District of Kansas
Criminal Justice Act Panel
Attorney Handbook

Administered by the
Kansas Federal Public Defender

Handbook updated January 2026

Introduction

The Criminal Justice Act (CJA), 18 U.S.C. §3006A provides funding for the legal representation of individuals with limited financial resources in federal criminal proceedings. In each district, a plan exists for providing representation through private panel attorneys and federal public or community defender offices. The CJA Plan for the District of Kansas was last revised in 2021 and can be found at the Kansas Federal Defender website or on the court's website.

This handbook describes the general practices and requirements for panel counsel. Please consult the Plan and the Act for additional information.

The Kansas CJA panel is administered through the Kansas Federal Public Defender Office. If you have questions about any CJA-related matter, please contact us.

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I. Application Process

A. Selection Committees

In the District of Kansas each Panel Selection Committee is composed of a district court judge, a magistrate judge, the Kansas Federal Public Defender or her First Assistant, the Kansas CJA Panel Representative, and a local CJA panel attorney. The Chief Judge and CJA Resource Counsel are *ex officio* members of each committee. The committees review applications and reapplications for CJA panel membership once a year. There are separate committees for Wichita, Topeka, and Kansas City. The panel is intended to be large enough to provide enough experienced attorneys to handle the CJA case load, but small enough so that panel members will receive enough appointments to remain proficient in federal criminal defense

work. The goal is for each attorney on the general panel to receive six to eight cases per year.

Each Committee recommends the attorneys for membership on the CJA Panel; the court has final appointment authority.

B. CJA Applications and Reapplications

Applicants may submit CJA applications at any time during the year and the Panel Selection Committees will be consider them at their annual June meetings. Interested attorneys can find applications and reapplications, and the application deadline, at the Kansas Federal Defender website.

C. Panels

There are separate CJA panels for Kansas City, Topeka, and Wichita, but attorneys may apply for and serve on more than one panel. There are three panels in each location: the general panel (for attorneys willing to regularly accept appointments throughout the year); the emeritus panel (for attorneys interested in handling fewer CJA cases throughout the year--or who are interested in a special type of case); and the training panel (for attorneys who have less federal criminal defense experience). Each attorney serves for a term of three years and must reapply at the end of that term if they would like to be considered for continuation on the panel. Panel terms begin on July 1.

II. Expectations of Counsel

A. Appointment of Counsel to Cases

CJA Resource Counsel makes appointment recommendations to the court on a rotational basis, as provided by the CJA Plan for the District of Kansas and the *Guide to Judiciary Policy*, Vol. 7A. The CJA Resource Counsel, or staff, contacts the next attorney on the appropriate panel to determine whether they are available to accept the case. Exceptions to the rotational system include considerations such as an attorney's expertise, the nature or complexity of a case, unusual needs of a client, and geographical considerations. If counsel is available, a proposed Order Appointing Counsel is sent to the court prior to the initial appearance of the defendant in court. The appointment is effective on, and services may be billed for, beginning on the date defense counsel was contacted about the appointment.

Counsel is expected to attend the pretrial service interview.

Counsel is also expected to help the client prepare and sign the CJA-23 – Financial Affidavit and present the affidavit to the Court Room Deputy *prior* to the start of the hearing.

B. CLE Requirement

The Kansas Federal Public Defender Office offers at least sixteen hours of free CLE credits each year. Panel attorneys must earn at least six hours of CLE credits from Federal Public Defender seminars (or comparable federal criminal defense seminars) each year. It is the responsibility of panel counsel to notify the CJA Administrator if they want to use attendance at federal criminal defense seminars, other than those presented by the Kansas Federal Public Defender Office, to satisfy this CLE requirement. Failure to meet the CLE requirement is likely to result in suspension or removal from the panel.

C. Privatization of Phone Numbers

Counsel are expected to privatize their phone numbers so that calls from clients in the holding facilities are not recorded. Privatization is accomplished by sending a letter to each facility, on letterhead, listing all phone numbers that should be privatized. Counsel should receive confirmation from the facility that privatization has occurred. Documentation of the request and confirmation should be maintained. CJA Resource Counsel is available to answer questions about this process. Additional information is provided on the Kansas Federal Defender website.

D. Removal from Panel

Before an attorney is removed from a panel, prior to the expiration of the three-year term, notice of any specific allegations shall be provided to the attorney. The attorney may respond to any allegations in writing and may be asked to appear before the Committee. Any recommendation for removal or other remedial actions will be presented to the court for final approval.

III. Billing and Vouchers

Payment of CJA counsel attorney fees and for investigative, expert and other services are made in accordance with the Criminal Justice Act, Volume 7A of the *Guide to Judiciary Policy*, the policies of the Administrative Office of the United States Courts, and this CJA Panel Attorney Handbook for the District of Kansas.

A. Electronic Vouchers

Claims for compensation and reimbursement for CJA counsel and others furnishing services under the Act are made through eVoucher for the District of Kansas. Requests for authorization to spend CJA funds (as explained below) also must be submitted through eVoucher. No CJA funding requests should be filed on the court's CM/ECF docketing system.

B. Attorney Time

1. Actual time

The CJA allows compensation for time actually expended by counsel. All billing must be done in tenths of an hour. Beginning January 1, 2026, the hourly rate for counsel is $177 for non-capital work. No services may be billed on only a value-based basis.

2. Specificity

Time entries should contain sufficient detail to allow for a meaningful review and determination of reasonableness. There should be an entry for each task; multiple tasks cannot be bundled into a block of time.

When time is recorded for discovery review, include some quantitative detail, such as number of pages or length of audio or video recordings. If legal research is conducted, include a description of the issue or purpose of the research.

When billing for conferences or phone calls, identify the participants and general topics. It is fine to identify witnesses and others by their initials.

Do not include sensitive or derogatory information on the voucher. Remember that the judge will review the voucher.

3. Overlapping time

When CJA counsel spends time on more than one CJA case (such as driving to the jail to see multiple clients or conducting research on a common issue in two cases), split the time between the CJA

clients. Include a cross-reference on each voucher.

4. Voucher preparation

Time spent preparing attorney vouchers cannot be compensated. Time spent reviewing and approving vouchers for service providers, though, is compensable. Preparing requests for funds and time spent preparing a case budget are also compensable.

C. Exceeding the Statutory Fee Limit

The Act contains waivable case caps for various types of representations. Beginning on January 1, 2026, those amounts are:

Felonies	$13,800
Misdemeanors	$ 3,900
SRVs	$ 3,000

When attorney fees exceed the waivable statutory maximums, counsel must electronically submit a CJA26, justifying the excess payment. This should include sufficient facts on which the court can base a finding that the case involves extended[1] or complex[2] representation and that the amount certified is necessary to provide fair compensation.[3]

Counsel must submit a CJA26 with the first interim voucher that causes their attorney fees to exceed the statutory cap. If the CJA26 is submitted with an interim voucher (as opposed to the final voucher), the requested amount on the CJA26 should be $0. This simply serves to remove the presumptive statutory cap so that subsequent vouchers do not need to be accompanied by a CJA26. If the CJA26 is submitted with a final voucher, the amount requested should be the difference between the case cap and their total

[1] Extended is defined as requiring more time for total processing than the average case, including pre-trial and post-trial hearings.

[2] A case is complex if the legal or factual issues are unusual, thus requiring the expenditure of more time, skill, and effort by the lawyer than would normally be required in an average case.

[3] Factors that the court is to consider in determining whether excess payment is needed to provide fair compensation include (1) responsibilities involved measure by the magnitude and importance of the case; (2) manner in which duties were performed; (3) knowledge, skill, efficiency, professionalism, and judgment required of and used by counsel; (4) nature of counsel's practice and injury thereto; (5) extraordinary pressure of time or other factors under which services were rendered; and (6) any other circumstances relevant and material to a determination of a fair and reasonable fee.

attorney fees in the case. Waiting to submit the CJA26 with a final voucher, rather than submitting interim vouchers, is strongly discouraged. (See III, E1, below)

D. Reimbursement for Out-of-Pocket Expenses

1. Out-of-pocket expenses reasonably incurred by counsel should be claimed on the CJA20.

2. Counsel must only get prior permission from the court to incur expenses when the amount is greater than $500.

3. When expenses (such as mileage) are incurred by CJA counsel, for the benefit of more than one CJA client, do not split the expenses between the representations. Rather, bill all the expenses on one voucher but include a cross-reference on both vouchers.

4. Upload a receipt to the Documents tab of the CJA20 for any expense greater than $75.

5. All panel members should obtain an exempt PACER account. To apply for a no-fee account for CJA work, contact the PACER Service Center at 1-800-676-6856. This allows for free access to any CM/ECF records that are viewed in connection with any CJA case. As a result, no reimbursement is available for viewing docket entries or pleadings using a nonexempt account.

E. Timing and Frequency of Billing

1. Interim Vouchers - Attorneys

   Attorneys should submit a CJA20, for fees and expenses, every four months or when the billed amount reaches $4,000. No prior approval by the court is needed, as it is authorized by Standing Order No. 14-3.

   The four month/$4,000 threshold has been suspended for the remainder of fiscal year 2026. CJA vouchers may be submitted as necessary. Standing Order No. 26-03.

   The court strongly encourages interim billing because it allows for review of vouchers on a timely and ongoing basis.

2. Interim Vouchers - Experts
   Experts may also submit a CJA21, for fees and expenses, every four months or when the billed amount reaches $4,000. For more information about expert billing, see IIIG, below.

3. Time limits

   All final vouchers--for attorneys and experts--should be submitted within a reasonable amount of time after the attorney's representation has ended. Ideally, this will be within 45 days of the conclusion of the case. If a voucher is submitted more than 120 days after the case is closed, the court is likely to require that counsel provide a memorandum explaining the delay.

F. Requesting Expert Services

1. All attorneys appointed under the CJA may request authorization to obtain investigative, expert, and other services necessary for adequate representation. The court encourages the use of service providers to assist counsel in representing the client. Examples of experts and services include investigators, psychiatrists, psychologists, interpreters, computer system and litigation support personnel, paralegals and legal assistants, law students, neurologists, and laboratory experts.

2. Preapproval for expert services must be obtained from the court if the cumulative amount of all experts in the case will exceed $1,000. Once the $1,000 limit has been met by one or any combination of service providers, prior authorization must be obtained from the court by submitting an Authorization through eVoucher.

3. If the cumulative amount of expert services exceeds $3,000 the court may authorize the expenditure if it certifies that the payment in excess of the amount is necessary to provide fair compensation for services of an unusual character or duration. The Tenth Circuit must also authorize the expenditure.

4. Any expert authorization[4] request should clearly explain why

[4] If the services of an interpreter are being requested, no detail need be set forth. It is sufficient to simply note, on the Authorization, that the client's primary language is not English.

the expert is needed, including specific work that is anticipated.

5. The request should include the rate of compensation and set a cap for the total expenditure authorized. The basis of the estimated amount of funds needed should also be set forth in the Authorization.

6. If a second or subsequent request is necessary, the eVoucher Authorization request should include a description of the tasks already performed by the expert and why additional work is needed.

7. If prior approval for the service provider is not obtained, the court may decide not to authorize payment of the expert. Under the Act, the court must find that the timely procurement of necessary services could not await prior authorization and that the interests of justice weigh in favor of payment without prior authorization.

8. CJA panel attorneys are encouraged to use written engagement letters with service providers. The letter should include the hourly rate, the authorized amount, and the requirement for contemporaneous timekeeping. Contact CJA Resource Counsel for a sample letter.

G. Expert Billing

1. Time entries should be detailed and entered on the Services page of eVoucher. A separate invoice may be uploaded to the electronic voucher, but a description of the services must also be entered into eVoucher. The entries must contain sufficient detail to allow for a meaningful review. If discovery is being reviewed, the entry should include information such as the number of pages, the number of reports, the length of recorded calls, etc. If witnesses are interviewed, the initials of the witnesses--or some other non-identifying description--should be included so that the amount of work performed can be determined. If electronic research is conducted, the nature of the research should be included.

2. The description of the work performed must directly relate to the work that was requested by the expert authorization. If it does not, an explanation as to why the work varied from the request should be included.

3. Counsel must notify the service provider what funds have been authorized and instruct the service provider to notify counsel before exceeding the authorized amount so that counsel can determine whether to request additional funds from the court.

4. Counsel must review and certify the accuracy and thoroughness of the expert's voucher prior to submitting it to the court for review and approval.

5. If expert services are provided for more than one CJA (or FPD) client, the time can be recorded in one of two ways: (1) split the time spent (including travel) between the clients; or (2) bill all of the service time to one of the clients. The voucher should specify which method is being used and, if splitting the time, should cross-reference the other representation.

6. If an expert incurs travel or other expenses on behalf of more than one CJA (or FPD) client, the entire claim for reimbursement must be on one voucher. A cross-reference should appear on both vouchers.

7. Experts must attach a receipt for any receipt that exceeds $75.

8. The travel procedure for experts is the same as for attorneys. See III I, below.

H. Specific Billing Issues

1. Associate attorneys (not co-counsel)

   a. If an associate with the CJA counsel's firm performs legal work in a CJA case, the time will be billed on the panel counsel's CJA20. Please notify the CJA Administrator when counsel plans on having an associate work on a case, so that the associate can be added to the billing system for that case.

   b. The hourly rate for non-panel attorney associates is 80% of the hourly panel rate. Amounts paid for an associate's time are included in determining statutory maximum fees. If the associate is on a Kansas CJA Panel, the hourly panel rate applies.

   c. Associates may not bill for the same tasks as the CJA panel counsel nor for intraoffice conferences or coordination of efforts with the CJA panel counsel.

d. Prior permission from the court does not need to be obtained before an associate with the firm works on a CJA case. However, the CJA panel attorney is expected to do the bulk of the work in any case. Counsel must obtain permission of the court before an associate makes an appearance at any hearing in the case. The associate should not file an entry of appearance unless the court has specifically approved the associate's appearance in court.

e. CJA panel counsel must receive permission from the court prior to engaging the services of any attorney outside his or her firm. This should be done by submitting an Authorization through eVoucher. If an out-of-firm associate is used, the associate's services are included on the panel attorney's voucher, the panel attorney receives the check for fees, and the panel attorney must then pay the associate for their portion of the voucher.

f. CJA panel counsel is responsible for ensuring that the amount of time, the nature of the services, and expenses of the associate are reasonable (both in the nature of the task and the time spent providing the services) and meet CJA guidelines.

2. Co-counsel (not associates)

a. The Act allows the court to appoint a second CJA panel attorney on a case if the court finds that the case is "extremely difficult" and that it is in the interest of justice to appoint an additional attorney. Appointed counsel should contact the CJA Resource Counsel to discuss the possibility of appointment of co-counsel where the nature of the case so warrants.

b. If co-counsel is appointed by the court, each attorney prepares and submits their own CJA20. Each attorney may bill up to the case compensation maximum. And each counsel may seek additional funds through the use of a CJA26.

3. Paralegals/legal assistants

a. The same rules as set out in IIIF apply to paralegals and

legal assistants. That is, if the total amount of service providers will exceed $1,000, use of a legal assistant or paralegal must be pre-approved by the court through the electronic submission of an Authorization. The hourly rate should not exceed the rate typically charged a fee-paying client.

b. The paralegal or legal assistant's time should be recorded and submitted on a CJA21 and should include the same type of detail as counsel's entries.

c. Paralegals or legal assistants may only charge for services which are distinct from normal clerical support services. Tasks such as copying reports, filing documents through CM/ECF, reviewing docket entries, drafting routine letters, etc. are not compensable as legal assistant or paralegal time.

4. Common Expenses

a. General office overhead: not reimbursable

i. CJA counsel are expected to use their office resources, including clerical staff, for work on CJA cases. Expenses such as personnel, rent, phone service, and on-line legal research subscriptions are not reimbursable.

ii. A good guideline is that if a paying client would not be charged for the item, it is not reimbursable under the CJA.

iii. Unusual or extraordinary expenses of these types may be considered "services necessary for an adequate defense." Seek prior approval from the court by submitting an Authorization in eVoucher.

b. Copies

The most fiscally responsible method of copying should be used. Coordination among counsel for codefendants is encouraged. Any commercial copying must be accompanied by a receipt.

c. Phone calls

Collect calls from a facility are reimbursable unless the facility has made arrangements to provide no-cost calls to panel counsel. If the amount exceeds $75, the phone bill must be uploaded to the voucher, with the calls highlighted or otherwise indicated.

d. Postage

All postage is reimbursable. Any individual mailing expense over $75 must be accompanied by a receipt.

e. Transcripts

Please request transcripts by submitting an Auth24 through eVoucher. Once the transcript has been approved and provided to counsel, the CJA24 will be completed by the court reporter and sent to the attorney for approval and submission. Counsel should review and, if appropriate, approve and submit the CJA24. The court reporter cannot get paid until this voucher is submitted by the attorney.

f. Personal items: not reimbursable

Under most circumstances, CJA counsel cannot be reimbursed for money spent on personal items for a client, such as food, clothing, haircuts, or bus tickets. Contact CJA Resource Counsel if these type of needs arise.

g. Computer-assisted legal research

A reasonable amount of reimbursement for computerized research that are in addition to regular overhead expenses may be authorized. The basis for the charges, though, must be set out on the CJA20.

I. Travel

1. Prior permission from the court is needed for travel that includes more than one overnight stay and/or air travel. To obtain permission, the attorney should submit a

Travel Auth through eVoucher. Be sure to allow sufficient time for the travel request to be processed. This applies to travel by counsel or by an expert. Please contact National Travel to obtain an estimate cost for air travel. (800-445-0668)

2. The Act allows for reimbursement of actual travel expenses--not a per diem. Panel counsel can be reimbursed for hotel costs that are 150% of the approved rate for judiciary employees. Those rates can be found here: https://www.gsa.gov/travel/plan-book/per-diem-rates

3. Upload receipts for expenses such as hotels, meals, and ground transportation to counsel's CJA20 that is submitted after the travel is completed. The cost of meals will be reimbursed if the travel is longer than eight hours.

4. If air travel is needed, after authorization is received, make travel arrangements through National Travel (800-445-0668). The itinerary will be sent directly to the traveler. CJA will pay National Travel directly, so there is no out-of-pocket cost to panel counsel. If National Travel is not used and the airfare is greater than their fare would have been, reimbursement will be capped at the lower fare. Likewise, if National Travel is not used and there are fees or additional expenses caused by cancellations or delays, those cannot be reimbursed with CJA funds.

5. Travel time: compensation for time spent in necessary and reasonable travel is authorized under the Act. This includes the time spent in or awaiting transit.

6. Car rental must be authorized ahead of the travel. Other ground transportation such as taxis, Uber, Lyft, shuttles, and public transit do not require advance authorization.

J. Fact Witnesses: Not Reimbursable

Witness fees, travel costs and expenses for service of subpoenas on fact witnesses are not payable out of CJA funds. They are governed by Fed.R.Crim.P. 17 and 28 U.S.C.§1825. These expenses are paid by the Department of Justice. Subpoenas

may be served by the United States Marshal Service.

K. Ancillary Matters

Counsel should seek prior authorization for work related to any municipal or state court proceedings or other ancillary matters. In determining whether a matter is ancillary, the court considers whether the matter, or the issues of law or fact in the matter, arose from, or are the same as or closely related to, the facts and circumstances surrounding the principal criminal charge. See the District of Kansas CJA Plan and the Guide to Judiciary Policy at §210.20.30 and §210.20.40 for additional criteria and considerations. Counsel is encouraged to contact CJA Resource Counsel for assistance in obtaining a pre-determination from the court whether representation in an ancillary matter will be compensated.

L. Mental Health Professionals

Payment for mental health professionals depends on the purpose of the evaluation, who ordered the evaluation, and who will have access to the results of the evaluation or report. For details, see Volume 7A of the *Guide to Judiciary Policy* at 320.20.60.

M. Voucher Reductions

Voucher reductions are supposed to be limited to instances of (1) math errors; (2) work that is 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 judge determines that a voucher should be reduced, the CJA Resource Counsel will provide appointed counsel with notice of the proposed reduction and an opportunity to address the matter. No notice is provided if the reduction is based on mathematical or technical errors. If a reduction is made, counsel may submit a written challenge to the chief judge or to the next most senior judge if the chief judge is the presiding judge in the case.

N. Case Budgeting

The District of Kansas has adopted a Standing Order (No. 16-3), regarding case budgeting. When CJA counsel reasonably

believes they may exceed 300 attorney hours, the attorney must submit a budgeting request through the Electronic Budgeting Application (EBA). Submitting this will notify the Tenth Circuit Case Budgeting Attorney of the budgeting request, so together, counsel and the Budgeting Attorney can prepare a case budget to submit to the court for approval. It is recommended that counsel send an email to the Budgeting Attorney, to provide some case background, and to let him know whether the request is time-sensitive or otherwise urgent. Counsel should make this contact as early in the case as possible. Reasonable time spent drafting case budgets is compensable.

If a budgeted case requires supplemental funding, the process should work the same way. Submit the request through the EBA as well as send the Case Budgeting Attorney a brief email updating them on the case and any issues with time-sensitivity. The Case Budgeting Attorney will work with counsel to prepare and submit the supplement requests.

Information on the Case Budgeting process is available on the Tenth Circuit's website at Case Budgeting and Requests for Services | Tenth Circuit | The United States Court of Appeals

It would be helpful if the CJA Resource Counsel and the CJA Administrator were copied on these emails, but it is not required.

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The on-line budgeting tool can be found here.

IV. Useful CJA-Related Resources

Kansas Federal Public Defender website
Kansas Federal Public Defender blog (Last post March 10, 2025).
Federal Defender Services website
Guide to Judiciary Policy, Vol. 7A
United States Sentencing Guidelines