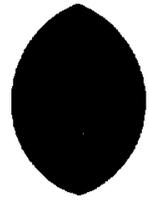




District Court of Guam

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FRANCES M. TYDINGCO-GATEWOOD
Chief Judge

JEANNE G. QUINATA
Clerk of Court

MEMORANDUM

TO: CJA Panel Attorney

FROM: Jeanne G. *Quinata*, Clerk of Court

SUBJECT: Increase To Case Compensation Maximums for Criminal Justice Act Service Providers

DATE: June 4, 2010

A provision in the Federal Judiciary Administrative Improvements Act of 2010, Pub. L. No. 111-174, enacted on May 27, 2010, amends the Criminal Justice Act (CJA), 18 U.S.C. § 3006A, to raise the waivable case compensation maximum amounts applicable to providers of investigative, expert, and other services. It also provides a formula for increasing these threshold amounts in future years to account for the effects of employment costs without the need for further legislation. Attached is the text of the amended CJA provisions, including instructions for ensuring that the appropriate compensation maximums are applied.

If you have questions, please contact the following:

CJA Payments:	Gabriel Pereda	473-9144
	Shirlene Ishizu	473-9123

Instructions to Determine the Appropriate Case Compensation Maximum Amounts for Providers of Investigative, Expert, and Other Services Under the Amendments to the Criminal Justice Act in the Federal Judiciary Administrative Improvements Act of 2010, Pub. L. No. 111-174

With the enactment of increased waivable case compensation maximum amounts for providers of investigative, expert, and other services under subsections (e)(2) (increased from \$500, excluding expenses, to \$800) and (e)(3) (increased from \$1,600, excluding expenses, to \$2,400) of the Criminal Justice Act (CJA), 18 U.S.C. § 3006A, courts must determine whether compensation claims submitted on a CJA Form 21 (Authorization and Voucher for Expert and Other Services) are governed by the new or former threshold amounts.

In addition, in death penalty cases (CJA Form 31 – Death Penalty Proceedings: Ex Parte Request for Authorization and Voucher Expert and Other Services), the compensation maximum amount when there is not prior authorization under subsection (e)(2) of the CJA applies (the increase from \$500, excluding expenses, to \$800). The case maximum with prior authorization is governed by 18 U.S.C. § 3599(g)(2), however, which provides an amount of \$7,500 for the fees and expenses of all investigative, expert, and other service providers combined rather than an amount for each individual service provider. The CJA case maximum per individual service provider (the \$1,600 amount increased to \$2,400) when there has been prior authorization does not apply in a death penalty representation.

The new waivable case compensation maximum amounts are effective as follows:

The new case compensation maximum amounts apply to a provider of investigative, expert, or other services for a representation if that provider furnished any CJA-compensable work on or after May 27, 2010.

The former case compensation maximum amounts apply to a provider of investigative, expert, or other services for a representation if that provider's work was completed before May 27, 2010.

The appropriate person responsible for reviewing, processing, or approving claims should look at Item 17 (“Claimant’s Certification for Period of Service”) of the CJA Forms 21 and 31 to determine whether the provider of investigative, expert, and other services furnished any CJA-compensable work on or after May 27, 2010. If so, the new case compensation maximum amounts apply to that service provider’s voucher on the representation: \$800, excluding expenses, without prior authorization, and \$2,400, excluding expenses, with prior authorization (as stated above, in death penalty cases, this second threshold is governed by 18 U.S.C. § 3599(g)(2)). If, on the other hand, all services were performed before May 27, 2010, the former case compensation maximum amounts apply: \$500, excluding expenses, without prior authorization, and \$1,600, excluding expenses, with prior authorization.