

## **CJA Capital Habeas Guidelines**

Counsel will be appointed from the court-approved Death Penalty Habeas Corpus Panel in each division. Appointed counsel will be compensated, in the Court's discretion, at a rate not more than the statutory rate. 18 U.S.C. § 3599(g)(1). The maximum rate of compensation will be reserved for lead counsel who has substantial experience and skill in federal capital habeas corpus proceedings. The rate of compensation to be paid associates and paralegals will be addressed at the first status conference to be held in the case. As a cost-containment mechanism, the Court and counsel will reach an agreement on the proposed budget at the first status conference.

All vouchers will be submitted using the CJA eVoucher Electronic Voucher Management System. Interim vouchers must be submitted on a monthly basis, with the vouchers due on or before the 10<sup>th</sup> of each month. All vouchers will be reviewed by the magistrate judge pursuant to the standards of reasonableness set forth in the Guide to Judiciary Policies and Procedures for administration of the Criminal Justice Act, Volume VII. All interim vouchers will then be presented to the district judge for review and approval. After approval by the district judge, all interim vouchers will be electronically transmitted to the Sixth Circuit for review/approval. Attorneys' fees and reimbursable expenses through the last day of the previous month shall be claimed on each interim voucher.

At the conclusion of the representation, counsel shall submit a final voucher seeking payment for representation provided during the final interim period. On the confirmation page of the electronic voucher in the attorney note field, counsel will reflect all compensation and reimbursement previously received.

Counsel may be reimbursed for out-of-pocket expenses reasonably incurred incident to the representation. Counsel should incur no single expense item in excess of \$500 without prior approval of the Court. Such approval may be sought by a motion with the Court stating the nature of the expense, the estimated dollar cost, and the reason the expense is necessary to the representation. Recurring expenses, such as telephone toll calls, photocopying, and photographs, which aggregate more than \$500 on one or more interim vouchers are not considered single expenses requiring court approval. Telephone toll calls, photocopying, and photographs can all be reimbursable expenses if reasonably incurred. General office overhead, such as rent, secretarial help, and telephone service, is not a reimbursable expense, nor are items of a personal nature. Expenses for service of subpoenas on fact witnesses are not reimbursable, but rather are governed by Federal Rule of Criminal Procedure 17 and 28 U.S.C. § 1825. Travel by privately owned automobile should be claimed at the rate currently prescribed for federal judiciary employees who use a private automobile for conducting official business. Parking fees can be claimed. Transportation other than by privately owned automobile should be claimed on an actual expense basis. Air travel in "first class" is prohibited. With respect to travel outside the attorney's county of practice, the \$500 rule should be applied in the following manner: If travel expenses, such as air fare, mileage, parking fees, meals and lodging will aggregate an amount in excess of \$500, the travel should receive prior court approval. Actual expenses incurred for meals and lodging while traveling outside the attorney's county of practice must conform to the prevailing limitations placed upon travel and subsistence expenses of federal judiciary employees in accordance with existing government travel regulations.