

District of Oregon Criminal Justice Act Panel Attorney and Service Provider Manual



Administered by
The Federal Public Defender
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TABLE OF CONTENTS

I.	INTRODUCTION	1
II.	THE CRIMINAL JUSTICE ACT: DISTRICT OF OREGON.....	2
A.	THE CRIMINAL JUSTICE ACT PANEL.....	2
B.	APPLICATION PROCESS	2
C.	CASE ASSIGNMENTS	3
III.	DUTIES OF CJA PANEL MEMBERS.....	4
A.	STANDARDS AND PROFESSIONAL CONDUCT	4
B.	CONTINUING REPRESENTATION.....	4
C.	COURT APPEARANCES	5
D.	FISCAL RESPONSIBILITY	5
IV.	CJA APPOINTMENTS	6
A.	APPOINTMENT	6
B.	MOTIONS TO WITHDRAW	6
C.	TERMINATION.....	7
V.	CASE STAFFING	8
A.	CO-COUNSEL	8
B.	ASSOCIATE ATTORNEYS.....	8
C.	LAW CLERKS AND PARALEGALS	9
D.	CONTRACT ATTORNEYS (LEGAL ANALYSTS)	9
E.	INVESTIGATIVE, EXPERT, AND OTHER SERVICES	9

TABLE OF CONTENTS

F.	RELATIVES	10
G.	ENGAGEMENT LETTERS.....	10
VI.	COMPENSATION AND PRIOR COURT AUTHORIZATION	11
A.	CASE BUDGETING	11
B.	ATTORNEY COMPENSATION.....	12
	Hourly Rate and Case Compensation Limits.....	12
	Case Compensation Limits	12
	Compensable Services	12
C.	INVESTIGATOR, EXPERT, AND OTHER SERVICE PROVIDER COMPENSATION ..	13
	Fee Limits and Approvals.....	14
	Hourly Rates	15
	Interpreters: Special Rules	16
VII.	BILLING AND VOUCHER REVIEW	18
A.	CONTEMPORANEOUS RECORDS	19
B.	SPECIFICITY IN BILLING.....	19
C.	MORE THAN TEN (10) HOURS IN A DAY	20
D.	OVERLAPPING TIME	20
E.	TIMING & FREQUENCY OF BILLING.....	21
F.	FINAL VOUCHERS	22
G.	UNTIMELY VOUCHERS.....	22

TABLE OF CONTENTS

H.	VOUCHER REVIEW	22
I.	VOUCHER REDUCTION	23
VIII.	TRAVEL	25
A.	TRAVEL-RELATED COMPENSABLE TIME	25
B.	TRAVEL EXPENSES	25
C.	TRAVEL BY AIR	26
D.	TRAVEL BY PRIVATELY OWNED VEHICLE	26
E.	CAR RENTAL AND GROUND TRANSPORT	27
F.	CLIENT TRAVEL.....	27
IX.	EXPENSES	28
A.	GENERALLY.....	28
B.	GENERAL OFFICE OVERHEAD: NOT REIMBURSABLE.....	28
C.	COPIES AND PRINTING	28
D.	PHONE CALLS.....	29
E.	POSTAGE.....	29
F.	TRANSCRIPTS	29
G.	PERSONAL ITEMS: NOT REIMBURSABLE.....	29
H.	LEGAL RESEARCH.....	30
	Commercial Computer-Assisted Legal Research	30
	Computer-Assisted Legal Research.....	30

TABLE OF CONTENTS

PACER.....	30
I. FACT WITNESS EXPENSES: NOT REIMBURSABLE THROUGH THE CJA	30
J. CONTINUING LEGAL EDUCATION: NOT REIMBURSABLE	31
K. EXPERT SERVICES: NOT REIMBURSABLE	31
X. RETAINED COUNSEL AND CJA EXPENDITURES.....	32
A. RETAINED COUNSEL SEEKING CJA FUNDING FOR SERVICE PROVIDERS	32
B. RETAINED COUNSEL SEEKING CJA FUNDING FOR ATTORNEY FEES	32
XI. ADDITIONAL RESOURCES	34

I. INTRODUCTION

I. INTRODUCTION

This Manual, designed to help CJA practitioners navigate local requirements under the CJA, is only one of many sources of guidance on the Criminal Justice Act. CJA practitioners should also familiarize themselves with other CJA resources, listed in Appendix 1.

If you have questions concerning CJA-related matters, please contact the CJA Panel Office at ORX_CJATeam@fd.org or 503-326-2123. You may also reach out to:

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II. THE CRIMINAL JUSTICE ACT: DISTRICT OF OREGON

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The Sixth Amendment to the United States Constitution guarantees the assistance of counsel for those accused of serious crimes. The Criminal Justice Act, 18 U.S.C. § 3006A, provides funding for the legal representation of individuals financially unable to obtain adequate representation.

In each district, a plan exists for providing representation through private panel attorneys and federal public or community defender offices. In the District of Oregon, the Federal Public Defender administers the Criminal Justice Act Panel, with the assistance of the CJA Panel Office. The [CJA Plan](#) is available on the [website](#) of the Federal Public Defender for the District of Oregon.

A. THE CRIMINAL JUSTICE ACT PANEL

The CJA Panel is made up of highly qualified, experienced private attorneys who have been selected to provide representation under the CJA. There are five separate panels: Portland Trial, Eugene Trial, Medford Trial, Appellate/Habeas, and Emeritus. Attorneys may serve on more than one panel. Trial and appellate/habeas panel attorneys must be willing to accept a minimum number of appointments throughout the year. Emeritus members are usually long-standing CJA Panel attorneys who may have a reduced caseload. Mentee attorneys have not been admitted to the Panel, but co-counsel cases with experienced assistant federal public defenders and panel attorneys at a reduced hourly rate. New CJA Panel attorneys and mentees are required to complete a training program before being considered for admission to the CJA Panel.

B. APPLICATION PROCESS

A Panel Screening Committee periodically reviews applications for membership on the CJA Panel. [Applications](#) are available on the [website](#) of the Federal Public Defender for the District of Oregon. CJA Panel review announcements and deadlines are shared with bar organizations, bar affinity

II. THE CRIMINAL JUSTICE ACT: DISTRICT OF OREGON

groups, public defenders, and conflict counsel consortiums. They may also be posted in bar association publications, legal journals, and other media. Recruitment efforts are made to build a diverse panel and ensure that all qualified attorneys are encouraged to participate. Attorneys may contact the CJA Panel Office at any time to request notification of the next panel review.

C. CASE ASSIGNMENTS

The case assignment procedure is designed to achieve a balanced distribution of appointments and compensation among members of the CJA Panel, and high-quality representation for every defendant. The CJA Panel Office will ordinarily contact counsel on a rotation for case assignments, with exceptions for an attorney's expertise, the nature or complexity of the case, unusual needs of a client, or geographical considerations.

In unusual cases and in the interests of justice, the Federal Public Defender may recommend the appointment of an attorney who may not be a member of the CJA Panel to preserve continuity of representation or where other special circumstances exist. The attorney should possess such qualities as would qualify the attorney for admission to the district's CJA Panel in the ordinary course of panel selection.

III. DUTIES OF CJA PANEL MEMBERS

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D. STANDARDS AND PROFESSIONAL CONDUCT

CJA Panel attorneys must provide high-quality representation consistent with the best practices of the legal profession and conform to the highest standards of professional conduct.

CJA Panel attorneys are selected for their experience in federal court, their skills, and their reputation for excellence. Attorneys are expected to remain current with developments in federal criminal defense law, practice, and procedure. To that end, attorneys are required to:

- accept cases promptly and in sufficient number, and
- attend trainings and continuing legal education programs sponsored by the Federal Public Defender and other programs relevant to federal criminal practice, including effective and efficient management of technology.

Attorneys are encouraged to participate in moots prior to appellate arguments, and to otherwise use and contribute to resources available through the Office of the Federal Public Defender. To arrange a moot or case staffing, attorneys may contact the CJA Panel Office.

CJA panel members must notify within 30 days the Federal Public Defender when any licensing authority, grievance committee, or administrative body has taken action against them, or when a finding of contempt, sanction, or reprimand has been issued against the attorney by any state or federal court.

E. CONTINUING REPRESENTATION

Once an attorney is appointed under the CJA, the attorney will continue the representation including on appeal until the court has appointed substitute counsel, the appointment is terminated, or the matter is closed. If

III. DUTIES OF CJA PANEL MEMBERS

it is in the best interests of the client, and depending on the attorney's professional skills and obligations, attorneys should move to withdraw in the Ninth Circuit Court of Appeals after a notice of appeal has been timely filed. Attorneys must contact the CJA Panel Office and complete a [Request for Substitution of Counsel](#) *before* filing a motion to withdraw.

F. COURT APPEARANCES

Attorneys appointed under the CJA are expected to personally appear and provide zealous representation in all proceedings related to court appearances, detention and release hearings, status conferences, plea hearings, detention, substantive motions, trial, and sentencing. Associates may not appear as counsel of record, except in rare instances where counsel has been granted prior court approval upon the recommendation of the Federal Public Defender.

G. FISCAL RESPONSIBILITY

Without compromising the quality of the representation, attorneys are encouraged to use interpreters, paralegals, investigators, in-house or contract associates, law clerks, and other cost-effective service providers to reduce costs where feasible and appropriate. Attorneys should negotiate with experts for CJA hourly rates discounted from privately retained rates, and for reduced rates for travel time (usually half). Attorneys should pursue other cost-saving measures that do not affect the quality of representation (e.g., coordinate travel with members of the defense team, arrange travel for consecutive client meetings, arrange travel reservations well in advance of air travel).

CJA Panel attorneys are expected to maintain a bank of standard pleadings, such as motions to continue, waivers of appearance, plea petitions, and waivers of speedy trial.

V. CASE STAFFING

IV. CJA APPOINTMENTS

A. APPOINTMENT

The CJA Panel Office will contact attorneys to assign cases. Once an attorney accepts a case, the Federal Public Defender will recommend appointment. After the court appoints counsel, the CJA Panel Office enters the appointment into eVoucher. There must be a current appointment order by the court and a current case appointment in eVoucher for counsel to be compensated.

B. MOTIONS TO WITHDRAW

Attorneys appointed under the CJA who are considering withdrawing from a case before resolution must contact the CJA Panel Office and send a completed [Substitution of CJA Counsel](#) request *prior* to filing a motion to withdraw. Counsel should provide information about the basis for the request to withdraw, the nature of the conflict, an estimate of time spent, services used on the case, and a description of work product that is available to provide to substitute counsel. The CJA Panel Office will provide counsel with a Notice form signed by the Federal Public Defender. Counsel files in CM/ECF the motion to withdraw, and an ex parte declaration supporting the motion to withdraw, which includes a request for a hearing on the status of counsel, attaching the signed Notice form.

As an alternative to requesting substitution of counsel, in some cases counsel may want to consider requesting the limited appointment of a “second opinion” counsel, particularly where there is a difference of opinion with the client or a breakdown in the attorney-client relationship. Counsel should contact the CJA Panel Office and send a completed [Second Opinion Counsel](#) request.

CJA counsel who has been substituted on a case can ordinarily expect to be paid for compensable services on the case. If the attorney has withdrawn for personal reasons and cannot complete the case or is unable to provide

V. CASE STAFFING

substitute counsel with usable work product, however, the court may reduce or decline payment for some services. A final voucher must be submitted within **30** days of substitution of counsel.

Counsel must contact the CJA Office prior to assisting clients with supervised release violations, motions for early termination of supervised release, Rule 35 motions, and other post-judgment matters. A new appointment order by the court and a new case appointment in eVoucher is required for counsel to be compensated.

C. TERMINATION

Following the entry of the judgment, final order, or other final disposition, counsel should send the client a closing letter, file a notice of termination in CM/ECF, contact all investigators, experts, and other service providers for final vouchers, and submit final vouchers within 90 days (30 days if substitution). A completed [Case Closing Form](#) must be uploaded in eVoucher in the Documents tab of the final voucher.

If counsel expects to continue the representation beyond judgement for services such as assisting with a delayed surrender date, counsel must still file a final voucher within 90 days of entry of judgment or other disposition. Additional services should be billed on a supplemental voucher.

If counsel obtains information during the representation that a client is financially able to make payment, in whole or in part, for legal or other services in connection with the representation, and the source of the information is not protected as a privileged communication, counsel should advise the court.

If the court determines the client is financially able to obtain counsel without substantial financial hardship, the court may order the person to reimburse the court for all or part of the cost of the representation.

V. CASE STAFFING

V. CASE STAFFING

CJA Panel attorneys are encouraged to use interpreters, paralegals, investigators, in-house or contract associates, law clerks, and other cost-effective service providers to reduce costs where the attorney's expertise is not required, particularly for discovery and record review, and legal research. Counsel is responsible for ensuring that services and expenses are reasonable, necessary, and compensable under the CJA guidelines.

Attorneys should develop a plan to divide responsibilities among defense team members so that each team member is performing duties effectively and efficiently, avoiding duplication of efforts. If there are more than two attorneys on an appointment as co-counsel or associates, no more than two attorneys/associates may bill for the same meeting times, even if multiple attorneys attended the meeting.

A. CO-COUNSEL

More than one attorney may be appointed to an extremely difficult case if the court finds that it is in the interests of justice to appoint an additional attorney. Appointed counsel should send an email to the CJA Panel Office to seek co-counsel. The email should detail why the nature of a case warrants the appointment.

If co-counsel is appointed by the court, counsel must submit a case budget within 30 days or less outlining a plan for the division of labor. Each attorney bills on a separate voucher. Each attorney may bill up to the case compensation maximum, and each may seek fees in excess of the case compensation maximum.

B. ASSOCIATE ATTORNEYS

CJA Panel attorneys are encouraged to use associates. Prior court authorization in eVoucher is required for services by associates, whether in-house or outside appointed counsel's firm. Associate requests are filed in eVoucher using a CJA-26 or as part of a Budget Auth in eVoucher. The

V. CASE STAFFING

request must include an effective start date and a resume or curriculum vitae for the associate. Associates are not appointed on the docket. Appointed counsel and associates submit separate CJA-20 vouchers.

Appointed counsel remains responsible for the representation; the associate may not effectively become the primary attorney on the case. Associates may not appear as counsel of record, except in rare instances where counsel has been granted prior court approval upon the recommendation of the Federal Public Defender.

C. LAW CLERKS AND PARALEGALS

Prior court authorization in eVoucher is required for services by law clerks and paralegals. Law clerks are generally law students or unbarred attorneys. Attorneys at law are categorized as associate attorneys. Paralegals may only bill for services that are distinct from routine administrative or clerical services. The hourly rate of in-house paralegals and other in-house service providers may not exceed the standard CJA rate or the actual cost to the law firm.

D. CONTRACT ATTORNEYS (LEGAL ANALYSTS)

CJA Panel attorneys are encouraged to use contract attorneys with particularized expertise (legal analysts), such as tax or immigration law, to reduce costs in cases. Prior court authorization in eVoucher is required for services by legal analysts. Legal analysts are considered experts and submit claims for compensation on a CJA-21, rather than on a CJA-20.

E. INVESTIGATIVE, EXPERT, AND OTHER SERVICES

In order to provide effective representation, attorneys are encouraged to use investigators, litigation support services, psychologists, and other forensic experts. Prior court authorization in eVoucher is required for expert services.

V. CASE STAFFING

CJA funds may also be available to pro se defendants and to individuals who have retained counsel but cannot also afford the cost of investigation or other services. See pages 32-33.

F. RELATIVES

Prior to engaging any relative for CJA services, attorneys must first contact the CJA Panel Office regarding the nature of the relationship and potential services.

G. ENGAGEMENT LETTERS

CJA Panel attorneys are encouraged to use written engagement letters with investigators, experts, and other service providers. The letter should include the hourly rate, the authorized compensation amount, and the requirement for contemporaneous timekeeping. Engagement letters are potentially discoverable.

VI. COMPENSATION AND PRIOR COURT AUTHORIZATION

VI. COMPENSATION AND PRIOR COURT AUTHORIZATION

A. CASE BUDGETING

Case budgets are case planning tools to help ensure that defense counsel has access to resources and investigators, experts, and other service providers necessary to effectively represent clients. Budgets provide the court with information to administer the expenditure of public funds. Budgets are not set in stone and may be amended in the event of unexpected case needs. Budget amendments and requests for additional funds must be submitted and approved in eVoucher *before* counsel or experts exceed the existing budget.

Budgets are required in death-eligible prosecutions and capital habeas cases. Within 14 days of appointment, CJA counsel should contact the CJA Resource Attorney for assistance with case budgeting.

Budgets are required in non-capital cases if attorney fees may exceed the statutory case compensation maximum. Attorneys should submit a case budget in eVoucher or contact the CJA Resource Attorney for assistance with case budgeting as soon as counsel anticipates that attorney fees may exceed the statutory maximum during the life of the case. Budgets are typically submitted for case phases, and reasonable time spent preparing a budget is compensable.

Attorneys are responsible for tracking attorney and service provider hours. Attorneys should review the [Defendant Detail Budget Report](#) in eVoucher on a routine basis (at least every one to three months) to ensure all defense team members are billing contemporaneously and are within authorized fee limits. Attorneys, investigators, experts, and other service providers may not exceed funding authorized by the court, barring services that could not wait for preapproval (e.g., witness interviews shortly before sentencing take longer than expected). “Competing professional demands” does not constitute a basis for failing to obtain pre-approval; the basis must be specific to the case needs.

VI. COMPENSATION AND PRIOR COURT AUTHORIZATION

Supplemental budget requests must be submitted and approved *before* existing fee limits are exhausted and far enough in advance to give the court sufficient time to review and rule on the request.

B. ATTORNEY COMPENSATION

Hourly Rate and Case Compensation Limits

[Hourly rates](#) for CJA Panel attorneys are set by the Judicial Conference and are generally adjusted each year, depending on the availability of funds. The new rates apply to services performed on or after the effective date.

The CJA contains waivable statutory case compensation maximums for the various types of representations. These limits do not apply in capital cases. Expenses do not count against the statutory maximum.

Case Compensation Limits

Prior court authorization is required to exceed the statutory case compensation maximum. The court may authorize additional attorneys' fees to provide fair compensation in cases involving extended or complex representation, as defined by the CJA Guidelines.

If counsel's fees exceed the statutory maximum in a non-budgeted case, counsel must submit a [Request for Excess Compensation](#) with the voucher. The form must contain detail sufficient to justify a finding by the court that the case involves extended or complex representation, and that the amount is necessary to provide fair compensation.

Compensable Services

Please review the [Ninth Circuit CJA Compensability Handbook](#) for guidelines and detailed examples of compensable and non-compensable services.

VI. COMPENSATION AND PRIOR COURT AUTHORIZATION

C. INVESTIGATOR, EXPERT, AND OTHER SERVICE PROVIDER COMPENSATION

Funds for investigative, expert, and other services necessary for adequate representation are available under the CJA. To provide effective representation, attorneys are encouraged to use investigators, litigation support services, psychologists, and other forensic experts. A full list of service provider and expert types is available in eVoucher.

Attorneys must obtain court authorization for expert services in eVoucher *before* services are rendered. Attorneys are responsible for keeping track of all authorized fee limits, and for advising experts, in writing, the details of an authorization. If counsel does not obtain advance authorization in eVoucher for the expert, the court may decline compensation. Investigators, experts, and other service providers are responsible for keeping track of approved fee limits and notifying counsel, in writing, of any need for additional funds *before* exhausting existing authorizations.

AUTHORIZATIONS

The CJA Panel Office will submit administrative Authorizations on behalf of counsel for interpreter, investigator, and paralegal services pre-authorized by [Standing Order](#). Counsel must submit Authorizations, supported by a declaration, for all other expert services.

Exception: Drug and alcohol evaluations and polygraphs do not require an Authorization if the cumulative total is less than \$1,000.

Declarations in support of an Authorization should contain the charges and factual allegations, a brief case background, a procedural history, the current posture of the case, the representational purpose for the services, a detailed description of the work to be accomplished, the total funds requested, the hourly rate, the total number of hours, and a resume or curriculum vitae, if applicable. Counsel should describe efforts to negotiate rates and otherwise reduce costs.

VI. COMPENSATION AND PRIOR COURT AUTHORIZATION

Boilerplate declarations are insufficient. Declarations in support of requests for additional funds should include a summary of completed and anticipated services.

Note: Attorneys must select an approved Authorization before creating a CJA-21 voucher for an expert. Vouchers not connected to an approved Authorization will be returned, and the service provider will be required to re-enter the services on a new voucher.

Nunc Pro Tunc Requests

Nunc pro tunc requests are disfavored and will be considered only if the court finds, in the interests of justice, that timely procurement of the additional services could not await advance authorization, such as when a task not previously contemplated required immediate action.

In the rare instance when prior authorization is not feasible, the attorney must file an Authorization in eVoucher supported by a declaration detailing the nunc pro tunc date (the date the expert exhausted the current authorized fee limit), a showing of good cause as to why services could not wait for preapproval, and detailing why, in the interests of justice, the services were necessary. Nunc pro tunc requests without sufficient explanation will be returned to counsel for additional detail.

Exception: If an expert's final bill exceeds authorized fee limits by a de minimis amount (i.e., less than \$1,000), counsel may submit a declaration for excess fees with the voucher instead of an Authorization, the declaration must contain the same information as a nunc pro tunc request. Final bills exceeding the authorized fee limit by more than \$1,000 without an approved nunc pro tunc Authorization will be returned.

Fee Limits and Approvals

The current statutory case compensation maximum for each service provider type is \$3,000. Expenses do not count against the maximum.

VI. COMPENSATION AND PRIOR COURT AUTHORIZATION

Funds are automatically authorized in the following instances:

- **Cumulative Case Total:** \$1,000 Limit

The Criminal Justice Act authorizes expert services up to a cumulative total \$1,000, without further authorization. These funds may not be used for services in which fees may exceed \$1,000, and are usually reserved for limited one-time services, such as a drug and alcohol evaluation or polygraph examination.

- **Standing Order 2023-8:** \$3,000 limit (per provider type)

[Standing Order 2023-8](#) pre-authorizes up to \$3,000 for services by interpreters, paralegals, investigators, psychologists, and litigation support experts in *new* cases. The CJA Panel Office submits administrative authorizations on behalf of counsel for interpreters, paralegals, and investigators at the outset of each case. If psychologist or litigation support funds are needed, counsel should contact the CJA Panel Office for an administrative authorization.

- **Circuit Approval:** Over \$3,000

If a service provider's fees on a case exceed \$3,000, the court may find that excess payment is necessary to provide fair compensation for services of an unusual character or duration and waive the maximum. The Ninth Circuit reviewing judge must approve all expert funding in excess of \$3,000.

Hourly Rates

The Ninth Circuit has set forth a range of [presumptive expert rates](#). The District of Oregon adopts its own district-wide [standard expert rates](#) for routine services, based on local needs.

VI. COMPENSATION AND PRIOR COURT AUTHORIZATION

Within these ranges, attorneys should negotiate the lowest reasonable hourly rate. [Travel](#) by experts should be billed at half of the hourly rate for substantive services. In individual cases, courts may, for good cause, approve rates greater than the presumptive maximum. Factors include the uniqueness of the service or the expert; the expert's education, training, or specialization; a lack of availability of this or similar experts; the complexity of the case; and any time limitations on the case that may affect how quickly the service needs to be completed. The authorized rate and any supporting information must be included in the authorization request.

Some experts, such as bilingual investigators, may qualify for an increased hourly rate if they provide multiple types of services or have specialized skills relevant to services on a specific case. Attorneys should include in the Authorization any request and justification for a rate increase and attach a resume or curriculum vitae.

Please review the [Ninth Circuit CJA Compensability Handbook](#) for guidelines and detailed examples of compensable and non-compensable services.

Interpreters: Special Rules

Interpreters are an integral and valued part of effective representation of CJA clients. [Special rules and rates](#) apply to interpreters in the District of Oregon and differ from Ninth Circuit policies.

Compensation: Interpreters are compensated for actual time spent on services, except that interpreters may bill one hour for services requiring up to one hour. The District of Oregon permits a 1-hour minimum per client per day for services and cancellation with less than 24 hours' notice, in addition to travel time. If one client is seen multiple times in a day, and the aggregate time for the client that day is less than one hour, the interpreter may bill no more than the 1-hour minimum for that day. If multiple clients are seen in a day, the 1-hour minimum shall be applied to each client. Services over 1 hour

VI. COMPENSATION AND PRIOR COURT AUTHORIZATION

shall be charged at actual time. Travel time should be separated onto another line in eVoucher. Travel miles should be billed as expenses.

Cancellations: Attorneys should make every effort to avoid cancelling an appointment with an interpreter with less than 24 hours' notice. Should late cancellation occur, interpreters may bill for a 1-hour minimum plus travel time and out-of-pocket expenses; or, if no travel is involved, the 1-hour minimum. Verification of late cancellation should be noted on the voucher entry by the interpreter, and by attorney in the Notes field on the voucher.

Authorizations for Spanish-language services are not associated with a particular interpreter's name and can be used by any Spanish-language interpreter. If the cumulative total of interpreter funds is less than \$5,000, authorization is required but no declaration is needed.

If an interpreter is needed for a language other than Spanish, the interpreter's rate must be approved prior to commencing services.

Document Translation: Standing Order 2023-8 does not cover document translation. Document translation is distinct from interpreting and requires prior court authorization in eVoucher. Please contact the CJA Office for prior authorization and assistance on any document translation that exceeds 1,500 words (three single-spaced pages, or five double-spaced pages). Note that standard documents used by the court, such as the plea petition, are available in Spanish from the CJA Panel Office.

VII. BILLING AND VOUCHER REVIEW

VII. BILLING AND VOUCHER REVIEW

All CJA claims for compensation and reimbursement of expenses in the District of Oregon must be submitted through eVoucher. Forms and instructions can be found on the [eVoucher Help menu](#). All submissions in eVoucher are ex parte.

To request an eVoucher account, please complete an [eVoucher User Profile Request](#), a W-9, and for experts, a resume or curriculum vitae. Request for changes of address or tax identification numbers should be submitted on a new eVoucher User Profile request with a current W-9.

Attorneys and service providers/experts are responsible for knowing and following the billing rules. Voucher review assures compliance with the billing rules. Please consult the [Guide to Judiciary Policy, Vol. 7](#), the [Ninth Circuit Compensability Handbook](#), and the District of Oregon CJA Manual.

Attorneys are responsible for creating vouchers (billing documents) for themselves and for each expert. Vouchers should be assigned to the expert to complete. Attorneys must review expert vouchers for accuracy and thoroughness and should submit vouchers in a timely manner. Attorneys should regularly check their eVoucher homepage for vouchers awaiting review. Attorneys will receive an automated notification when an expert has submitted a bill for review.

eVoucher Document Types	
Document	Use
Auth	Expert funding request
Budget Auth	Attorney and expert funding request on one document
CJA-20	Attorney bill on non-capital case
CJA-30	Attorney bill on capital case
CJA-21	Expert bill on non-capital case

VII. BILLING AND VOUCHER REVIEW

CJA-31	Expert bill on a capital case
Auth-24	Transcript request
CJA-24	Court reporter bill for transcripts
CJA-26	Associate funding request

A. CONTEMPORANEOUS RECORDS

Attorneys, investigators, experts, and other service providers are required to maintain contemporaneous time records for all CJA work. Records are subject to audit by the Administrative Office of the U.S. Courts and must be retained for three years after approval of the final voucher in a case.

B. SPECIFICITY IN BILLING

Claims for compensation should contain sufficient detail to allow for a meaningful review and determination of reasonableness. All billing must be done in tenths of an hour. Specific billing tipsheets are available on the [website](#) of the Federal Public Defender for the District of Oregon. Examples are:

- Bundling not ok: Each *type* of task requires a separate line-item entry. For example, the following may not be combined: travel and client visits, calls and discovery review, emails, witness interviews, etc.
- Aggregating encouraged: The *same* type of services on the *same* date should be grouped (“aggregated”) by type, with descriptions. For example: 25 emails with defense team on one line; discovery review Volume 1, Bates # 1 to 200 and line sheets for 3 TTNs on another line; phone calls to investigator, interpreter, AUSA on another line. Client communications should be listed separately. Grouping *like* services allows for more efficient voucher review.
- Discovery Review: Entries must include quantitative descriptors, such as number of pages, Bates stamp ranges, length of audio or

VII. BILLING AND VOUCHER REVIEW

video recordings, as well as the nature of the materials (e.g., transcripts, investigative reports, medical records, etc.).

- Legal research: describe the issue and/or purpose of the research.
- Conferences and phone calls: identify the general topic and participants; initials should be used for witnesses.
- Court filings: identify documents by name and ECF numbers when preparing or reviewing court filings.
- Travel entries must contain the beginning and ending locations (address is not needed). If travel took longer than would be identified on an online maps service, the entry must contain detail sufficient to support the additional time.

C. MORE THAN TEN (10) HOURS IN A DAY

If an attorney or expert bills more than ten (10) hours in a single day when not in trial, the biller should provide additional information in the Attorney/Public Notes field on the Confirmation tab of each voucher that includes greater than ten-hour days. Vouchers without an explanatory note will be returned.

D. OVERLAPPING TIME

When attorneys, investigators, experts, or other service providers spend time that benefits more than one CJA client (such as driving to the jail to see multiple clients or conducting research on a common issue in two cases), the time should be split between the CJA clients. A cross-reference should appear on each voucher; experts should omit identifying details in the cross-reference to preserve confidentiality.

If for some reason the time cannot be split between clients, the time may be billed to one client, the biller should provide additional information in the Attorney/Public Notes field on the Confirmation tab. Vouchers without an explanatory note will be returned.

VII. BILLING AND VOUCHER REVIEW

E. TIMING & FREQUENCY OF BILLING

Interim billing allows for review of vouchers on a timely and ongoing basis. Counsel should make every effort to submit all outstanding vouchers in a case at the same time and are responsible for advising service providers of this voucher submission requirement. Attorney and service provider vouchers must be submitted together every three months unless fees are less than \$1,500.

VII. BILLING AND VOUCHER REVIEW

F. FINAL VOUCHERS

Final vouchers must be submitted within **90** days of entry of judgment, final order or other disposition. If a representation is terminated prior to the disposition of a case (e.g., substitution), final vouchers must be submitted within **30** days of conclusion of the representation. In all cases, attorneys should timely notify investigators, experts, and other service providers of disposition of a case, and submit all final vouchers in a case at the same time.

If counsel is required to do additional work on a case after submitting a final voucher, counsel should contact the CJA Panel Office to determine whether a supplemental voucher is sufficient, or if a new appointment order is needed.

G. UNTIMELY VOUCHERS

Attorneys, experts and service providers risk not being paid if vouchers are untimely. Vouchers submitted after 90 days but within one year of the conclusion of the case require a declaration showing good cause for the delay.

H. VOUCHER REVIEW

Newly submitted vouchers are initially scanned for completeness to verify required information and attachments are included. Incomplete vouchers will be returned. Complete vouchers are subject to the following levels of review:

- **Technical audit:** For conformity with CJA guidelines and local rules, as well as for accuracy, specificity, and reasonableness. This includes but is not limited to comparing vouchers, verifying in-court time, confirming pleadings using CM/ECF or PACER; confirming claim for compensation is within authorized fee limits.

VII. BILLING AND VOUCHER REVIEW

- Reasonableness review: To assess whether services are consistent with those outlined in the approved Authorization, necessary for the representation, and reasonable. This includes but is not limited to comparing vouchers, reviewing approved Authorizations, case budgets, dockets, and filed pleadings.
- Presiding judge review: The presiding judge or delegate reviews the voucher for compensability, necessity, and reasonableness; makes findings as to whether the case is extended or complex, whether payments are in the interests of justice, and whether excess compensation is necessary for fair payment.
- Circuit review: The circuit reviewing judge or delegate reviews vouchers that exceed the statutory case compensation maximum or authorized fee limits.
- Financial officer: A financial officer certifies the voucher and then it is processed by the Administrative Office of the U.S. Courts.

I. VOUCHER REDUCTION

Attorney voucher cuts should be limited to:

- 1) Mathematical errors;
- 2) Instances in which work billed was not compensable;
- 3) Instances in which work was not undertaken or completed; and
- 4) Instances in which the hours billed are clearly in excess of what was reasonably required to complete the task.

If a court finds that a claim for compensation should be reduced, the attorney should be given (1) prior notice of the proposed reduction with a brief explanation, and (2) an opportunity to address the matter. The CJA Panel Office may communicate informally with counsel about billing

VII. BILLING AND VOUCHER REVIEW

questions. Except in cases involving mathematical or technical corrections, or where the work was not compensable, no claim for compensation on a CJA-20 voucher may be reduced by more than \$300 without affording counsel the opportunity to be heard. The CJA Panel Office will notify CJA counsel of a reduction exceeding \$300 and offer counsel the opportunity to justify the submission. If counsel indicates that the reduction is not contested, or if no response is received within ten (10) business days, the CJA Panel Office will advance the reduced voucher.

No prior notice is required for reductions based on mathematical or technical errors, for adjustments for non-compensable services/expenses, or for \$300 or less. Reductions will be detailed in the audit notes on the voucher itself.

VIII. TRAVEL

VIII. TRAVEL

Advance approval by the court is required for all air travel, any travel with more than one overnight stay, and any travel of more than 500 miles roundtrip by privately owned vehicle. [Travel requests](#) should be submitted at least two weeks in advance to give the court sufficient time to review and rule on the request. Please see also [Expert Travel Requests](#).

National Travel Service (800-445-0668) is available to provide cost estimates and book approved travel. Attorneys should negotiate with experts for lower hourly rates for travel.

A. TRAVEL-RELATED COMPENSABLE TIME

- Time spent drafting a travel authorization is compensable.
- Time spent making travel arrangements is **not** compensable.
- Time spent on necessary and reasonable travel is compensable, including time spent in or awaiting transit. When possible, case work should be done in transit.
- If an attorney or expert has the opportunity to do case-related work during transit and elects not to, it is expected that this time will not be billed.

B. TRAVEL EXPENSES

Actual travel expenses incurred (such as travel costs, meals, and lodging) are reimbursable. CJA does not use a per diem. Travelers should refer to the [GSA travel website](#) as a guideline for reasonableness of lodging and daily expenses.

Itemized receipts (not summary credit card statements) are required for reimbursement of all travel-related expenses and must be attached to the voucher with services for the same time period. Alcoholic beverages, tips, and delivery service fees are not reimbursable. The government rate for lodging

VIII. TRAVEL

can be found on the [GSA website](#). Travelers may bill only for their own expenses.

C. TRAVEL BY AIR

Travel arrangements should be made through National Travel Service (800-445-0668). Travelers should contact National Travel for an estimate and include that with the travel request. After the travel request is approved, the traveler should contact National Travel Service as early as possible to book a flight. Let National Travel know that the airfare should be paid by the U.S. Courts on the Oregon CJA Travel account. The travel agency will send the itinerary directly to the traveler. The CJA will pay National Travel Service directly, so there is no out-of-pocket cost to travelers for the airfare.

Travelers should seek the most economical, fully refundable government fare. Actual travel time may be considered when determining whether a direct flight is most economical. Travel arrangements other than airfare (e.g., car rental, hotels, etc.) can also be made by National Travel Service, but travelers may need to provide a credit card to secure the reservation.

D. TRAVEL BY PRIVATELY OWNED VEHICLE

Travel by personal vehicle of less than 500 miles roundtrip, and with no more than one overnight stay, does not require prior authorization. Mileage must be claimed at the prevailing government rate. Include in the line-item expenses the date, destination (use the general location, rather than a specific address), and the number of miles traveled. Reasonable parking fees, ferry fares, and bridge, road, and tunnel tolls may also be reimbursed.

VIII. TRAVEL

E. CAR RENTAL AND GROUND TRANSPORT

Car rental is encouraged if the cost will be less than that for mileage by privately owned vehicle. Other ground transportation, such as taxis, Uber, Lyft, shuttles, and public transit, do not require prior court authorization and should be claimed as an incidental expense. Tips are not reimbursable.

F. CLIENT TRAVEL

Clients are responsible for their own travel costs. At the beginning of a case, attorneys should encourage clients to prepare to pay for their own transportation, meals, and lodging if needed. See 18 U.S.C. § 4285.

Attorneys may seek an order from the court directing the U.S. Marshals Service to provide out-of-custody clients with transportation and expenses incurred on the way to (but not from) the hearing. Travel requests should be submitted at least two weeks in advance to give the court sufficient time to review and rule on the request.

In cases of unexpected substantial financial hardship, attorneys may submit a Travel Authorization in eVoucher for advance authorization of a client's return travel expenses. Prior court authorization in eVoucher is required for reimbursement of client travel expenses. The supporting declaration should clearly demonstrate the financial hardship, the unexpected nature of the hardship, and the estimated costs. Attorneys are encouraged to schedule expert consultations and client meetings to coincide with court hearings whenever possible.

Client lodging expenses are not reimbursable except in cases of extreme financial hardship, and only if U.S. Pretrial Services has been contacted in advance for lodging. Prior authorization is required.

IX. EXPENSES

IX. EXPENSES

A. GENERALLY

Reasonably incurred out-of-pocket expenses may be reimbursed. All requests for reimbursement should be itemized and documented; vouchers may be returned for insufficient documentation or itemization.

Itemized receipts are required for:

- individual expenses over \$70
- computer-assisted legal research fees and costs
- phone charges in excess of \$70 per month
- postage in excess of \$70 per incident
- messenger, courier, and express mail costs (discouraged absent urgent need)
- non-in-house photocopies

B. GENERAL OFFICE OVERHEAD: NOT REIMBURSABLE

Attorneys are expected to use their own office resources for work on CJA cases. Expenses such as personnel costs, rent, phone service, and secretarial help are not compensable. Routine administrative tasks are not compensable. The [Ninth Circuit CJA Compensability Handbook](#) provides additional detail on compensability. A good guideline is that if a service would not be billed to a client in a retained matter, then it would not be reimbursable under CJA guidelines. Unusual or extraordinary expenses may be considered “services necessary for an adequate defense” and may be reimbursable. The line-item should contain details as to unusual or extraordinary nature of the expense.

C. COPIES AND PRINTING

The most fiscally responsible method of copying should be used. Coordination among counsel for co-defendants is encouraged. Any commercial copying must be accompanied by a receipt. In-house copies and laser printing

IX. EXPENSES

are reimbursable at \$0.10 per page for black & white copies, color at \$0.20 per page. Color copies should only be used when necessary.

D. PHONE CALLS

Long-distance calls are reimbursable. If the amount exceeds \$50, the phone bill should be included with the voucher, with the calls highlighted or otherwise indicated.

E. POSTAGE

Postage is reimbursable. Any mailing expense over \$50 must be accompanied by a receipt.

F. TRANSCRIPTS

Attorneys may not pay directly for transcripts of criminal court hearings. Attorneys must email the CJA Panel Office to [request transcripts](#). The CJA Panel Office will create an Auth-24. After the Auth-24 is approved, the attorney may create a CJA-24 billing document for the court reporter.

The cost of transcribing depositions in criminal cases is the responsibility of the Department of Justice, except when the witness is a defense expert. Other types of transcriptions may not be reimbursable expenses. Attorneys should contact the CJA Panel Office with [questions about transcripts](#).

G. PERSONAL ITEMS: NOT REIMBURSABLE

Services of a personal nature that cannot be considered legal representation are not reimbursable (e.g., arranging for the placement of the client's minor children, handling a client's property, locating client clothing, providing legal assistance in matters unrelated to the criminal case, etc.). Attorneys will not be reimbursed for money spent on personal items for a client, such as food, clothing, haircuts, or transportation.

IX. EXPENSES

H. LEGAL RESEARCH

Commercial Computer-Assisted Legal Research

Prior court authorization in eVoucher is required for the use of commercial legal research services. Counsel should submit an Authorization in eVoucher, with a declaration explaining the need for the services and an estimate of the charges.

Computer-Assisted Legal Research

In this digital age, counsel are expected to have flat-rate monthly plans for online legal research services (e.g., Lexis, Westlaw), the cost of which is non-reimbursable overhead.

Fees for legal research outside counsel's monthly plan may be reimbursed in extraordinary or unusual circumstances; counsel should consult with the CJA Panel Office *prior* to incurring such charges. When submitting a claim for reimbursement, counsel must attach a copy of the bill showing the extent of the monthly plan, and a statement of justification for charge of more than \$200 outside of the plan.

PACER

Attorneys must apply for an exemption for CJA case work by contacting the PACER Service Center at 1-800-676-6856. Attorneys, investigators, experts, and other service providers will not be reimbursed for PACER fees. Certain experts may also qualify for an exemption. Contact the CJA Panel Office for assistance.

I. FACT WITNESS EXPENSES: NOT REIMBURSABLE THROUGH THE CJA

The U.S. Marshals Service is responsible for fact witness fees and travel costs, and for expenses associated with the service of subpoenas. See [U.S. Marshal travel guidelines](#). Contact the CJA Panel Office for more information.

IX. EXPENSES

J. CONTINUING LEGAL EDUCATION: NOT REIMBURSABLE

Continuing legal education fees and expenses are not reimbursable.

K. EXPERT SERVICES: NOT REIMBURSABLE

Investigators, experts, and other service providers must submit claims for compensation in eVoucher on a CJA-21. Attorneys will not be reimbursed for payment of non-attorney services.

X. RETAINED COUNSEL AND CJA EXPENDITURES

X. RETAINED COUNSEL AND CJA EXPENDITURES

A. RETAINED COUNSEL SEEKING CJA FUNDING FOR SERVICE PROVIDERS

Occasionally, retained counsel will find that the unexpected cost of investigators, experts, and other service providers exceeds the financial capability of a represented party who has paid a retainer or who can otherwise afford to pay for counsel. Under 18 U.S.C. § 3006A(e), a retained attorney is authorized to apply in advance for funds to pay costs of non-attorney services in these circumstances. The retained attorney must submit to the CJA Panel Office a letter explaining the expected proposed expenses and the financial circumstances that cause the defendant to be unable to pay for the services, along with a copy of the retainer agreement between counsel and client, a statement of the number of hours worked by the attorney, and a CJA-23 affidavit completed by the client.

The Federal Public Defender will review the fee arrangement, the nature of the proposed expenses, and the cause of the hardship, and then make a recommendation to the court. By regulation, if the court determines that the fee arrangement is unreasonable or was “made in gross disregard of the defendant's trial expenses,” the court may decline to provide compensation and may instead order the retained attorney to pay needed costs and expenses out of the retainer fees. *Guide*, Vol. 7A, § 310.10.20. Generally, expenses that should have been anticipated at the outset of the representation will not be covered under the CJA until the retained attorney’s rate of compensation approaches the hourly rate for CJA Panel work (\$172 per hour as of January 1, 2024).

B. RETAINED COUNSEL SEEKING CJA FUNDING FOR ATTORNEY FEES

If retained counsel undertakes a representation but later discovers that the client is unable to pay the retainer as agreed, or that the costs of the representation unexpectedly exceed the agreed amount of the retainer or fees,

X. RETAINED COUNSEL AND CJA EXPENDITURES

the attorney can contact the Federal Public Defender and the CJA Panel Office to determine if provisional acceptance on the CJA Panel or out-of-rotation appointment may be available.

Before making a recommendation to the court, the Federal Public Defender will review the fee arrangement, the hours expended and expenses paid, the unexpected nature of the financial hardship, the attorney's qualifications, and history of CJA work compared to others on the CJA Panel, the need for continuity of counsel, and the potential cost to the CJA of the appointment. Generally, if the Office of the Federal Public Defender does not have a conflict and the potential costs of the representation are high, the court may allow retained counsel to withdraw and will appoint the Federal Public Defender to undertake the representation. In other circumstances, the court may allow the retained attorney to withdraw and appoint a CJA Panel attorney to complete the representation. If the benefit of continuity of counsel outweighs other concerns, the court may agree to convert the retained counsel's appearance to a court-appointed representation under the CJA, provided that counsel's unpaid hours effectively have reduced the rate of past hourly compensation to a level approaching the rate for CJA panel work.

XI. ADDITIONAL RESOURCES

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Criminal Justice Act, [18 U.S.C. § 3006A](#)

U.S. District Court for the [District of Oregon](#)

The U.S. District Court for the District of Oregon is a federal court serving the area corresponding to the state of Oregon. The District has courthouses in Portland, Eugene, Medford, and Pendleton.

[CJA Guidelines](#), Volume 7, Guide to Judiciary Policy

These policies and procedures of the Judicial Conference of the United States for the administration and operation of the Criminal Justice Act (CJA). The Guidelines are divided into six chapters. The first three are routinely used in CJA cases: Chapter 1: Overview; Chapter 2: Appointment and Payment of Counsel; and Chapter 3: Authorization and Payment for Investigative, Expert, or Other Services.

[ORX CJATeam@fd.org](mailto:ORX_CJATeam@fd.org)

This is an email distribution list to send emails only to Jennifer Horvath & Michelle Rawson. Please send all panel-related communications to the team email address.

eVoucher

[eVoucher](#) is the CJA Payment system. To set up an account, submit [eVoucher User Profile Request](#) and W-9 to [ORX CJATeam@fd.org](mailto:ORX_CJATeam@fd.org). To log into eVoucher, you will be prompted to also set up a login.gov account.

CJA Panel [listserv](#)

This is an email distribution list to all attorneys on the CJA Panel. It is used far more sparingly than OCDLA's Pond listserv. For case-specific assistance, please start by contacting Jennifer Horvath, CJA Resource Counsel. Do not post case-specific or confidential details on the listserv.

District of Oregon [CJA Attorney and Service Provider Manual](#)

This manual is designed to help CJA attorneys, investigators, experts, and other service providers navigate local requirements under the CJA.

XI. ADDITIONAL RESOURCES

District of Oregon: Office of the Federal Public Defender's [CJA Page](#)

This is the webpage for the CJA Panel. You can find eVoucher profile request forms, policies and procedures, forms, and tip sheets on our website.

Ninth Circuit [CJA Resources Page](#)

Circuit-wide CJA policies, procedures, and relevant information for CJA attorneys, administrators, and staff.

Judicial Council of the Ninth Circuit [CJA Policies and Procedures](#)

Policies and procedures for the administration of the Criminal Justice Act.

Ninth Circuit [Expert Presumptive Rates](#)

Rates vary based on locality, education, specialization, certification, licensing, and experience; the high end of the listed range is not the presumptive rate. Depending on the circumstances in an individual case, a provider's rate may exceed the high end of a range upon a showing of good cause, as explained in Section V.D of Ninth Circuit CJA Policies and Procedures.

Defender Services Office - [Training Division](#)

Defender Services Office is the umbrella organization for all federal and community-based defender offices in the country. The Training Division's website, fd.org, hosts a wealth of fantastic training materials and resources for federal defenders and CJA Panel attorneys. To get the most out of fd.org, take time to watch the October 2024 recorded tour of the website that is available on our CLE materials. To access the website, CJA attorneys must sign up for a username and password. We have provided a copy of your names and email addresses to the Training Division, so you can sign up right away.

Defender Services Office - [CJA Hotline](#)

The Defender Services Office Training Division operates a free telephone "hotline" service to provide guidance and information on CJA cases regarding all aspects of criminal law and procedure. To use the hotline, callers must be licensed attorneys who are either members of the federal Criminal Justice Act panel in their district, or federal public or community defender organization employees.

XI. ADDITIONAL RESOURCES

Defender Services Office - [National Litigation Support Team](#)

NLST assists counsel in identifying issues related to the collection, production, and management of electronically stored information (ESI, or also known as e-discovery or eDiscovery) and digital evidence. They provide technology, training, and resources for CJA Panel counsel and Federal Defender Organization (FDO) team members to efficiently search, review, and analyze eDiscovery and digital evidence. Contact NLST to help organize and make sense of your discovery so you can find the needle in the haystack.

Defender Services Office - [Sentencing Resource Counsel](#)

Sentencing Resource Counsel (SRC) is a project of the Federal Public and Community Defenders. The SRC provides noncapital sentencing-related training, advice, and support to federal defenders and CJA attorneys nationwide. Some of the resources they offer include office hours (via Zoom the first and third Thursday of each month at 2:00-3:30 pm Eastern time), cloud-based shared sentencing-litigation-resource folders, and multiple listservs.

[National Immigrant Justice Center's Defenders Initiative](#)

Defender Services Office has established a partnership with National Immigrant Justice Center (NIJC) to provide training and resources to CJA practitioners around the country on immigration-related issues. Federal defenders and CJA Panel attorneys can call NIJC's Defenders Initiative at (312) 660-1610 or e-mail defenders@immigrantjustice.org with questions regarding potential immigration issues affecting their clients. An NIJC attorney will respond to the inquiry within 24 business hours. Downloadable practice advisories and training materials are also available on NIJC's website.

United States Sentencing [Guidelines App](#)

The Sentencing Commission Guidelines Manual is a comprehensive document that outlines the guidelines and procedures for determining federal sentences in the United States. Its principal purpose is to establish sentencing policies and practices for the federal criminal justice system that will assure the ends of justice by promulgating detailed guidelines prescribing the appropriate sentences for offenders convicted of federal crimes.

The 2024 Guidelines Manual Annotated (effective November 1, 2024) offers quick integrated access to guidelines history and reasons for amendments. Order a [hard copy](#) at a discounted price (\$30) through the Government Printing Office The manual is available as a [PDF](#) or

XI. ADDITIONAL RESOURCES

through the [Guidelines App](#)—a mobile-friendly web-based app accessible through any internet browser (no download or installation necessary).

Defending a Federal Criminal Case (2024)

The DFCC is the quintessential authority on federal criminal defense. It includes up-to-date analysis on emerging issues in federal criminal law and practical advice on navigating challenging issues at all stages of federal criminal proceedings, from the bail hearing through trial and appeal to post-conviction remedies and navigating the Bureau of Prisons. The DFCC is a useful resource whether you have questions on a particular aspect of criminal law or you are new to federal practice and are looking for a useful reference guide as you start out. The CJA Panel Office will provide you with codes for a free eBook version. You can also purchase the three-volume hardcover set [here](#).

District of Oregon: Search & Seizure Outline - [Developments in Federal Search & Seizure Law](#)

This is a 30-year collection of cases with point/counter-point analyses to help you use the full range of precedent to support our arguments. It is a living document and is continually updated. Do you have a potential suppression issue? The Search & Seizure Outline is a great place to start.

