

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

WASHINGTON, D. C. 20544

Date: 2/28/14

GUIDE TO JUDICIARY POLICY

TRANSMITTAL 07-008 VOLUME/PART 7A CHAPTER(S) 2, 6

TO: Judges, United States Courts 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
Chief Probation Officers
Chief Pretrial Services Officers
Senior Staff Attorneys
Chief Circuit Mediators
Circuit Librarians

FROM: Judge John D. Bates



RE: DEFENDER SERVICES

This transmittal provides notice of changes to the *Guide to Judiciary Policy*, Vol. 7 (Defender Services), Pt. A (Guidelines for Administering the CJA and Related Statutes):

[Chapter 2 – Appointment and Payment of Counsel](#)

[Chapter 6 – Federal Death Penalty and Capital Habeas Corpus Representations](#)

These chapters have been revised, as detailed in the Redline Comparison below, to reflect two sets of changes taking effect on March 1, 2014: restoration of the CJA panel attorney hourly rates, and changes to the CJA case compensation maximums.

Questions regarding this transmittal may be directed to the AO Department of Program Services, Defender Services Office, Legal and Policy Division Duty Day Attorney, at 202-502-3030.

REDLINE COMPARISON REFLECTING CHANGES

[Significant changes in Chapter 2 (Appointment and Payment of Counsel) follow:]

§ 230 Compensation and Expenses of Appointed Counsel

[. . .]

§ 230.16 Hourly Rates and Effective Dates in Non-Capital Cases

[. . .]

§ 230.16(a) Non-Capital Hourly Rates [table]

If services were performed between...	The maximum hourly rate is...	Authority
<u>03/01/2014 to present</u>	<u>\$126</u>	
<u>09/01/2013 through 02/28/2014</u>	<u>\$110</u>	
01/01/2010 <u>through 08/31/2013</u> to present	\$125	Pub. L. No. 111-117 (2009). See: H. Rep. No. 111-366/Pub. L. No. 111-117 Consolidated Appropriations Act, 2010 (Dec. 16, 2009; 123 Stat. 3034).
03/11/2009 to 12/31/2009	\$110	Pub. L. No. 111-8 (2009). See: H. Rep. No. 1105/Pub. L. No. 111-8 Omnibus Appropriations Act, 2009 (Mar. 11, 2009; 123 Stat. 524).
01/01/2008 through 03/10/2009	\$100	Pub. L. No. 110-161, 121 Stat. 1844 (2007). See: H. Rep. No. 110-497, 2007 WL 4402532, December 17, 2007. See also: Consolidated Appropriations Act of 2008 (Pub. L. No. 110-161, 121 Stat. 1844, 1987 (2007)).
05/20/2007 through 12/31/2007	\$94	Based on the appropriation amounts enacted on February 15, 2007 (Pub. L. No. 110-5, 121 Stat. 8 (2007)), the U.S. House and Senate Appropriations Committees subsequently approved the judiciary financial plans for FY2007, which included a cost-of-living adjustment to increase the maximum non-capital hourly rate to \$94.
01/01/2006 through 05/19/2007	\$92	Pub. L. No. 109-115, 119 Stat. 2396 (2005)
05/01/2002 through 12/31/2005	\$90	Pub. L. No. 107-77, 115 Stat. 748 (2001) See: H. Rep. No. 107-278, at 143 (2001) (Conf. Rep.), as reprinted in 2002 U.S.C.C.A.N. 793, 856, 2001 WL 1402218, and H. Rep. No. 107-139, at 92-93, 2001 WL 79076.

REDLINE COMPARISON REFLECTING CHANGES

§ 230.23 Case Compensation Maximums

[. . .]

§ 230.23.20 Current Attorney Case Compensation Maximums

For work performed on or after ~~January~~March 1, 201~~0~~4, the case compensation maximums are as follows:

§ 230.23.20 Current Attorney Case Compensation Maximums *[table]*

If the case is a...	the case maximum is...
(a) Felony (except federal capital prosecutions)	\$9, 700 <u>800</u> for trial court level \$ 67,900 <u>000</u> for appeal
(b) Misdemeanors (including petty offenses (class B or C misdemeanors or infractions) as set forth in 18 U.S.C. § 3006A(a)(2)(A))	\$2,800 for trial court level \$ 67,900 <u>000</u> for appeal
(c) Proceedings under 18 U.S.C. § 4106A (in connection with paroled prisoners transferred to the United States)	\$2,100 for representation before the U.S. Parole Commission \$ 67,900 <u>000</u> for appeal
(d) Proceedings under 18 U.S.C. § 4107 or § 4108 (for counsel and guardians ad litem providing services in connection with prisoner transfer proceedings). Note: For information on appointment of counsel or guardians ad litem under 18 U.S.C. § 4109 , see: Guide, Vol 7B (International Prisoner Transfer Proceedings) .	\$2,800 for each consent verification proceeding
(e) Pre-Trial Diversion	\$9, 700 <u>800</u> if offense alleged by the U.S. attorney is a felony \$2,800 if offense alleged by the U.S. attorney is a misdemeanor
(f) Proceedings under 18 U.S.C. § 983 (for services provided by counsel appointed under 18 U.S.C. § 983(b)(1) in connection with certain judicial civil forfeiture proceedings)	\$9, 700 <u>800</u> for trial court level \$ 67,900 <u>000</u> for appeal
(g) Non-Capital Post-Conviction Proceedings under 28 U.S.C. § 2241 , § 2254 or § 2255	\$9, 700 <u>800</u> for trial court level \$ 67,900 <u>000</u> for appeal
(h) Proceedings to Protect Federal Jurors Employment under 28 U.S.C. § 1875	\$9, 700 <u>800</u> for trial court level \$ 67,900 <u>000</u> for appeal

REDLINE COMPARISON REFLECTING CHANGES

§ 230.23.30 History of Case Compensation Maximums

For work performed prior to ~~January~~March 1, 2010~~4~~, the case compensation maximums are as follows:

§ 230.23.30 History of Case Compensation Maximums [table]

<u>If the case maximum if</u> a case is a...	And services were completed...			
	On or after December 8, 2004 and before October 13, 2008, the case maximum is...	On or after October 13, 2008, and before March 11, 2009, the case maximum is...	On or after March 11, 2009, and before January 1, 2010, the case maximum is...	1/1/2010- 2/28/2014
	12/8/2004- 10/12/2008	10/13/2008- 3/10/2009	3/11/2009- 12/31/2009	
Felony (including pre-trial diversion of alleged felony)	\$7,000	\$7,800	\$8,600	<u>\$9,700</u>
Misdemeanor (including pre-trial diversion of alleged misdemeanor)	\$2,000	\$2,200	\$2,400	<u>\$2,800</u>
Proceeding under 18 U.S.C. § 4106A	\$1,500	\$1,700	\$1,800	<u>\$2,100</u>
Proceeding under 18 U.S.C. § 4107 or § 4108 (for each verification proceeding)	\$2,000	\$2,200	\$2,400	<u>\$2,800</u>
Proceeding under 18 U.S.C. § 983	\$7,000	\$7,800	\$8,600	<u>\$9,700</u>
Post-conviction proceeding under under 28 U.S.C. § 2241 , § 2254 or § 2255	\$7,000	\$7,800	\$8,600	<u>\$9,700</u>
Proceeding under 28 U.S.C. § 1875	\$7,000	\$7,800	\$8,600	<u>\$9,700</u>
Appeal from felony, misdemeanor, proceeding under 18 U.S.C. § 4106A , 18 U.S.C. § 983 , post-conviction proceeding under 28 U.S.C. § 2241 , § 2254 or § 2255 , and 28 U.S.C. § 1875	\$5,000	\$5,600	\$6,100	<u>\$6,900</u>
Other representation required or authorized by the CJA (including, but not limited to probation, supervised release hearing, material witness, grand jury witness)	\$1,500	\$1,700	\$1,800	<u>\$2,100</u>
Appeal of other representation	\$1,500	\$1,700	\$1,800	<u>\$2,100</u>

REDLINE COMPARISON REFLECTING CHANGES

[Significant changes in Chapter 6 (Federal Death Penalty and Capital Habeas Corpus Representations) follow:]

§ 630 Compensation of Appointed Counsel in Capital Cases

§ 630.10 Hourly Rates and Inapplicability of Compensation Maximums

§ 630.10.10 Hourly Rates

[. . .]

§ 630.10.10(a) Capital Hourly Rates

If services were performed between...	The hourly rate maximum is...	Authority
<u>03/01/2014 to present</u>	<u>\$180</u>	
<u>09/01/2013 through 02/28/2014</u>	<u>\$163</u>	
01/01/2010 <u>through 08/31/2013</u> to present	\$178 (unless raised by the Judicial Conference under 18 U.S.C. § 3599(g)(1)).	Pub. L. No. 111-117 (2009). See H. Rep. No. 111-366/Pub. L. No. 111-117 Consolidated Appropriations Act, 2010 (Dec. 16, 2009; 123 Stat. 3034).
03/11/2009 through 12/31/2009	\$175	H. Rep. No. 1105/Pub. L. No. 111-8 Omnibus Appropriations Act, 2009 (Mar. 11, 2009; 123 Stat. 524).
01/01/2008 through 03/10/2009	\$170	H. Rep. No. 110-497, 2007 WL 4402532, December 17, 2007. See also The Consolidated Appropriations Act of 2008 (Pub. L. No. 110-161, 121 Stat. 1844, 1987 (2007)).
05/20/2007 through 12/31/2007	\$166	Based on the appropriation amounts enacted on February 15, 2007 (Pub. L. No. 110-5, 121 Stat. 8 (2007)), the U.S. House and Senate Appropriations Committees subsequently approved the judiciary financial plans for FY2007, which included a cost-of-living adjustment to increase the maximum capital hourly rate to \$166.
01/01/2006 through 05/19/2007	\$163	Congress approved a cost-of-living increase to \$163 in the Judiciary Appropriations Act, Fiscal Year 2006, Pub. L. No. 109-115, 119 Stat. 2396 (2005). See also: H. Rep. No. 109-307, at 73, 112, 279 (2005) (Conf. Rep.); 2005 WL 3131557, and S. Rep. No. 109-109, at 196 (2005), 2005 WL 1774046.
02/01/2005 through 12/31/2005	\$160	Congress approved the judiciary's request for an hourly rate increase from \$125 to \$160 when it enacted the Omnibus Appropriations Act, Fiscal Year 2005, Pub. L. No. 108-447, 118 Stat. 2809 (2004). See also: The Joint Explanatory Statement of the Committee on the Conference, 150 CONG. REC. H10235-01, November 19, 2004, 2004 WL 2658652, and S. Rep. No. 108-344 (2004), 2004 WL 3044802.