

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
GENERAL ORDER 14 - 0020**

The full Court met in executive session on Tuesday, September 23, 2014 and approved the creation of Local Criminal Rule 44.1 Interim CJA Payments. The proposed rule was published with comments due on May 27, 2014. No comments were received from the Public or the Rules Advisory Committee.

The Court's Rules Committee discussed the proposed rule at the Rules Committee meeting of June 23, 2014. It recommended that the full Court adopt the proposal as published with slight modification.

The full Court considered the recommendation of the Rules Committee at its meeting on Tuesday, September 23, 2014 and agreed to adopt Local Criminal Rule 44.1. Therefore,

By direction of the full Court, which met in executive session on Tuesday, September 23, 2014,

IT IS HEREBY ORDERED that Local Criminal Rule 44.1 Interim CJA Payments be adopted as follows (additions shown thus, deletions shown ~~thus~~):

LCrR44.1 Interim CJA Payments

In a case in which representation of a criminal defendant is projected to be unusually complex and lengthy, an attorney appointed pursuant to the Criminal Justice Act ("CJA Attorney") may seek approval for interim payments. A motion for such approval must cite this local criminal rule and justify the request on the basis of the hardship to counsel in undertaking the representation for a period of the projected length without compensation, pursuant to the Guidelines for the Administration of the Criminal Justice Act, ¶2.30. The motion must certify the CJA Attorney's acceptance of the following requirements:

1. Counsel shall submit quarterly, or on a schedule approved by the Court, to the Clerk of Court an interim CJA form 20 "Appointment of and Authority to Pay Court Appointed Counsel." The first interim voucher shall reflect all compensation claimed and reimbursable expenses incurred, from the effective date of the appointment through the date in which the first interim voucher is submitted.
2. Each voucher shall include the time period covered and shall be consecutively numbered.
3. Interim vouchers shall be submitted quarterly, or on a schedule approved by the Court, even in those periods for which little or no compensation or expenses are

- claimed.
4. All interim vouchers shall be supported by detailed and itemized statements of attorney time and expenses. Each voucher shall include the total amount of money requested to date.
 5. The Court will review the interim vouchers when submitted, particularly with regard to the amount of time claimed, and will authorize compensation to be paid for 80 percent of the approved number of hours. This compensation will be determined by multiplying 80 percent of the approved number of hours by the applicable rate. Counsel should note that the interim payments are partial tentative payments and the final payment may be adjusted if necessary by the Court.
 6. Within 45 days of the conclusion of the representation, counsel shall submit a final voucher seeking payment of the 20% balance withheld from the earlier interim vouchers, as well as payment for the representation provided during the final interim period. After reviewing the final voucher, the Court will submit it to the Chief Judge of the Circuit or his or her delegate for review and approval.
 7. Counsel may be reimbursed for out-of-pocket expenses reasonably incurred incident to the representation.
 8. Although the statute and applicable regulations do not place a monetary limit on the amount of expenses that can be incurred, counsel should incur no single expense item in excess of \$500.00 without prior approval of the Court. Such approval may be sought by filing an *ex parte* application with the Clerk, stating the nature of the expense, the estimated cost, and the reason the expense is necessary to the representation. An application seeking such approval may be filed *in camera*, if necessary.
 9. Recurring expenses, such as telephone toll calls, photocopying and photographs, which may aggregate more than \$500 on one or more interim vouchers, are not considered a single item expense requiring prior court approval.
 10. Telephone toll calls, photocopying, and photographs may be reimbursable expenses if reasonably incurred.
 11. General office overhead, such as rent, secretarial help, and normal telephone service is not a reimbursable expense, nor are items of a personal nature.
 12. Expenses for service of subpoenas on fact witnesses are not reimbursable, but rather are governed by Rule 17 of the FED.R.CRIM.P. and 28 U.S.C. §1825.
 13. In some instances, travel may be required for purposes of consulting with the client or with predecessor counsel, interviewing witnesses or experts, etc. In such circumstances, where travel is required outside the County of Cook for cases assigned to the Eastern Division, or outside the County of Winnebago for cases assigned to the Western Division, travel expenses, such as airfare, mileage, parking fee, meals and lodging, can be claimed as itemized expenses. If expenses relating to a single trip will exceed a total of \$500.00, counsel must seek prior Court approval. Actual expenses incurred for meals and lodging in the course of such travel must conform to the prevailing government travel regulations imposed on federal judiciary employees for official travel.
 14. CJA Attorneys are bound by the regulations of the Criminal Justice Act set forth in (1) 18 U.S.C. §3006A; (2) the Plan of the United States District Court for the Northern District of Illinois, available through the Clerk of Court; and (3) Guidelines for the Administration of the Criminal Justice Act, published by the

Administrative Office of the U.S. Courts, also available through the Clerk of Court. Should these references fail to provide the desired clarification or direction, counsel should address their inquiry directly to this Court and its staff.

ENTER:
FOR THE COURT

A handwritten signature in black ink, appearing to be "John", written over a horizontal line.

Chief Judge

Dated at Chicago, Illinois this 25th day of September, 2014