INTERPRETER FACT SHEET: U.S. District **COURT** Middle of PA

Information Regarding the Completion of Vouchers Submitted under the Criminal Justice Act - CJA Forms 21 and 31
August 2008

This document complements and supplements the instructions to the vouchers to address lessons learned from an audit of CJA panel attorneys and interpreters. The judiciary is reviewing the applicable CJA forms and instructions for possible revisions.

CJA FORMS AND INSTRUCTIONS (available at http://www.uscourts.gov/forms/uscforms.cfm)

- **CJA Form 21** (http://www.uscourts.gov/forms/CJA/CJA21.pdf) – Authorization and Voucher for Expert and Other Services, and corresponding **CJA Form 21 instructions** (http://www.uscourts.gov/forms/cja21.html)

- **CJA Form 31** (http://www.uscourts.gov/forms/CJA/CJA31.pdf) – Death Penalty Proceedings: Ex Parte Request for Authorization and Voucher for Expert and Other Services, and corresponding **CJA Form 31 instructions** (http://www.uscourts.gov/forms/cja31.html)

To receive payment, CJA Form 21 or 31 must be completed properly. Please read the instructions to the forms carefully when submitting a voucher.

Interpreters must maintain contemporaneous time and attendance records for all work performed as well as expense records. Such records, which may be subject to audit, must be retained for three years after approval of the interpreter's final voucher for a case. **Any overpayments are subject to collection, including deduction of amounts due from future vouchers.**

INTERPRETER PAYMENT VOUCHER GUIDANCE

- Interpreters should review their vouchers to ensure that they do not contain errors, duplicate payment claims, or other improper charges, and should also review their billing practices to ensure that claims are appropriate.

- Interpreters should determine whether the court has adopted a fee structure for interpreting services provided under the CJA (including travel expenses, if any) and bill accordingly.

- An interpreter billing on an hourly-rate basis may not submit duplicate bills for work performed on more than one CJA representation furnished by an appointed attorney (federal public or community defender, CJA panel attorney, other attorney or entity authorized to obtain services under the CJA or the Defender Services appropriation, or person proceeding *pro se*) during the same time period. For example, if an interpreter is traveling to provide services for more than one person under the CJA, the interpreter may

not bill the entire travel time on each payment claim. (When claims are prorated among vouchers, the supporting materials must cross-reference the cases. See the instructions for items 3-6 of CJA Forms 21 and 31 regarding when the proration of time on each voucher is required.)

- When an interpreter is paid under the CJA based on the rates set forth in the court interpreters services contract terms and conditions (half and full day), he or she may not bill appointed attorneys for services provided to them during the same time period (including the time period covered by a cancellation fee), except with respect to the proration of the claims. For example, if an interpreter furnishes services during the same half day for more than one person represented by an appointed attorney(s), the entire half day may not be billed on multiple vouchers. Proration of the claims is permissible, so if services were provided for two CJA defendants, the claim for a half day of compensation could be apportioned on two vouchers (one for each defendant, with a cross reference to the other case). **Regardless of the billing method under the CJA (hourly or half and full day), contract court interpreters may not charge any other federal court unit or appointed attorney for any services rendered during the same half or full day for which the interpreter is being compensated under the court interpreters services contract.**

- For interpreting services provided to one or more defendants represented by an appointed attorney(s) and a federal court unit on the same date, interpreters must identify in the supporting materials any other claim submitted to appointed counsel or a federal court unit (name of attorney or federal court unit and defendant, and time of service) for that date.

- Interpreters must fully itemize their services, including the time period (times of day) for the services (see instruction 16a to CJA Forms 21 and 31 for other information and documentation that must be submitted).

- With respect to mileage expenses, the number of miles and the origination and destination of the travel must be submitted as part of the supporting documentation (see instruction 16b to CJA Forms 21 and 31 for other information and documentation that is required for travel expenses).

- The attorney may not sign his or her certification, required by item 18 of CJA Forms 21 and 31, until (1) the interpreter has provided the services and has completed the information and certification required by items 16 and 17 of those forms, and (2) the attorney has reviewed the billing information.

REFERENCE MATERIALS

For additional information regarding authorization and payment for investigators, experts, and other services under the CJA, please see the Guidelines for the Administration of the Criminal Justice Act and Related Statutes (CJA Guidelines), Volume 7, *Guide to Judiciary Policies and Procedures*, which is available at http://www.uscourts.gov/defenderservices/ Section_A.cfm.

- Chapter 3 – Authorization and Payment for Investigative, Expert or Other Services

- Chapter 6 – Representation in Federal Death Penalty Cases and in Federal Capital Habeas Corpus Proceedings