



# CJA Interim Payment Procedures

AUGUST 2016

## Quarterly Interim Payment Schedule

January 1 – March 31  
April 1 – June 30  
July 1 – September 30  
October 1 – December 31

Payments are due by the 15th of the following month after the quarter ends.

**PROPOSED ORDERS SHOULD FOLLOW THE QUARTERLY SCHEDULE, DO NOT CREATE YOUR OWN PAYMENT SCHEDULE**

**Note:** Revision to instructions was to remove the Circuit Judge approval of interim payments.

Third Circuit Court of Appeals Standing Order dated August 9, 2016 review by the circuit of the request for leave to submit interim vouchers is not necessary.

## Motion for Interim Payment

Each attorney requesting interim payments will need to submit their own request. A motion for interim payments is submitted to the Court through the CM/ECF. All interim payment motions and Orders must also indicate whether the case is extended or complex and the interim payment is for their client only. The

attorney will use the standard Order provided in the CJA Guidelines §230.73 Appendix 2C (Procedure for Interim Payments to Counsel in Non-Death Penalty Cases). Our district follows Option B, but we omit the 20 percent withholdings.

**Procedure:** The attorney submits a motion and proposed Order for Interim Payment through CM/ECF. **The attorney must include in the motion and proposed Order that the interim payment is only for his/her client only.** When approved the Judge will sign the Order authorizing the quarterly interim payments. The Order will be filed in CM/ECF. All quarterly interim payments shall be submitted through CJA eVoucher and the Order must be uploaded to the document page in .pdf format to the first interim payment.

**Excess:** When counsel knows that the statutory limit will be exceeded they will complete the CJA 26 form in eVoucher and include the payment amount they are requesting. The interim Order and CJA 20 voucher should be uploaded on the document page in .pdf format with the CJA 26 form. The Judge and Circuit Judge or his/her delegate will review the CJA 26 for approval.

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### **Multi-defendant case is declared extended and complex all CJA panel attorneys must file interim payments.**

When the Court determines the entire case is extended or complex all defendants represented by CJA attorneys will receive quarterly interim payments. All CJA attorneys **MUST** file an interim payment. You must show good cause why you would want to opt of the interim payment and have Court approval.

**Procedure:** One of the Panel Attorneys files a motion for the entire case to become interim payment. **The attorney must include in the motion and proposed Order that the interim payment is for all defendants represented by CJA panel attorneys and all counsel are required to submit quarterly interim payments.** When approved the Judge will sign the Order authorizing the quarterly interim payments. The Order will be filed in CM/ECF. All quarterly interim payments shall be submitted through CJA eVoucher and the Order must be uploaded to the document page in .pdf format to the first interim payment.

**Excess:** When counsel knows he/she will exceed the statutory limit they will complete the CJA 26 form in eVoucher and include the payment amount they are requesting. The interim Order and CJA 20 voucher must be uploaded on the document page in .pdf format with the CJA 26 form. The Judge and Circuit Judge or his/her delegate will review the CJA 26 for approval.

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**CJA 26 Excess Amount:** The amount requested on the CJA 26 form in eVoucher is **either** the total amount of in/out court services including the prior payment from the 6X payment system during transition **or** the excess amount of in/out court services if the case originated from eVoucher. Requested amounts that include prior payments, the Court will attach the 6X Case Management Payment Report to the Documents Page of the CJA 26. This total is reflected on the Detail and Summary Budget Reports in eVoucher.

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

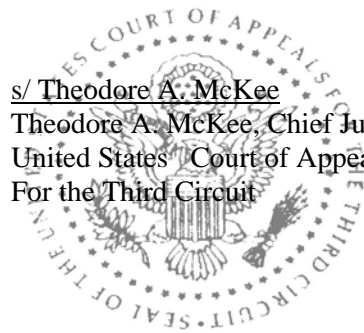
STANDING ORDER

Counsel appointed under the Criminal Justice Act, 18 U.S.C. § 3006A, may request leave to submit interim vouchers for compensation pursuant to the Guide to Judiciary Policy, Vol. 7A, Ch. 2, § 230.73, Ch. 3, § 310.60, and Ch. 6, §§ 630.40, 660.40. As the Guide states, interim payments “are designed to strike a balance between the interest in relieving court-appointed attorneys of financial hardships in extended and complex cases, and the practical application of the statutorily imposed responsibility of the chief judge of the circuit to provide a meaningful review of claims for excess compensation.” § 230.73(c). Thus, the Guide provides that “[w]here it is necessary and appropriate in a specific case, the presiding trial judge may arrange for periodic or interim payments to counsel.” § 230.73; see also § 310.60 (interim payments to service providers); §§ 630.40, 660.40 (interim payments in death penalty cases).

It is hereby ORDERED that the responsibility for meaningful review of the request for leave to submit interim vouchers for compensation for matters pending in the district court rests solely with the presiding district or magistrate judge, and that further review by the circuit of the request for leave to submit interim vouchers is not necessary.

Review of case budgets submitted pursuant to § 230.26 and § 640 of the Guide, review of interim vouchers for excess compensation in non-budgeted cases, and review of final vouchers for excess compensation in all cases pending in the district court, are conducted by the presiding district or magistrate judge in the first instance, followed by further review by the Chief Judge of the Third Circuit or his or her designee.

s/ Theodore A. McKee  
Theodore A. McKee, Chief Judge  
United States Court of Appeals  
For the Third Circuit



Dated: August 9, 2016