



ADMINISTRATIVE OFFICE OF THE
UNITED STATES COURTS

HONORABLE ROSLYNN R. MAUSKOPF
Director

WASHINGTON, D.C. 20544

December 29, 2022

MEMORANDUM

To: Judges, United States Court of Appeals
Judges, United States District Courts
United States Magistrate Judges
Circuit Executives
Federal Public/Community Defenders
District Court Executives
Clerks, United States Courts of Appeals
Clerks, United States District Courts
Senior Staff Attorneys
Circuit CJA Case-Budgeting Attorneys

From: Judge Roslynn R. Mauskopf *Roslynn R. Mauskopf*

RE: IMPLEMENTATION OF INCREASES TO PANEL ATTORNEY HOURLY RATES
AND CASE COMPENSATION MAXIMUMS UNDER THE CRIMINAL JUSTICE ACT
(IMPORTANT INFORMATION)

This memorandum provides information about inflationary adjustments to the hourly rates and case compensation maximums under the Criminal Justice Act (CJA), 18 U.S.C. § 3006A. These adjustments are the result of the President issuing an Executive Order this month that finalizes 2023 federal civilian pay rates.¹

CJA Panel Attorney Hourly Rate Increases

The panel attorney hourly rates increased from \$158 to \$164 for non-capital work and from \$202 to \$210 for capital work. The new rates apply to services performed on or after January 1, 2023. Where appointment of counsel occurred before January 1, 2023,

¹ Inflationary adjustments to the panel attorney hourly rates are based on the across-the-board pay adjustment for federal workers. See 18 U.S.C. § 3006A(d)(1) and § 3599(g)(1); see also *Guide to Judiciary Policy (Guide)*, Vol. 7A, § 230.20 and § 630.10.10(b).

the new hourly compensation rates apply to that portion of services provided on or after the effective date.

CJA Panel Attorney Case Compensation Maximums

Because of the increase in the non-capital hourly rate, the waivable case compensation maximum amounts for non-capital representations² increase to:

\$12,800 (previously \$12,300)

\$9,100 (previously \$8,800)

\$3,600 (previously \$3,500)

\$2,700 (previously \$2,600)

Payments above these amounts may be authorized when certified by the presiding judicial officer and approved by the chief judge of the circuit or their delegate. *Guide*, Vol. 7A, Ch. 2, § 230.23.10(c) and § 230.23.40.

The new case compensation maximums apply to a voucher submitted by appointed counsel if that person furnished any CJA-compensable work on or after January 1, 2023. 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 January 1, 2023.

Investigative, Expert, or Other Services Case Compensation Maximums

The federal pay adjustment also increases the case compensation maximum for investigative, expert, or other services in a non-capital representation. The new waivable case compensation maximum amount with prior authorization is \$2,800 (up from \$2,700). The \$2,800 amount, which excludes expenses, applies to each individual service provider in a non-capital representation.³ Payment in excess of this amount may be made when certified by the court or U.S. magistrate judge and approved by the chief judge of the circuit or their delegate. *Guide*, Vol. 7A, Ch. 3, § 310.20.20. The case compensation maximum amount without prior authorization remains \$900.

The new case compensation amount applies to a voucher submitted by a service provider if that provider furnished any CJA-compensable work in the representation on or

² There are no case compensation maximums for appointed counsel in capital cases. *See Guide*, Vol. 7A, Ch. 6, § 630.10.20 and § 635.

³ *Guide*, Vol. 7A, Ch. 3, § 310.20.10(b). The case maximum for investigative, expert, or other services in capital representations is governed by a different statute, 18 U.S.C. § 3599(g)(2), and has not changed. *See Guide*, Vol. 7A, Ch. 6, § 660.20.

after January 1, 2023. The former case compensation amount applies if the provider's work on the representation was completed before January 1, 2023.

eVoucher System Instructions

The new hourly rate and case compensation maximums will be updated in eVoucher and an announcement will be sent to verify the completion of the update. Please call the National Support Desk at (210) 536-5000 with any eVoucher inquiries. If a court's CJA administrator updates the court's service rates or excess fee limits tables before the national update is completed, there will be no negative impact.

* * *

The JNet charts ([Current CJA Rates and Case Compensation Maximums](#) and [History of CJA Rates](#)) indicate the new and previous hourly rates and case compensation maximums. The charts in the publicly accessible *Guide to Judiciary* Policy, Volume 7A (*CJA Guidelines*) are in the process of being revised.

Questions concerning the CJA hourly rates or case compensation maximums may be directed to the Defender Services Office, Legal and Policy Division Duty Attorney at (202) 502-3030, or via e-mail to dso_lpd@ao.uscourts.gov.

cc: CJA Panel Attorney District Representatives