

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF PENNSYLVANIA**

Authorization and Payment for
Investigative, Expert, or Other Services
Instructions for eVoucher
CJA 21 and CJA 31

When making your request to the Judge or Magistrate Judge to obtain a service provider the following policy and procedure must be followed for prior approval. You can find these policies and procedures in eVoucher on the Links Tab under Guidelines:

Chapter 3: Authorization and Payment for Investigative, Expert, or Other Services.

The request should include:

- the reason the services and the named provider are being requested,
- the relevant experience and qualifications of the expert/service provider,
- the hourly rate requested,
- the fee arrangement, as applicable,
- the specific services and expenses to be included,
- if additional services/funding may be requested from/for this provider (as applicable), and
- other relevant information.

Once funding for investigative, expert and other services has been approved, counsel is responsible for communicating the specific terms of the court order to the service provider to ensure that changes do not exceed the amount authorized.

If it can be anticipated that the compensation will exceed the statutory maximum, advance approval should be obtained from the court and the chief judge of the circuit (or judge delegate).

[Guide, Vol 7. § 310.20.10]

The Guide, Appendix 3A (formerly Appendix C) provides a sample format for requesting advance authorization to obtain investigative, expert, or other services in an amount that exceeds the statutory maximum.

An IRS audit of the Courts has forced the need for the collection of W-9 forms from vendors, including CJA panel attorneys, experts and other service providers paid under the CJA. Please make sure when hiring a vendor they provide a W-9 form with their invoice for payment.

Once the service provider has been approved to be hired and those with the privileges to access eVoucher; the attorney must submit the Security Form to the service provider. They must fill out the form and mail it to the Court's CJA Administrator in the Finance Office. Once received an email will be sent to them with their username and password. If the Security Form is not received their account will be locked until received.

Please send completed Security Form to the address below:

U.S. District Court
Clerk's Office
ATTN: Finance/CJA
700 Grant Street, Suite 3110
Pittsburgh, PA 15219

Engagement Letter: Contents of Financial Arrangements

Case name: _____

Case number: _____

The engagement of your services for this case is subject to the following:

- (1) You will be compensated at a rate of \$_____ per hour [or specify some other fee arrangement], and [\$_____ per hour for long-distance travel-related time that will be explained in correspondence to you]. The maximum payment amount authorized by the court as of this date for your services is \$_____, which includes any expenses incurred by you.
- (2) You will submit your voucher(s) (CJA Form 21 in a non-capital representation and CJA Form 31 in a capital representation) to me, and it is my responsibility as counsel to certify to the court that the services were rendered. Payment for your services is subject to approval by the presiding judge and, in certain circumstances, the chief judge of the court of appeals. Approved payments are made by the Department of the Treasury out of the federal judiciary's Defender Services account, not by me or my law firm.
- (3) The presiding judge (and the circuit chief judge, if applicable) has discretion to reduce a voucher. Specific reasons include: (a) a mathematical error; (b) non-compliance with the Guidelines for Administering the CJA and Related Statutes (CJA Guidelines), *Guide to Judiciary Policy*, Volume 7, Part A, or court policies; and (c) a determination that the services claimed are unreasonable either in terms of the work performed or the amount of time and expenses submitted. Accordingly, this Engagement Letter is not a guarantee of payment for all services rendered or expenses incurred.
- (4) **Do not perform services or incur expenses that would result in an invoice in excess of the maximum payment amount authorized by the court** (as set forth in paragraph (1)). Doing so creates a risk that the court will not authorize the payment for the work done or expenses incurred in excess of the maximum authorized amount, even if the services performed or expenses incurred are necessary. You must advise me **before** you exceed the court's maximum authorized payment amount, and if I determine such additional work and/or expenses are necessary for the representation, I will seek approval from the court for a new maximum authorization level, before such work is performed or expenses incurred.
- (5) Travel expenses will be reimbursed on the basis of actual expenses incurred. Please consult with me regarding the maximum reimbursement amounts for travel expenses. Airline travel must be authorized by the court by my application. If airline travel is authorized, I will provide guidance to you regarding the purchase of a ticket.

- (6) Record Keeping – Consistent with CJA Guidelines § 320.90, you are required to maintain contemporaneous time and attendance records for all work/services billed, including work performed by associates, partners, and support staff, as well as expense records. These records should be submitted with your CJA voucher for payment, and must be retained for three years after approval of the appointed counsel’s or the service provider’s final voucher, whichever is later.

- (7) Unless otherwise authorized by the court, a voucher for services performed and expenses incurred for the representation will be submitted at the conclusion of your services. While the court attempts to process invoices as quickly as possible, there may be delays in payment due to workload and other factors.

- (8) Scope of Work – You are authorized to do the following work:

Accepted by: _____

Date: _____

Request for Taxpayer Identification Number and Certification

**Give Form to the
requester. Do not
send to the IRS.**

Print or type See Specific Instructions on page 2.	Name (as shown on your income tax return)	
	Business name/disregarded entity name, if different from above	
	Check appropriate box for federal tax classification (required): <input type="checkbox"/> Individual/sole proprietor <input type="checkbox"/> C Corporation <input type="checkbox"/> S Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Trust/estate	
	<input type="checkbox"/> Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=partnership) ▶	
	<input type="checkbox"/> Other (see instructions) ▶	
Address (number, street, and apt. or suite no.)		Requester's name and address (optional)
City, state, and ZIP code		
List account number(s) here (optional)		

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on the "Name" line to avoid backup withholding. For individuals, this is your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN* on page 3.

Social security number									
				-			-		

Note. If the account is in more than one name, see the chart on page 4 for guidelines on whose number to enter.

Employer identification number									
				-					

Part II Certification

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), and
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding, and
3. I am a U.S. citizen or other U.S. person (defined below).

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions on page 4.

Sign Here	Signature of U.S. person ▶	Date ▶
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General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Purpose of Form

A person who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) to report, for example, income paid to you, real estate transactions, mortgage interest you paid, acquisition or abandonment of secured property, cancellation of debt, or contributions you made to an IRA.

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN to the person requesting it (the requester) and, when applicable, to:

1. Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
2. Certify that you are not subject to backup withholding, or
3. Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income.

Note. If a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.

Definition of a U.S. person. For federal tax purposes, you are considered a U.S. person if you are:

- An individual who is a U.S. citizen or U.S. resident alien,
- A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States,
- An estate (other than a foreign estate), or
- A domestic trust (as defined in Regulations section 301.7701-7).

Special rules for partnerships. Partnerships that conduct a trade or business in the United States are generally required to pay a withholding tax on any foreign partners' share of income from such business. Further, in certain cases where a Form W-9 has not been received, a partnership is required to presume that a partner is a foreign person, and pay the withholding tax. Therefore, if you are a U.S. person that is a partner in a partnership conducting a trade or business in the United States, provide Form W-9 to the partnership to establish your U.S. status and avoid withholding on your share of partnership income.

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF PENNSYLVANIA

CJA eVoucher Program

Under the CJA eVoucher Program you will be filing all CJA vouchers and related documents electronically with the U.S. District Court for the Western District of Pennsylvania. When using the CJA eVoucher Program you must abide by the Federal Rules of Civil and Criminal Procedure, CJA Guidelines, the Local Rules, and any administrative orders and policies of the U.S. District Court for the Western District of Pennsylvania.

You have full responsibility to ensure your user information, including your billing information, is accurate.

The combination of the username and password within the CJA eVoucher Program will serve as the signature of the expert/service provider filing the voucher or documents under the afore referenced rules and procedures. Therefore, you are responsible for protecting and securing this password against unauthorized use. If you have any reason to suspect that your password has been compromised, you are responsible for immediately notifying the Clerk of Court of the suspected breach of security.

Expert/Service Provider Printed Name

Email Address

Expert/Service Provider Signature

Phone Number

Date

Expert and Service Provider Time Worksheet

Case Name: _____

Case Number: _____

DESCRIPTION OF WORK		HOURS						
Date	Brief Description of Services	Confer with Counsel, Client, Team Members, or Other (please specify in previous column)	Obtaining Records and Reports	Reading File, Records, and Reports	Investigative Work and Interviews	Research, Writing, & Records Analysis	Travel Time	Other
PAGE TOTAL (HOURS)								
GRAND TOTAL (HOURS)								

I hereby certify that this worksheet is for services rendered and is correct.

Name _____ Date Submitted _____ Page _____ of _____