

APPENDIX 5

Contesting Voucher Reductions/ Peer Review Policy



**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION
350 West First Street
Los Angeles, CA 90012**

**SOUTHERN DIVISION
411 West Fourth Street, Suite 1053
Santa Ana, CA 92701-4516**

Kiry Gray
Clerk of Court

**EASTERN DIVISION
3470 Twelfth Street, Room 134
Riverside, CA 92501**

MEMORANDUM

TO: CJA Trial Attorney Panel

FROM: Dale S. Fischer
Chair, CJA Committee

RE: Procedures for Review of Proposed Reductions to CJA Payment
Vouchers

DATE: November 19, 2021

Effective December 1, 2021, the United States District Court for the Central District of California has established a CJA Peer Review Committee pursuant to the attached policy. The Procedures for Review of Proposed Reductions to CJA Payment Vouchers provides that the CJA Peer Review Committee shall consist of two groups of five members. Each group shall have one FPD designee, one CJA National Panel Representative, and three CJA Trial Attorney Panel members. The first CJA Peer Review Committee shall consist of the following members and shall convene for a two-year term.

Type of Member	Group 1	Group 2
FPD Designee	Amy Karlin	Amy Karlin
CJA National Representative	Anthony Solis	Marilyn Bednarski
CJA Trial Attorney Panel Member	Charles Diamond	John Hanusz
CJA Trial Attorney Panel Member	Debra White	Kristen Richards
CJA Trial Attorney Panel Member	Jerome Haig	Joel Koury

United States District Court for the Central District of California
Procedures for Review of Proposed Reductions
to CJA Payment Vouchers

I. Voucher Review & Reductions

- A. The Central District of California delegates voucher review to the CJA Supervising Attorney, who has authority to conduct a reasonableness review and may make reductions in payment on a finding that the hours billed clearly exceed what was reasonably required to complete the task(s) performed.
- B. If the CJA Supervising Attorney determines a reduction based on reasonableness is warranted, counsel will be given notice of the reduction and an opportunity to be heard.

II. Notice of Reductions

- A. The CJA Supervising Attorney will provide notice of the reduction based on reasonableness in one of two ways.
 - 1. The CJA Supervising Attorney may provide notice to counsel by emailing the proposed reduction and explanation to counsel with instructions on how to contest the proposed reduction and the CJA voucher will remain on hold in eVoucher pending resolution of the reduction.
 - 2. The CJA Supervising Attorney may provide notice to counsel, via eVoucher, by processing and approving the voucher for *reduced* payment within eVoucher with explanatory comments made in the “Adjustment Notes” of the voucher and instructions on how to contest the reductions and seek reimbursement in a future voucher.

III. Process for Contesting Reductions

- A. When a reasonableness reduction is \$500.00 or more, counsel may email the CJA Supervising Attorney to contest that reduction or proposed reduction by requesting any or all of the following types of review: reconsideration of the CJA Supervising Attorney's reduction; review and recommendation by the CJA Peer Review Committee; review by the presiding judge. The review process may result in full payment of the CJA voucher, adoption of the recommended reduction in whole or in part, or greater reductions than initially recommended by the CJA Supervising Attorney.
- B. Counsel will have 10 business days from receipt of the notice of reduction, either by email from the CJA Supervising Attorney or through eVoucher (as indicated in Section II, above), to email the CJA Supervising Attorney to contest the reduction and provide supplemental justification explaining why the reduction is not warranted. If the reduction is not contested within that 10-day period and no good cause exists to justify delay, counsel will be deemed to have waived the opportunity to contest the reduction.
- C. In the event counsel contests payment reduction, the CJA Supervising Attorney will facilitate each level of review timely requested by counsel. In counsel's initial email contesting payment reduction, counsel need only request the next level of review sought, i.e. reconsideration of the CJA Supervising Attorney's reduction; review and recommendation by the CJA Peer Review Committee; or review by the presiding judge. Thereafter, depending on the initial review requested, the CJA Supervising Attorney will forward the documentation supporting the reduction in payment and counsel's supplemental justification explaining why the reduction is not warranted for the requested level of review.
 - i. After each level of requested review is complete, counsel will have 10 business days from the date of emailed notice from the CJA Supervising Attorney to request the next level of review. Upon expiration of this 10-day period without response, further review will be deemed waived.

- ii. While reconsideration by the CJA Supervising Attorney and review by the CJA Peer Review Committee are not necessary conditions to seeking review by the presiding judge, if either is sought, that review must be completed before review by the presiding judge can be requested.

D. If sought, the decision of the presiding judge will be final. If review by the presiding judge is not timely sought or is waived by default, the decision of the CJA Supervising Attorney will become final upon reconsideration of counsel's supplemental justification and, if requested, weighted consideration of the CJA Peer Review Committee's recommendation.

IV. Composition and Selection of the CJA Peer Review Committee

- A. The CJA Peer Review Committee shall consist of two groups of five members.
 - i. The Federal Public Defender will designate one person to serve on both committee groups.
 - ii. The two CJA National Panel Representatives will each serve on one committee group.
 - iii. Three members of the CJA Trial Attorney Panel will serve on each committee group.
- B. The CJA Committee will select the six CJA panel attorneys to serve on the CJA Peer Review Committee upon review of submitted applications to the CJA Supervising Attorney.
- C. The members of the CJA Peer Review Committee will initially serve a term of two years.