

OFFICE OF THE CLERK
UNITED STATES COURT OF APPEALS
FOR THE FIRST CIRCUIT

MARGARET CARTER
CLERK

JOHN JOSEPH MOAKLEY
UNITED STATES COURTHOUSE
1 COURTHOUSE WAY, SUITE 2500
BOSTON, MA 02210
(617) 748-9057

April 3, 2013

Dear First Circuit District Court and Appellate CJA Panel Members:

This letter is to update you with information about the new electronic voucher processing system ("eCJA VPS") and also to inform you of some recent amendments to the CJA Guidelines. As you know, the First Circuit Court of Appeals and the United States District Court for the District of Massachusetts are among the pilot courts that will test the new electronic vouchering system. See October 1, 2012 Notice re: eCJA-VPS on the First Circuit's CJA Announcements webpage. The Office of Defender Services recently informed us that the eCJA-VPS pilot testing will not get underway until October, 2013.

In addition, the Judicial Conference recently amended the CJA Guidelines to address possible nepotism concerns that may arise from CJA representations. Thus, under the newly amended, CJA Guidelines, §§ 220.18, 310.20.05, and 620.15, prior to engaging relatives for compensable services (other than as associate counsel in the same law firm), CJA-appointed counsel should notify the presiding judge of the familial relationship and of the services to be provided by counsel's relative. Similarly, if counsel is aware that he or she is related to any attorney on (or being considered for appointment on) the same representation, counsel should notify the presiding judge prior to appointment or as soon as practicable. The full text of these amended guidelines is attached.

As always, thank you for your service on behalf of indigent criminal appellants and to the administration of justice generally. Please continue to monitor the First Circuit's CJA Announcements webpage for future important updates. See <http://www.ca1.uscourts.gov/cja-announcements>. Thank you.

Very truly yours,

/s/ Margaret Carter, Clerk

Recent Amendments to the CJA Guidelines (rev. 4/2/13)

Ch 2: Appointment and Payment of Counsel

§ 220 Appointment of Counsel
[. . .]

§ 220.18 Notification of Relationship

Prior to appointment, counsel should notify the presiding judicial authority if counsel is aware that he or she is related (as the term is defined in 5 U.S.C. § 3110) to any attorney on the same representation, or any attorney being considered for appointment. If appointment of related counsel is made prior to notification, counsel should provide notification as soon as practicable.

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

§ 310 In General

§ 310.20 Limitations

§ 310.20.05 Engaging Relatives for Compensable Services

(a) Prior to engaging any relative (as that term is defined in 5 U.S.C. § 3110) to perform CJA compensable services, other than as associate counsel in the same law firm (**see:** Guide, Vol 7A, § 230.53.10), counsel should first provide notification of the relationship and potential services to the presiding judicial authority.

(b) The Court may, in the interest of justice, and upon finding that timely procurement of necessary services could not await prior notification, approve payment for such services up to the dollar threshold for obtaining services without prior authorization under 18 U.S.C. § 3006A(e)(2) and the CJA Guidelines (Guide, Vol 7A, § 310.20.30)[currently \$800].

Ch 6: Federal Death Penalty and Capital Habeas Corpus Representations

§ 620 Appointment of Counsel in Capital Cases
[. . .]

§ 620.15 Notification of Relationship

Prior to appointment, counsel should notify the presiding judicial authority if counsel is aware that he or she is related (as the term is defined in 5 U.S.C. § 3110) to any attorney on the same representation, or any attorney being considered for appointment. If appointment of related counsel is made prior to notification, counsel should provide notification as soon as practicable.

§ 660 Authorization and Payment for Investigative, Expert, and Other Services in Capital Cases

[. . .]

§ 660.20 Limitations on Payment for Investigative, Expert, and Other Services

[. . .]

§ 660.20.15 Engaging Relatives for Compensable Services

(a) Prior to engaging any relative (as the term is defined in 5 U.S.C. § 3110) to perform CJA compensable services, other than as associate counsel in the same law firm (**see:** Guide, Vol 7A, § 620.10.10(c)), counsel should first provide notification of the relationship and potential services to the presiding judicial authority.

(b) The court may, in the interest of justice, and upon finding that timely procurement of necessary services could not await prior notification, approve payment for such services up to the dollar threshold for obtaining services without prior authorization under 18 U.S.C. § 3006A(e)(2) and the CJA Guidelines, (Guide, Vol 7A, § 310.20.30)[currently \$800].