

DISTRICT OF OREGON

CONFIDENTIAL EX PARTE CJA CASE BUDGET

INSTRUCTIONS

A case budget is a case planning tool that can eliminate the need for multiple expert funding applications and for requests for excess compensation with individual vouchers. Case budgets should be submitted as early in the case as possible, and typically as soon as it is anticipated that total attorney fees on a case may exceed the statutory maximum. The statutory maximum for a charged felony in 2026 is \$13,800 (~ 78 hours). Attorneys should view the Defendant Detail Budget Report to view the statutory maximum* (representation limit).

It is expected that the statutory maximum will be sufficient to resolve most cases. A fair number of CJA cases will slightly exceed the statutory maximum and may not need to be budgeted at all. Some will have higher costs and require a budget. The following factors are likely to increase case costs: large indictments with multiple counts; four or more defendants; voluminous discovery (e.g., more than one terabyte of data in the form of documents, audio or video recordings, or forensic images of computers, cell phones, or other devices); use of wiretaps, especially involving foreign languages; securities or other major fraud cases; RICO cases; organized crime, gang, or drug trafficking cases; terrorism cases; cases with multinational aspects.

Attorneys are expected to engage paralegals, investigators, interpreters, in-house or contract associates, law clerks, and other cost-effective service providers where feasible and appropriate.

If total attorney fees over the life of the representation will:

- not exceed approximately 125% of the statutory maximum (\$17,500/~99 hours), no budget is required.
- not exceed approximately 200% of the statutory maximum (\$27,600/~155 hours), a presumptive budget may be submitted in lieu of a detailed budget. Hours outlined in the presumptive budget are not intended to be fungible among categories (16a – 16e).
Total attorney fees in presumptive budget cases may not exceed \$27,600.
- exceed \$27,600, OR if anticipated services/hours substantially differ from the presumptive budget, use a detailed budget.

Detailed budgets are submitted in phases (pretrial, trial, sentencing) or in intervals of three to six months. If a case is particularly extended or complex, a budget may be submitted for a different interval. Line-item tasks assist with case planning and voucher review. While attorneys may need to deviate from the estimated time for tasks, substantial differences may result in increased scrutiny of the reasonableness of services.

Claims for compensation in which total attorney fees on a case exceed \$17,500 without an approved case budget will be returned.

*On supervised release violation, witness, or other representations, the statutory maximum is usually \$3,000. A case budget is not required unless total attorney fees are expected to exceed \$5,000. Contact ORX_CJATeam@fd.org if you anticipate that fees may exceed \$5,000.

How to use the budget form:

1. Assess whether to use a presumptive or detailed budget.
2. Estimate attorney and non-attorney services for a case phase or for the next three to six months. If a case is particularly extended or complex, counsel may submit a budget for a different time interval.
3. Complete attorney name, client name and case number, and budget start and end dates.
4. Enter estimated hours for each task. Do not adjust the hours on the presumptive budget.
5. To assist counsel, Services are pre-populated on the budget forms. Tailor descriptions of Services to your budget phase. Delete unnecessary services and add services as needed.
6. Add or delete rows as needed (e.g., delete Sentencing row if no sentencing in budget).
7. Note that the Sentencing Row includes time for nearly all services to prepare for sentencing. Thus, a sentencing budget may need only the Sentencing row. Additional rows can be deleted.
8. Submit interim vouchers every three months.

How to submit a budget:

1. In eVoucher, create a BudgetAuth. Detailed instructions for [Budget Auths](https://or.fd.org/sites/or/files/pdfs/Tip%20Sheet%20-%20Budget%20Auths%20in%20eVoucher.pdf) are available at <https://or.fd.org/sites/or/files/pdfs/Tip%20Sheet%20-%20Budget%20Auths%20in%20eVoucher.pdf>.
2. Upload supporting documents including: 1) a Request for Excess Compensation, 2) a detailed or presumptive budget, and 3) resumes or CVs for experts.
3. The Request for Excess Compensation (REC) serves double-duty. It is used both as the narrative portion of the case budget, and as counsel's detailed memorandum in support of excess fees, as required by the Guide to Judiciary Policy, Volume 7A, Chapter 2, § 230.30. Therefore, the REC must be uploaded to both case budgets and to excess vouchers.
4. BudgetAuths missing required attachments or without current billing will be returned.
5. Submit current billing for all defense team members in eVoucher. If currently billed fees exceed the statutory maximum, a Request for Excess Compensation must also be attached to the excess voucher. The REC serves as counsel's detailed memorandum in support of excess fees, as required by the Guide to Judiciary Policy, Volume 7A, Chapter 2, § 230.30.
6. Budgets will be advanced for judicial review or returned within 30 days.

