

United States Court of Appeals for the Ninth Circuit

Administrative Order

February 1, 2019

Ninth Circuit Criminal Justice Act Unit

A. Introduction

The following policies and procedures are applicable to representations for attorneys appointed under the Criminal Justice Act, 18 U.S.C. §3006A, death eligible and capital habeas representations for attorneys appointed under 18 U.S.C. §3005 or §3599(a), and investigative, expert and other services for financially eligible persons.

Claims and payments shall be made in accordance with the provisions of this Administrative Order, Volume 7 of the *Guide to Judiciary Policy*, Ninth Circuit CJA Policies and Procedures, the CJA Model Plan for the Ninth Circuit Judicial Council, district CJA plans as approved by the Ninth Circuit Judicial Council, and any other guidelines that may be implemented by the Ninth Circuit Judicial Council or Ninth Circuit Court of Appeals.

Questions about this administrative order should be directed to the Circuit's CJA Unit (cja@ce9.uscourts.gov).

B. Ninth Circuit CJA Unit

The Ninth Circuit CJA Unit (CJA Unit) is led by the Supervising CJA Attorney and includes Case Managing Attorneys and support staff. The CJA Unit reports to the Chief Judge of the Ninth Circuit Court of Appeals through the Circuit Executive or her designee.

C. Submission and Management of Claims for Compensation to the District or Court of Appeals

At the district or appellate court level, all original claims for compensation or requests for advance authorization must be submitted to the respective court through the online eVoucher system (eVoucher) in accordance with the policies of each individual court.

Each district court and the court of appeals will continue to maintain authority to authorize and reimburse up to the statutory maximums permitted under 18 U.S.C. §3006A(d)(3) and 18 U.S.C. §3599(g) in accordance with its current practices.

D. Submission to the Circuit CJA Unit

When a claim for compensation or request for advance authorization, including budgets, exceeds the statutory maximum, either at the district court or Court of Appeals, the attorney must submit justification according to procedures of each individual court showing

why payment in excess of the statutory maximum is necessary to provide fair compensation. The District Judge, district CJA Supervising Attorney or Resource Counsel, Appellate Commissioner, or other designated initial reviewer will review the request and, if recommending approval, will forward the required documentation through eVoucher to the Circuit's CJA Unit.

E. Delegation & Approval Authority

Upon receipt of a compensation claim or advance-authorization request exceeding the statutory maximum, the CJA Unit will review the request. If recommending any reduction in payment or authorization, the reviewer will communicate directly with the District Judge, district CJA Supervising Attorney or Resource Counsel, Appellate Commissioner, or other designated initial reviewer as well as the attorney as to the reasons for the proposed reduction and allow an opportunity to provide further justification. At the conclusion of the review, the CJA Unit will process the payment voucher or advance authorization. The Chief Judge of the Ninth Circuit Court of Appeals will supervise the process and audit as necessary, and the Chief Judge or his designee is available to the CJA Unit as needed for consultation.

F. Appeal of Decisions by the CJA Unit

A voucher or advance authorization request reduction may be appealed at the request of the attorney to the Chief Judge of the Court of Appeals or his designee. The attorney must submit a request in writing to the CJA Unit detailing the reasons underlying the disagreement. The Chief Judge or his designee will consider the views of the CJA Unit and the appealing attorney in making a final determination. Once the final determination by the Chief Judge or his designee is made, the voucher will be processed for payment.

G. Reports

As requested, the Ninth Circuit CJA Unit will make confidential reports to the Ninth Circuit Judicial Council regarding payments made, as well as any other accounting or billing issues that arise with individuals or districts.

H. Confidentiality

All CJA documents are filed in confidential CJA financial files maintained by the CJA Unit. Documents maintained in the CJA financial files shall not be disclosed to the public except as provided by statute, the *Guide to Judiciary Policy*, or order of the Court.

(Adopted by the Court December 10, 2018)