



ADMINISTRATIVE OFFICE OF THE
UNITED STATES COURTS

JAMES C. DUFF
Director

WASHINGTON, D.C. 20544

December 31, 2020

MEMORANDUM

To: Judges, United States Court of Appeals
Judges, United States District Courts
United States Magistrate Judges
Circuit Executives
Federal Public/Community Defenders
District Court Executives
Clerks, United States Courts of Appeals
Clerks, United States District Courts
Senior Staff Attorneys
Circuit CJA Case-Budgeting Attorneys

From: James C. Duff 

RE: IMPLEMENTATION OF INCREASES UNDER THE CRIMINAL JUSTICE ACT OF
PANEL ATTORNEY HOURLY RATE AND CASE COMPENSATION MAXIMUMS
FOR NON-CAPITAL CASES (**IMPORTANT INFORMATION**)

This memorandum provides information about increases to the non-capital hourly rate and case compensation maximums under the Criminal Justice Act (CJA), 18 U.S.C. § 3006A, as a result of the “Consolidated Appropriations Act of 2021,” enacted on December 27, 2020, which includes fiscal year 2021 funding for the Judiciary’s Defender Services program.

CJA Panel Attorney Non-Capital Hourly Rate Increase

The panel attorney hourly rate increased from \$152 to \$153 for non-capital work. The new rate applies to services performed on or after January 1, 2021. Where appointment of counsel occurred before January 1, 2021, the new hourly compensation rate applies to that portion of services provided on or after the effective date.

As noted in my [December 23, 2020 memorandum](#), the bill also allows for inflationary increases to the capital and non-capital panel attorney hourly rates. Implementation of these inflationary adjustments, however, is contingent on the President issuing an Executive Order finalizing 2021 federal civilian pay rates (inflationary adjustments to panel attorney rates are based on the across-the-board pay adjustment for federal workers). Additional guidance on implementing inflationary adjustments will be provided after such an Executive Order has been issued.

CJA Panel Attorney Case Compensation Maximums (in Non-Capital Cases¹)

Because of the increase in the non-capital hourly rate, the waivable case compensation maximum amounts for non-capital representations increase to:²

\$11,900 (previously \$11,800)

\$8,500 (previously \$8,400)

\$2,600 (previously \$2,500)

(The \$3,400 case compensation maximum does not change.)

The new case compensation maximums apply to a voucher submitted by appointed counsel if that person furnished any CJA-compensable work on or after January 1, 2021. The former case compensation maximums apply to a voucher submitted by appointed counsel if that person's CJA-compensable work on the representation was completed before January 1, 2021.

eVoucher System Instructions

The new hourly rate and case compensation maximums will be updated in eVoucher and an announcement will be sent to verify the completion of the update. Please call the National Support Desk at (210) 536-5000 with any eVoucher inquiries. If a court's CJA administrator updates the court's service rates or excess fee limits tables before the national update is completed, there will be no negative impact.

¹ There are no case compensation maximums for appointed counsel in capital cases. *See Guide to Judiciary Policy*, Vol. 7A, § 630.10.20 and § 635.

² The CJA provides that the panel attorney case compensation maximums for non-capital representations rise simultaneously with aggregate percentage increases in the hourly rate, rounded to the nearest \$100, since the case maximums were last amended by Congress. 18 U.S.C. § 3006A(d)(2).

* * *

The JNet charts ([Current CJA Rates and Case Compensation Maximums and History of CJA Rates](#)) reflect the new and previous hourly rates and case compensation maximums. The charts in the publicly accessible *Guide to Judiciary Policy*, Volume 7A (*CJA Guidelines*) are in the process of being revised.

Questions concerning the CJA hourly rates or case compensation maximums may be directed to the Defender Services Office, Legal and Policy Division Duty Attorney at (202) 502-3030, or via e-mail to dso_lpd@ao.uscourts.gov.

cc: CJA Panel Attorney District Representatives