

Instructions for Submitting Tenth Circuit CJA Vouchers (Revised July 17, 2015)

Log in to eVoucher to Prepare and Submit Your Electronic Voucher

1. Log in to eVoucher: https://evsdweb.ev.uscourts.gov/CJA_c10_prod/CJAeVoucher/
2. Click “My Profile” and review your Attorney Information and Billing Information to ensure that it is accurate.
3. From your eVoucher “Home” screen, select the appropriate CJA appointment in the “My Appointments” window.
4. Create your voucher, enter your time, expenses and other information; and attach supporting documentation by following the steps illustrated in the Court’s [eVoucher Manual for CJA Counsel](#).
 - Required documentation includes, but is not limited to:
 - PDF copies of all required *itemized* (not just credit card) receipts (over \$50 single-item/category expenditures, commercial copying, Westlaw/Lexis & all travel).
 - A PDF copy of any petition for writ of certiorari and reply, without attachments.
 - **If CJA20 (non-capital) fees exceed the statutory maximum**, an excess-fee memo/letter OR fully complete a [CJA27 form](#).
 - For final vouchers in a budgeted appeal in which interim vouchers have been paid, attach a completed [Statement in Support of Final Request for Payment](#).
 - If you have questions about the detail required or supporting documentation that must be submitted with your voucher, refer to the Court’s Advice to Counsel Letters on the Court’s [CJA Policies and Procedures Web Page](#) or contact a CJA Case Analyst at (303) 844-5306 or CJA_Vouchers@ca10.uscourts.gov.
5. Explain any unusual issues (e.g., delay, failure to obtain prior approval to exceed \$800 in Westlaw/Lexis charges, waiver of compensation over-the-cap, etc.) by either (1) attaching a cover letter/memo in the “Documents” tab of the electronic voucher, or (2) using the Public/Attorney Notes field on the “Confirmation” tab. *See* Page 3 of these instructions for further details.
6. Review the attached *Pre-Submission Deficiency Checklist* to ensure that your voucher is complete.
7. At the bottom of the Confirmation tab, check the box to swear and affirm to the accuracy of the voucher. The voucher will be automatically dated and time stamped. Click “Submit” to send the electronic voucher to the Court. **Note:** CJA 21 and 31 vouchers require counsel to complete this step twice.
8. Return to your eVoucher Home Screen to confirm that the voucher appears in the “My Submitted Documents” window; if the voucher appears in the “My Active Documents” window, it has not yet been submitted to the Court.

Questions?

- For **eVoucher Technical Support** please review the Court’s [eVoucher Resources Web Page](#), or contact the Clerk’s Office at (303) 844-3157 or eVoucher@ca10.uscourts.gov.
- **For substantive questions regarding the content of a voucher, required documentation, and related issues** please consult the Court’s Advice to Counsel Letters, which can be found on the [Tenth Circuit CJA Policies and Procedures Web Page](#), or contact a CJA case analyst at (303) 844-5306.

Pre-Submission Deficiency Checklist

VOUCHER DETAIL

1. Please document all time spent and all expenses incurred on a CJA appeal. If you decide to **waive compensation** for any time or reimbursement for any expenses, please so indicate in either a cover letter/memo uploaded via the electronic voucher's "Documents" tab, or in the Public/Attorney Notes at the bottom of the electronic voucher's "Confirmation" tab.
2. Your billing entries must be **accurate and contain sufficient detail, as set forth below**.
3. Is the **correct date** entered for every time and expense claimed on the "Services" and "Expenses" tabs of the electronic voucher (in-court, out-of-court, travel expenses, other expenses)? Look at the appellate docket. Sort the entries on "Services" and "Expenses" tabs. Crosscheck your time and expense entries against the appellate docket entries.
4. Are any **entries** (other than interview and conferences) **NOT supported by the appellate docket**? E.g., district court time (hearings, pleadings not related to the appeal, etc. which must be claimed on a district court voucher), "review NDA" when no appellate NDA issued that day, "Review gov't answer brief" or "work on reply brief" when the government had not yet filed any answer brief, etc.
5. Avoid **duplicate entries** (e.g., time spent on the identical task or expense more than once (not building on prior work, but simply an erroneous re-entry of the identical task)?
6. **Avoid excessive billing for simple tasks.** For example, six minutes (.1 hr) or more is not reasonably and necessarily required to review every Notice of Docket Activity, particularly those not accompanied by any document, nor three-sentence orders, minute orders, transcript order responses, pro forma orders granting extensions of time/setting oral argument, nor other pro forma docket entries. Please combine time spent reviewing several such entries into a single task description.
7. Provide **sufficient detail** to allow the court to exercise informed judicial discretion? Please strike a balance between: (a) meeting your obligation to provide sufficient information for the court to determine whether your time and expenses are compensable/reimbursable, and (b) not disclosing any attorney-client communication or attorney work product. Do more than repeatedly describe a task in generalities, e.g., "work on opening brief." Add a few words to provide more detail. For example:

Record Review; summarize/annotate Vol. 2 transcripts
Record Review: Review PSR, witness x testimony
Research reasonable suspicion; outline argument
Consider rehearing petition; discuss w/client; discard idea
Letter to client re Cert denial, 2255
8. Is any time claimed for work on prison condition issues, family matters or other work unrelated to the appeal? Time or expenses **unrelated to the appeal** cannot be paid from CJA funds.

9. If **oral argument was held**, your **in-court** task description (a) should note the queue position (e.g., “3 of 5”) of your argument and (b) the amount claimed should not exceed 1.0 hour. Claim all waiting time as out-of-court time.
10. Indicate the **total number of pages** for every pleading /transcript /evidence/ correspondence you **reviewed** and/or **filed** on the out-of-court worksheet in Column D?
11. Briefly describe the **nature of your legal research** for every time entry in that category? E.g., “Westlaw research, circuit split, ‘crime of violence.’”
12. You may not request compensation for an **attorney or paraprofessional performing clerical or administrative tasks**. Time spent on tasks such as mailing, delivering briefs to the printer, resolving e-filing difficulties with the clerk’s office, etc. are clerical or secretarial in nature and are neither compensable as attorney time nor reimbursable as paraprofessional staff (law clerk, paralegal, legal assistant) expense.
13. You must identify **time claimed that relates to two separate appeals** (whether same or different clients, whether both are CJA or one is retained) and how that time has been prorated. Time must be prorated between cases; Expenses incurred in common for more than one case must be claimed on a single voucher.

EXPENSES

1. **Receipts** - Crosscheck every expense **receipt** against the amount entered on the travel or other expense billing worksheet. Did you transfer the (1) information from all receipts, (2) accurately, and (3) deduct non-reimbursable charges (e.g., alcohol, meals for a second person, personal expenses such as in-room movies)? Is each in-house copying expense documented by (a) date (not summarized by month), (b) rate (not more than \$.20/page), (c) what was copied, and (d) how many copies were made?
2. If you are requesting reimbursement for **creating a paper copy** of the entire record on appeal for yourself or your client, briefly explain how that expense was reasonable and necessary to adequate representation. That explanation should be set forth in either a cover letter/memo attached in the “Documents” tab of your electronic voucher, or in the Public/Attorney Notes on the electronic voucher’s “Confirmation” tab
3. **Document Review:**

Attorneys: Please make every effort to use **pdf markup tools** (available free or at low cost from multiple software companies) for your record review. Markup tools have the advantage of being keyword searchable (rather than flipping through hundreds of sticky notes).

Clients: Most FBOP facilities have a law library where your client can review the record on disk. Contact their FBOP counselor and, if that option works, create a disk with the Record on Appeal that (a) has been properly redacted, and does not include: (b) the PSR/PSIR, (c) any sealed pleadings, (d) the statement of reasons, nor (e) any attorney-client communication.
4. The **cover of your brief** need not be card stock, it can be plain weight paper in the correct color. Nor must the brief be spiral/comb bound; a staple (heavyweight if necessary) in the upper left corner is acceptable. Such charges may not be reimbursed.
5. **Specific Expenses:**

- Filing fees are not reimbursable because they are generally waived for CJA clients upon proper application to proceed in forma pauperis.
- PACER fees are not reimbursable because a fee-exempt PACER account is available to all CJA attorneys for use in their CJA matters.
- The Tenth Circuit reimburses expedited delivery charges (FedEx, overnight USPS, or messenger) only for principal pleadings.
- Per U.S. Supreme Court rules, CJA clients permitted to proceed in forma pauperis need not booklet pleadings and may submit fewer copies on standard 8½ x 11 inch paper.
- Reimbursing mileage and fuel is duplicative and only one is reimbursable for a single trip.
- Local Bar admission fees are not reimbursable from CJA funds.
- A CJA 24 form authorizing direct payment to the court reporter should be completed for all transcripts necessary to the appeal. If counsel has erroneously paid this expense directly, it should be claimed on your voucher as an ‘other expense’ and an explanation provided in a cover memo/letter attached in the “Documents” tab of the electronic voucher, or in the Public/Attorney Notes at the bottom of the electronic voucher’s “Confirmation” tab.
- Notice must be given to the court before engaging a relative (other than an attorney in the same firm) who will be compensated with CJA funds.

6. **Unusual expenses** may be considered reimbursable as "other services necessary for an adequate defense." Explain the circumstances from which the need to incur this expense arose and whether that circumstance would normally result in an additional charge to a fee paying client over and above that charged for overhead expenses. That explanation should be provided in either a cover memo/letter attached in the “Documents” tab of the electronic voucher, or in the Public/Attorney Notes at the bottom of the electronic voucher’s “Confirmation” tab.

VOUCHER COVER LETTER/MEMO AND PUBLIC/ATTORNEY NOTES

In addition to attaching required supporting documentation in your electronic voucher’s “Documents” tab, you must also attach, as necessary, a separate letter/memorandum addressing any/all of the following issues, as appropriate:

- Explain, if needed, why your request was not submitted within 45 days of final disposition.
- Notify the court whether you and client have decided not to file a certiorari petition.
- Identify any discrepancies between the appellate docket and your time or expense dates.
- Explain the reason for any stay of more than one overnight during oral argument travel.
- State why, if needed, you failed to use a CJA 24 to pay for any necessary transcript.
- Justify why, if needed, you did not obtain prior approval to exceed \$800 for Westlaw/Lexis or paraprofessional expense, and/or why, in the interest of justice, timely procurement of such services could not await prior authorization.
- Describe how it was reasonable and necessary to make more than this number of copies: briefs (10-12 copies); petitions for rehearing (14-15 copies); cert petitions (15-16 copies).
- Explain how the cost of making a paper copy or all or a large part of the record on appeal for yourself or your client was necessary to adequate representation.
- If you claim an unusual or extraordinary expense, describe the circumstances from which the need to incur this expense arose and whether that need would normally result in an additional charge to a fee-paying client over and above that charged for overhead.
- Identify any number of hours or dollars of expenses for which you are waiving payment.

You may also use the Public/Attorney Notes section at the bottom of the electronic voucher’s “Confirmation” tab to communicate **brief** messages or other helpful information to the Court.