

4TH Cir and District Judge Concerns with Vouchers

Detailing Work and the Do's and Don'ts of vouchering

All voucher entries must be specific to the work performed and detailed in nature.

Make sure your time is in the correct category on your voucher. Best efforts here. **In other words**, don't use the investigation and other category to dump time unless it pertains to that work precisely.

The 4th Cir. does not want to see entries such as "call w client" or "review discovery". Instead, they would like to have more detail about what kind of discovery was reviewed such as date stamp, pages, amount, or whether it was audio etc...

Calls can be explained as "call regarding plea" or "call with client in regard to facts of the case, call with AUSA, call re: witnesses etc."

Audio discovery can be detailed by stating the number of calls and the duration of the call for example: 5 jail calls each 30 min long. They are not looking for client's private info. that falls under attorney/client privilege.

Make sure to correctly mark interim or final on the claim status page of your voucher.

Don't use ABBREVIATIONS. Big pet peeve as it slows down the process at the 4th Cir when they are receiving 600-700 vouchers from attorneys from all over and each uses different abbreviations.

In the same way, don't use ALL CAPS either. It is hard to read and exhausting for the reviewer.

Do not charge for administrative tasks such as downloading discovery, closing the file, calling the jail to set up a mtg., calendaring dates, or numerous .1 entries for NEFs, which typically take only seconds to view. However, if you so desire, you may list the task on your voucher, as long as you zero it out.

“Scheduling” is somewhat of a hot button. Exception - if you are on a conference call with the Court regarding trial timeframe, that is billable. But simply sending emails back and forth is considered an administrative task.

When you have exceeded the 13,400 limit and the voucher needs to be sent to the 4th Cir, it must include a CJA 26. Also, if you have an authorized budget in place and have submitted interims up to this point and now you are submitting a final, it must have a CJA26 attached and will be closely reviewed at the 4th Cir. for reasonableness.

The maximum for experts before an AUTH is required is \$3000. If an attorney plans to exceed the threshold, an AUTH should be submitted prior to hiring the work to be done. The only exception would be if there’s a time restraint and, in that instance, the District Judge would be required to make a noted finding that prior authorization could not be made as outlined in the Guide to Judicial Policy.

Travel and Other Expenses

Regarding travel time, submit for the time to and from your destination, and for your wait time, if it is not excessive. In other words, be prepared to do other work should you anticipate a longer than normal wait.

Use GSA rates for hotels and if you cannot, explain the reasoning. Submit actual invoices and itemized receipts, not credit card statements for expenses. Do not submit for payment on any alcoholic drinks.

You may claim up to .15 cents per page for copies.

Don’t Fed Ex documents to each other within the same firm and charge the expense to CJA, even if they are in different areas. This would fall under general office overhead.

On large discovery cases, CJA funds can pay for flash drives or external hard drives if the receipt is uploaded to your voucher. Paralegals can also be used to organize your discovery. You may contact the National Litigation Support Team for additional resources.

This is happening more often where attorneys are withdrawing from cases and the defendants are going through 4-5 attorneys. Just be cautious and make sure your motion reaches the legal standard of an unreconcilable breakdown in the relationship between the client and the attorney. The cost of substituting counsel so frequently is a concern when new counsel must start again from scratch.

If you have an extremely complex case or think you are going to trial, discuss case budgeting procedures with Larry Dash at the 4th Cir.

If you have any other questions, please refer to the Compensability handbook, the billing tips and presumptive rates for experts given in the electronic handouts for this seminar.

Bottomline, it is very difficult to review vouchers for reasonableness and make a fair determination if you have not included enough information, have missing documentation or if the entries are not compensable. Help me to get you paid in a timely manner. Thanks