1 – June 30
July 1 – September 30
October 1 – December 31

Payments are due by the 15th of the following month after the quarter ends.

PROPOSED ORDERS SHOULD FOLLOW THE QUARTERLY SCHEDULE, DO NOT CREATE YOUR OWN PAYMENT SCHEDULE

Notes:

Third Circuit Court of Appeals Standing Order dated August 9, 2016 review by the circuit of the request for leave to submit interim vouchers is not necessary. **DO NOT** add a circuit judge signature line on your order.

The Amount

Requested on the Basic Info Page of the CJA 26 must be entered correctly.

This amount is the total of in/out court services. Run the **Defendant Detail Budget Report** on the Appointment Info Page. The negative amount in red is the amount you would enter on the Amount Requested tab of your CJA 26.

Motion for Interim Payment

Each attorney requesting interim payments will need to submit their own request. A motion for interim payments is submitted to the Court through ECF-NexGen. All interim payment motions and orders must also indicate whether the case is extended or complex and the interim payment is for their client only. The attorney will use the standard Order provided in the CJA Guidelines §230.73 Appendix 2C (Procedure for Interim Payments to Counsel in Non-Death Penalty Cases). Our district follows Option B, but we omit the 20 percent withholdings.

Procedure: The attorney submits a motion and proposed Order for Interim Payment through ECF-NexGen. **The attorney must include in the motion and proposed Order that the interim payment is only for his/her client only.** When approved the Judge will sign the Order authorizing the quarterly interim payments. The Order will be filed in ECF-NexGen. All quarterly interim payments shall be submitted through CJA eVoucher and the order must be uploaded to the document page in .pdf format to the interim payments.

Excess: When counsel knows that the statutory limit will be exceeded they will complete the CJA 26 form in eVoucher and include the payment amount they are requesting. The Judge and Circuit Judge or his/her delegate will review the CJA 26 for approval. You will need to do a CJA 26 form for each interim payment in excess or do an estimate amount to cover you to end of your case.

Multi-defendant case is declared extended and complex all CJA panel attorneys must file interim payments.

When the Court determines the entire case is extended or complex all defendants represented by CJA attorneys will receive quarterly interim payments. All CJA attorneys **MUST** file an interim payment. You must show good cause why you would want to opt of the interim payment and have Court approval.

Procedure: Either the Judge files an order or one of the Panel Attorneys files a motion for the entire case to become interim payment. **The attorney must include in the motion and proposed Order that the interim payment is for all defendants represented by CJA panel attorneys and all counsel are required to submit quarterly interim payments.** When approved the Judge will sign the Order authorizing the quarterly interim payments. The Order will be filed in ECF-NexGen. All quarterly interim payments shall be submitted through CJA eVoucher and the order must be uploaded to the document page in .pdf format to the all interim payments.

Excess: When counsel knows that the statutory limit will be exceeded they will complete the CJA 26 form in eVoucher and include the payment amount they are requesting. The Judge and Circuit Judge or his/her delegate will review the CJA 26 for approval. You will need to do a CJA 26 form for each interim payment in excess or do an estimate amount to cover you to end of your case.

Expert Service Providers: To request an interim payment for service providers you would attach a Memorandum in Support of the AUTH to explain the financial hardship for your service provider. They will follow the same payment schedule and process as the attorneys. Interim orders must be attached to all CJA 21/31 and if they go over the amount approved a new AUTH would need to be submitted. Interim Guideline § 310.60.

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

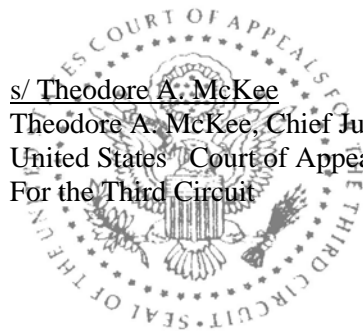
STANDING ORDER

Counsel appointed under the Criminal Justice Act, 18 U.S.C. § 3006A, may request leave to submit interim vouchers for compensation pursuant to the Guide to Judiciary Policy, Vol. 7A, Ch. 2, § 230.73, Ch. 3, § 310.60, and Ch. 6, §§ 630.40, 660.40. As the Guide states, interim payments “are designed to strike a balance between the interest in relieving court-appointed attorneys of financial hardships in extended and complex cases, and the practical application of the statutorily imposed responsibility of the chief judge of the circuit to provide a meaningful review of claims for excess compensation.” § 230.73(c). Thus, the Guide provides that “[w]here it is necessary and appropriate in a specific case, the presiding trial judge may arrange for periodic or interim payments to counsel.” § 230.73; see also § 310.60 (interim payments to service providers); §§ 630.40, 660.40 (interim payments in death penalty cases).

It is hereby ORDERED that the responsibility for meaningful review of the request for leave to submit interim vouchers for compensation for matters pending in the district court rests solely with the presiding district or magistrate judge, and that further review by the circuit of the request for leave to submit interim vouchers is not necessary.

Review of case budgets submitted pursuant to § 230.26 and § 640 of the Guide, review of interim vouchers for excess compensation in non-budgeted cases, and review of final vouchers for excess compensation in all cases pending in the district court, are conducted by the presiding district or magistrate judge in the first instance, followed by further review by the Chief Judge of the Third Circuit or his or her designee.

s/ Theodore A. McKee
Theodore A. McKee, Chief Judge
United States Court of Appeals
For the Third Circuit



Dated: August 9, 2016

230.23.40 Waiving Case Compensation Maximums

(a) Overview

Payments in excess of CJA compensation maximums may be made to provide fair compensation in cases involving extended **or** complex representation when so certified by the court or U.S. magistrate judge and approved by the chief judge of the circuit (or by an active or senior circuit judge to whom excess compensation approval authority has been delegated).

(b) Extended or Complex Cases

The approving judicial officer should first make a threshold determination as to whether the case **is either** extended or complex.

- If the legal or factual issues in a case are unusual, thus requiring the expenditure of more time, skill, and effort by the lawyer than would normally be required in an average case, the case is "complex."
- If more time is reasonably required for total processing than the average case, including pre-trial and post-trial hearings, the case is "extended."

(c) Determining Fair Compensation

After establishing that a case is extended or complex, the approving judicial officer should determine if excess payment is necessary to provide fair compensation. The following criteria, among others, may be useful in this regard:

- responsibilities involved measured by the magnitude and importance of the case;
- manner in which duties were performed;
- knowledge, skill, efficiency, professionalism, and judgment required of and used by counsel;
- nature of counsel's practice and injury thereto;
- any extraordinary pressure of time or other factors under which services were rendered; and
- any other circumstances relevant and material to a determination of a fair and reasonable fee.

§ 230.73 Interim Payments to Counsel

§ 230.73.10 Non-Death Penalty Cases

- (a) Where it is considered necessary and appropriate in a specific case, the presiding trial judge may arrange for periodic or interim payments to counsel.
- (b) [Appx 2C](#) (Procedures for Interim Payments to Counsel in Non-Death Penalty Cases) contains instructions on the procedures for effecting interim payments to counsel, and a sample memorandum Order on this subject that provides for two alternative payment methods.
- (c) The payment options provided in [Appx 2C](#) are designed to strike a balance between the interest in relieving court-appointed attorneys of financial hardships in extended and complex cases, and the practical application of the statutorily imposed responsibility of the chief judge of the circuit to provide a meaningful review of claims for excess compensation.
- (d) Other interim payment arrangements which effectuate this balance may be devised in consultation with the AO Defender Services Office.