

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

**PUBLIC NOTICE REGARDING  
AMENDMENTS TO THE CRIMINAL JUSTICE ACT  
EFFECTIVE MARCH 11, 2009**

Subject:           IMPLEMENTATION OF HOURLY RATE AND CASE MAXIMUM  
                          INCREASES FOR CRIMINAL JUSTICE ACT PANEL ATTORNEYS

Congress recently passed, and the President signed into law on March 11, 2009, the Omnibus Appropriations Act, 2009 (Pub. L. No. 111-8), the spending measure which includes fiscal year 2009 funding for the Judiciary. As detailed below, (1) the Congress authorized and provided funds to increase the capital and non-capital hourly rates for Criminal Justice Act (CJA) private “panel” attorneys; and (2) the change in the non-capital hourly rate results in an adjustment to the attorney case compensation maximum amounts.

**INCREASES IN CJA PANEL ATTORNEY HOURLY RATES**

Congress authorized and provided funds to raise the non-capital hourly panel attorney compensation rate from \$100 to \$110, and the maximum hourly capital rate from \$170 to \$175 (for federal capital prosecutions and capital post-conviction proceedings). These rates apply to attorneys appointed to represent eligible persons under the CJA, 18 U.S.C. § 3006A, and the Antiterrorism and Effective Death Penalty Act of 1996, codified in part in 18 U.S.C. § 3599.

**The new hourly compensation rates apply to work performed on or after March 11, 2009.** Where the appointment of counsel occurred before this effective date, the new compensation rates apply to that portion of services provided on or after March 11, 2009.

**INCREASES IN THE PANEL ATTORNEY CASE COMPENSATION MAXIMUMS**

The “Judicial Administration and Technical Amendments Act of 2008,” Pub. L. No. 110-406, amended the CJA to raise the case compensation maximums applicable to appointed panel attorneys in non-capital representations “simultaneously” with aggregate percentage increases in the maximum non-capital hourly compensation rate. The case compensation maximums resulting from the increase in the hourly rate to \$110 include, for example:

\$8,600 for felonies at the trial court level and \$6,100 for appeal (previously \$7,800/\$5,600);

\$2,400 for misdemeanors at the trial court level and \$6,100 for appeal (previously \$2,200/\$5,600);

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\$8,600 for non-capital post-conviction proceedings under 18 U.S.C. §§ 2241, 2254 or 2255 and \$6,100 for appeal (previously \$7,800/\$5,600).

**The new case compensation maximums apply to a voucher submitted by appointed counsel if that person furnished any CJA-compensable work on or after March 11, 2009.** The former case compensation maximums apply to a voucher submitted by appointed counsel if that person's CJA-compensable work on the representation was completed **before March 11, 2009.**

The revisions to the Guidelines for the Administration of the Criminal Justice Act and Related Statutes (CJA Guidelines), Volume 7, *Guide to Judiciary Policies and Procedures* are included as Attachment 1. The attachment shows in greater detail the changes in the case compensation maximums.

The CJA payment system signals the case compensation maximum based on the date the voucher is submitted rather than the dates of service, and therefore courts must manually review the vouchers submitted by appointed counsel in non-capital representations (CJA Form 20: Appointment and Authority to Pay Court Appointed Counsel) to determine which case compensation maximum governs. Instructions are appended (Attachment 2) for ensuring that the proper maximum is utilized.

March 23, 2009

*Sarah Allison Thornton*  
Clerk of Court