

Office of the
FEDERAL PUBLIC DEFENDER
FOR THE DISTRICT OF NEBRASKA

David R. Stickman
Federal Public Defender

Central Park Plaza, Suite 300N
222 South 15th Street
Omaha NE 68102

(402) 221-7896
Fax: (402) 221-7884
<http://ne.fd.org>

From: DAVID R. STICKMAN, FEDERAL PUBLIC DEFENDER
Subject: New Case Voucher

Pursuant to the Amended Criminal Justice Act Plan for the United States District Court for the District of Nebraska, "claims for compensation of private attorneys providing representation under the CJA shall be submitted on the appropriate CJA form, to the office of the Federal Public Defender. That office shall review the claim for mathematical and technical accuracy and for conformity with the CJA Guidelines, and, if correct, shall forward the claim form for the consideration of the appropriate judge or magistrate judge."

As of January 1, 2015 the hourly rate for attorney fees on CJA cases is \$127 for both in-court and out-of-court services. On January 1, 2014, mileage for CJA related automobile travel was increased from 56 cents per mile to 57.5 cents per mile.

As of January 1, 2015 the statutory maximums allowed for attorney fees are: \$9,900 for felonies; \$2,800 for misdemeanors; \$2,100 for other representations, and \$7,100 for appeals. Attached to this memo is a list of statutory maximums and the procedures for filing CJA20 and CJA21 vouchers which exceed the statutory maximum.

When you have completed representation, please return the completed voucher to the Office of the Federal Public Defender. It is important that you note that the new Local Rules took effect on August 6, 2004. NECrimR 44.3(a) states that **CJA vouchers should be submitted within 45 days of case closing**; vouchers submitted after 45 days but prior to one year may be granted upon a showing of good cause; vouchers submitted after one year should be summarily denied.

If you believe that this office should not review any of your time entries because of confidentiality or conflict of interest concerns, please contact the Federal Public Defender's office and we will advise you how to submit the voucher directly to the Judge.

Please note, for all cases filed after January 25, 1998, disclosure is permitted of the amounts paid under the Criminal Justice Act for defense representation. See, 18 U.S.C. §3006A(d)(4) and General Order 98-05, U. S. D. Ct.-Neb. I am enclosing a Notice to Court Appointed Counsel of Public Disclosure of Attorney Fee Information.

I am also enclosing a list of freelance interpreters who have been used in CJA cases in this area, along with a memo regarding a service offered by TIP, which is another option for out of court interpreting. **As of February 1, 2010, freelance language skilled interpreters may request payment for interpreting on CJA cases in the amount of \$103 for a half day, and \$187 for a full day.**

We now have an on-line National CJA Voucher Reference Tool which will answer many questions. It can be found at: <http://www.uscourts.gov/uscourts/cjaort/index.html>

Type of Proceedings	Type of Disposition	Code
District Court Criminal and Other Proceedings	Dismissed	1
	Acquitted by court, or government motion for judgment of acquittal granted	2
	Acquitted by jury	3
	Convicted/final plea guilty	4
	Convicted/final plea nolo	5
	Convicted/court trial	8
	Convicted/jury trial	9
	Mistrial	C
	Not Guilty/insane/court trial	E
	Guilty/insane/court trial	F
	Not guilty/insane/jury trial	G
	Guilty/insane/jury trial	H
Other (PTD matters, other reps. Transfers)	X	
Appeals	Affirmed	A
	Reversed	R
	Remanded	O
	Reversed in part/Affirmed in part	RA
	Affirmed in part/Reversed in part	AR
	Dismissed	1
Probation/Parole/Supervised Release	Revoked	RV
	Restored	RS
Habeas/Petitions/Writs	Granted	GR
	Denied	DE

Judicial Interpreters

The following are freelance interpreters who are CERTIFIED court interpreters in Spanish and have either a Federal or a Nebraska certification.

- Those marked with * have a Federal certification.
- Those marked with ^ are Nebraska Supreme Court certified court interpreters.

Caution should be used when employing a non-certified interpreter.

Federal CERTIFICATION

***LAURA GARCIA-HEIN** (Spanish)
Available for attorney/client
interviews at Hruska or DCCC
(402) 661-7307 - Omaha, NE

***KELLY VARGUEZ** (Spanish)
(402) 504-8170 - Omaha, NE

***ERNEST NINO-MURCIA**(Spanish)
Will travel
(917) 483-8305 - Iowa City, IA

Nebraska CERTIFIED

^ADRIANA HINOJOSA (Spanish)
(402) 714-1271
(402) 250-0041
(402) 444-3669 - Omaha, NE

^CRISTINA KROPF (Spanish)
(402) 630-5358
(402) 733-3671 - Omaha, NE

^JANET BONET (Spanish)
(402) 598-4186
(402) 932-3553 - Omaha, NE

^CONSTANZA S. MEIER(Spanish)
(402) 631-8480 - Omaha, NE

^KAREN BAHR (Spanish)
(402) 905- 8535 - Omaha, NE

^OLIVIA BROCKMAN (Spanish)
(402) 238-4397 - Omaha, NE

^LILIA UITTS (Spanish)
(402) 218-8915 - Omaha, NE

^AL VILLAREAL (Spanish)
(402) 660-4493 - Omaha, NE

Nebraska CERTIFIED Continued

^MARTHA BRESTER (Spanish)
(402) 203-5413
(402) 733-2014 - Omaha, NE

^JERRY CUEVAS (Spanish)
(402) 718-0149 - Omaha, NE

^KEVIN LUNT (Spanish)
(402) 706-2117
(402) 505-7643 - Omaha, NE

***ASHLEY VILLANUEVA** (Spanish)
(402) 917-8219 - Omaha, NE

^KELLY MURPH (Spanish)
(402) 418-1692 - Lincoln, NE

^RAUL ESCOBAR (Spanish)
(402) 890-9561- Lincoln, NE

^JO-HANNA GOETTSCHKE (Spanish)
(402) 465-9091
(402) 617-2743 - Lincoln, NE

^JOSE HERRERO (Spanish)
(402) 202-4006- Lincoln, NE

^VLADIMIR BAZAN (Spanish)
(402) 805-0197- Lincoln, NE

^BELKIN GONZALEZ (Spanish)
(308) 380-3131 - Grand Island, NE

^STACEY LEE CON (Spanish)
(308) 746-2623
(308) 325-0447 - Lexington, NE

^ROBERT B. ROOS (Spanish)
(308) 324-2273
(308) 325-5905 - Lexington, NE

^DALE TAYLOR (Spanish)
(402) 841-0887
(402) 379-4826 - Norfolk, NE

Nebraska CERTIFIED Continued

^IRMA WATT (Spanish)
(402) 459-0058 - Columbus, NE

^LUIS SANCHEZ (Spanish)
(308) 760-3486 - Alliance, NE

^SARAH SHANNON (Spanish)
(308) 641-5838 - Mitchell, NE

^SHELLY HODGES (Spanish)
(712) 204-4815 - Sioux City, IA

^GIOVANNA CARNET (Spanish)
(712) 293-1657 - Sioux City, IA

Interpreters in Federal Cases

Federal Certification is the strongest statement on interpreter qualifications. In the absence of Federally certified interpreters you should always try to use a state certified interpreter as their performance has been tested. ***Caution should be used when employing a non-certified interpreter.***

How do I know if an interpreter is doing a competent job?

Inquire as to the **interpreter's credentials** and **years of experience**. When you first try out an interpreter, if the pacing of the communication seems to flow and the interpreter does not hesitate or mumble, engages in no private conversation with the parties and you hardly even notice the interpreter is there, that is a good indication of competence. It is not a sign of incompetence if an interpreter occasionally asks for clarification of meaning before interpreting.

What to Tell Interpreter for Context (in proffers or other Interview situations)

Since words are not interpreted in isolation but in context, the interpreter needs to have an idea of the general context, or subject matter, of a case in order to follow the questioning. If you take a few minutes to **brief the interpreter before the assignment**, it will help avoid confusion later on. Please inform the interpreter of:

1. What the case is about: cast of characters (names and nicknames), places, overall plot, time sequence of events
2. Frequently mentioned numbers: amounts of drugs or money, accounts, phone numbers, beeper numbers, etc.
3. Where the witness is from, how many years he has lived in the U.S. (this will help interpreter anticipate Anglicisms or mixed-language responses)
4. Educational level of witness, any speech defects or mental problems
5. Any documents or evidence likely to be referred to or shown to the witness
6. Any code words used, especially the original words used in the foreign language. (If the word is "suits" and there is more than one variant of the word in Spanish, for example, the interpreter may choose a word which is not the same word as used by the subjects.)

Recommended Questions to Ask Interpreters Prior to Using Them

1. How long have you been a practicing interpreter in the legal field specifically?
2. What interpreting **training** have you received or are you self-taught?
3. Has your accuracy as an interpreter **ever been tested**?
4. What is the extent of your **experience**, if any, in state court?
5. Have you worked for any other party in this case?
6. **Please describe the code of ethics which interpreters should follow. (Confidentiality, impartiality, faithfulness, no editing or embellishing, no ex parte communication with the witness.)**
7. What will you do if you don't understand something said during the interview?
8. What will you do if you believe that you have interpreted erroneously?

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**NOTICE TO COURT APPOINTED COUNSEL OF
PUBLIC DISCLOSURE OF ATTORNEY FEE INFORMATION**

**NEW RULES APPLICABLE TO CASES COMMENCED
ON OR AFTER JANUARY 25, 1998**

The Criminal Justice Act (CJA), 18 U.S.C. § 3006A, now requires that the amounts paid to court appointed attorneys be made publicly available upon the court's approval of the payments. The court may disclose an unredacted copy of a payment voucher submitted by defense counsel, or a redacted copy of a voucher indicating only the amounts approved for payment according to categories of services listed in the statute. (The text of the new statutory provision, 18 U.S.C. § 3006A (d) (4), is set forth on the back of this notice.) The extent of disclosure depends on whether the case is pending and on whether the court determines that certain interests (enumerated in subpart (d)(4)(D) of the CJA and listed below in part B.1) require the redaction of detailed information on the voucher. Upon court approval of a voucher claim, payment information will be made available as follows:

- A. BEFORE OR DURING THE TRIAL:** After redacting any detailed information provided to justify the expenses, the court shall make available to the public only the amounts approved for payment. Upon the completion of trial, unredacted copies of the vouchers may be released, depending on whether an appeal is being pursued and whether the court determines that one or more of the interests listed in part B.1 require the redaction of information.
- B. AFTER THE TRIAL IS COMPLETED:** The court shall make available to the public either redacted or unredacted vouchers as follows.
- 1. If trial court proceedings have been completed and appellate review is not being pursued or has concluded at the time payment is approved:** The court shall make an unredacted copy of the payment voucher available to the public unless it determines that one or more of the interests listed below justify limiting disclosure to the amounts approved for payment in the manner described in part A. The interests that may require limiting disclosure include:
 - (1) the protection of any person's 5th Amendment right against self-incrimination;
 - (2) the protection of the defendant's 6th Amendment rights to effective assistance of counsel;
 - (3) the defendant's attorney-client privilege;
 - (4) the work product privilege of the defendant's counsel;
 - (5) the safety of any person; and
 - (6) any other interest that justice may require.
 - 2. If appellate review is being pursued at the time payment is approved:** The court shall make available to the public only the amounts approved for payment in the manner described in part A unless it finds that none of the interests listed above in part B.1 will be compromised.
- C. AFTER THE APPEAL IS COMPLETED:** The court shall make an unredacted copy of the payment voucher available to the public unless it determines that one or more of the interests listed in part B.1 justify limiting disclosure to the amounts approved for payment in the manner described in part A.

If counsel believes that any of the interests listed above in part B.1 justify limiting disclosure to the amounts approved for payment, counsel should submit to the court a written request, identifying the interests at risk and the arguments in support of providing protection, AT OR BEFORE THE TIME A CLAIM FOR PAYMENT IS MADE. Failure to do so could result in the public availability of unredacted copies of your vouchers without further notice.

This constitutes notice as required under 18 U.S.C. §3006A (d) (4) (E). You may NOT receive additional notice before any payment information is made available to the public.

**Provision of FY 1998 Judiciary Appropriation Act (Public Law 105-119, Nov. 26, 1997)
amending the Criminal Justice Act**

§. 306. Section 3006A(d) of title 18, United States Code, is amended by striking paragraph (4) and inserting the following:

“(4) DISCLOSURE OF FEES.—

“(A) IN GENERAL.—Subject to subparagraphs (B) through (E), the amounts paid under this subsection for services in any case shall be made available to the public by the court upon the court’s approval of the payment.

“(B) PRE-TRIAL OR TRIAL IN PROGRESS.—If a trial is in pre-trial status or still in progress and after considering the defendant’s interests as set forth in subparagraph (D), the court shall —

“(i) redact any detailed information on the payment voucher provided by defense counsel to justify the expenses to the court; and

“(ii) make public only the amounts approved for payment to defense counsel by dividing those amounts into the following categories:

“(I) Arraignment and or plea.

“(II) Bail and detention hearings.

“(III) Motions.

“(IV) Hearings.

“(V) Interviews and conferences.

“(VI) Obtaining and reviewing records.

“(VII) Legal research and brief writing.

“(VIII) Travel time.

“(IX) Investigative work.

“(X) Experts.

“(XI) Trial and appeals.

“(XII) Other.

“(C) TRIAL COMPLETED.—

“(i) IN GENERAL.—If a request for payment is not submitted until after the completion of the trial and subject to consideration of the defendant’s interests as set forth in subparagraph (D), the court shall make available to the public an unredacted copy of the expense voucher.

“(ii) PROTECTION OF THE RIGHTS OF THE DEFENDANT.—If the court determines that defendant’s interests as set forth in subparagraph (D) require a limited disclosure, the court shall disclose amounts as provided in subparagraph (B).

“(D) CONSIDERATIONS.—The interests referred to in subparagraphs (B) and (C) are —

“(i) to protect any person’s 5th amendment right against self-incrimination;

“(ii) to protect the defendant’s 6th amendment rights to effective assistance of counsel;

“(iii) the defendant’s attorney-client privilege;

“(iv) the work product privilege of the defendant’s counsel;

“(v) the safety of any person; and

“(vi) any other interest that justice may require.

“(E) NOTICE.—The court shall provide reasonable notice of disclosure to the counsel of the defendant prior to the approval of the payments in order to allow the counsel to request redaction based on the considerations set forth in subparagraph (D). Upon completion of the trial, the court shall release unredacted copies of the vouchers provided by defense counsel to justify the expenses to the court. If there is an appeal, the court shall not release unredacted copies of the vouchers provided by defense counsel to justify the expenses to the court until such time as the appeals process is completed, unless the court determines that none of the defendant’s interests set forth in subparagraph (D) will be compromised.

“(F) EFFECTIVE DATE.—The amendment made by paragraph (4) shall become effective 60 days after enactment of this Act, will apply only to cases filed on or after the effective date, and shall be in effect for no longer than twenty-four months after the effective date.”

CJA20. On or after January 1, 2015, a voucher submitted by appointed counsel for CJA-compensable work, exclusive of reimbursement for expenses reasonably incurred, shall have the following statutory maximums:

TYPE OF CASE	STATUTORY MAXIMUM
Felony Charge	\$9,900.00
Misdemeanor Charge	\$2,800.00
Non-Capital Habeas Petition	\$9,800.00
Appeals	\$7,100.00
Parole Representation, 18 U.S.C. §4106A	\$2,100.00
Other Representations	\$2,100.00

Vouchers requesting payment in excess of the statutory maximum fee must be approved by the district judge and also Chief Judge James Loken of the U.S. Court of Appeals for the Eighth Circuit. It is very important that you prepare a comprehensive justification statement so the district judge will make written findings that the case was extended and complex, and that the excess payment you are requesting is necessary to provide fair compensation.

CJA 21. On or after January 1, 2010, the amounts applicable to experts and other services are as follows:

APPROVAL LEVELS FOR EXPERTS & OTHER SERVICES	
Without Prior Authorization	\$800.00
With Prior Authorization	\$800.01-\$2,400.00
Circuit Approval Required	Over \$2,400.00

Services other than counsel may be obtained without prior authorization if the total cost of the service does not exceed **\$800**, exclusive of reimbursement for expenses reasonably incurred. The court may, in the interest of justice, and upon the finding that timely procurement of necessary services could not await prior authorization, approve payment for such services after they have been obtained, even if the cost of such services exceeds **\$800**. Compensation to experts and others on a CJA21 shall not exceed **\$2,400**, unless payment in excess of that limit is certified by the court as necessary to provide fair compensation for services of an unusual character or duration, and the amount of the excess payment is approved by the chief judge of the circuit.

These “services other than counsel” may include (in addition to investigators, psychiatrists, psychologists and reporters) services of, but not necessarily be limited to, interpreters, computer systems and automation litigation support personnel and experts; paralegals and legal assistants, including law students; neurologists; and laboratory experts in the areas of ballistics, fingerprinting and handwriting.

CHANGE DATES / RATES

HOURLY ATTORNEY FEES:

Criminal Cases:

05/01/02	\$90	09/01/2013	\$110
01/01/06	\$92	03/01/2014	\$126
05/20/07	\$94	01/01/2015	\$127
01/01/08	\$100		
03/11/09	\$110		
01/01/10	\$125		

Death Penalty Cases:

02/01/05	\$160	03/01/14	\$180
01/01/06	\$163	01/01/15	\$181
04/01/07	\$166		
01/01/08	\$170		
03/11/09	\$175		
01/01/10	\$178		

CASE MAXIMUMS:

01/01/10

CJA20

Felonies	\$9,700.00
Misdemeanor	\$2,800.00
Appeals	\$6,900.00
Other Reps	\$2,100.00

05/27/10 - **CJA21**

Prior Approval	over \$ 800
8CC Approval	over \$2,400

03/01/14

CJA20

Felonies	\$9,800.00
Misdemeanor	\$2,800.00
Appeals	\$7,000.00
Other Reps	\$2,100.00

05/27/10 - **CJA21**

Prior Approval	over \$ 800
8CC Approval	over \$2,400

01/01/15

CJA20

Felonies	\$9,900.00
Misdemeanor	\$2,800.00
Appeals	\$7,100.00
Other Reps	\$2,100.00

05/27/10 - **CJA21**

Prior Approval	over \$ 800
8CC Approval	over \$2,400

MILEAGE:

01/01/10 - 50.0¢	01/01/11 - 51.0¢	01/01/15 - 57.5¢
03/19/08 - 50.5¢	04/17/12 - 55.5¢	
08/01/08 - 58.5¢	01/01/13 - 56.5¢	
02/01/09 - 55.0¢	01/01/14 - 56.0¢	

INTERPRETERS:

01/02/08	Certified and Professional qualified Language Skilled	Day: \$376; Half Day: \$204 Day: \$181; Half Day: \$100
04/01/09	Certified and Professional qualified Language Skilled	Day: \$384; Half Day: \$208 Day: \$185; Half Day: \$102
02/01/10	Certified and Professionally Qualified Language Skilled	Day: \$388; Half Day: \$210 Day: \$187; Half Day: \$103

1/1/2015 PER DIEM:

Omaha, Douglas County	\$102	MIE \$61	= \$163
Standard Rate (rest of NE)	\$83	MIE \$46	= \$129

WEBSITE: <http://ne.fd.org>

ON LINE REFERENCE TOOL: <http://www.uscourts.gov/uscourts/cjaort/index.html>