

**SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
ADMINISTRATIVE ORDER 22-17**

Criminal Justice Act (CJA), Counsel for Child Abuse and Neglect (CCAN), and Post-Conviction Juvenile Case Guideline Fees

Supersedes Administrative Orders 22-15 and 22-16, Amends Administrative Order 09-06

WHEREAS, D.C. Code § 11-2601 establishes representation to any person (adult or juvenile) in the District of Columbia who is financially eligible and unable to obtain adequate representation; and

WHEREAS, D.C. Code § 11-2601(5) extends this representation plan to include investigative and expert services; and

WHEREAS, D.C. Code § 11-2601(5) provides that attorneys and qualified students participating in clinical programs may seek compensation from the Court for expert and investigative expenses from the Court's Defender Services Fund; and

WHEREAS, pursuant to D.C. Code § 11-2604, Administrative Order 09-06, issued on June 8, 2009, established the fee schedule for Criminal Justice Act (CJA) and Counsel for Child Abuse and Neglect (CCAN) attorneys; and

WHEREAS, pursuant to D.C. Code § 11-2605, and subject to all conditions thereof, expert and other services vouchers submitted under the Criminal Justice Act (CJA) are subject to maximum amounts for services and expenses found in Administrative Order 09-06; and

WHEREAS, the current amount for expert services is \$1,600.00 with authorization of the Court; and

WHEREAS, any amount over \$1,600.00 with prior authorization shall be certified by the judicial officer assigned to the case as necessary to provide fair compensation for services of an unusual character or duration, and forwarded to the Chief Judge to approve the excess amount; and

WHEREAS, the Defender Services Fund is a fixed item in the Court's budget for all pretrial and post-conviction adult criminal, juvenile delinquency, neglect and abuse, mental health, and guardianship cases which the Superior Court is authorized to use such funding. Additionally, the Defender Services Fund is used to compensate CJA Panel Attorneys for representing individuals charged in criminal and juvenile delinquency cases; and

WHEREAS, the Defender Services Fund is used for attorney compensation of attorney panel members appointed by the Court, investigative services, and services related to representation provided by those attorneys; and

WHEREAS, the Court must comply with the antideficiency legislation enacted by Congress and operate all aspects of the Court within budgetary limits imposed;¹ and

WHEREAS, the recent passage of legislation related to D.C. Code § 24-403.03 (IRAA) and § D.C. Code § 24-403.04 (Compassionate Release) has created additional cases resulting in the Court's panel members, *pro bono* attorneys, and law school clinics seeking compensation for expert services and investigation from the Superior Court; and

WHEREAS, the Court recently authorized in Administrative Order 22-08 attorneys to be compensated for representing juveniles in post-conviction delinquency cases where juveniles have been committed to the Department of Youth Rehabilitative Services (DYRS). This change will enable designated attorneys and *pro bono* attorneys handling juvenile delinquency post-conviction cases to request compensation for expert services and investigation in those matters;

NOW, THEREFORE, it is by the Court

ORDERED, that the maximum amount of compensation for expert services in IRAA motions (D.C. Code § 24-403.03) shall not exceed in total, in any three-year period, a \$10,000 cap. In Compassionate Release Motions (D.C. Code § 24-403.04), and post-conviction delinquency cases where juveniles have been committed to DYRS, expert services shall be capped at \$10,000.00 annually. October 1st represents the beginning of the fiscal year for purposes of calculating annual compensation and September 30th is the date on which the fiscal year ends; and it is further

ORDERED, that effective immediately, compensation for expert services in IRAA and Compassionate Release cases/motions shall increase to \$2,400.00 with prior authorization from the assigned judge; and it is further

ORDERED, that expert services over \$2,400.00 with prior authorization shall be certified by the judicial officer as necessary to provide fair compensation for services of an unusual character or duration, and forwarded to the Chief Judge to approve the excess amount not to exceed \$10,000.00; and it is further

ORDERED, that the increase for expert services to a \$2,400.00 and \$10,000.00 cap on expert services also applies in juvenile cases; and it is further

ORDERED, that any expert travel expense requests are included in the capped amount for expert services noted herein; and it is further

ORDERED, that experts in the above noted matters shall not be compensated for administrative tasks such as picking up records (e.g. educational, institutional) and/or any other tasks that investigators may or usually perform; and it is further

ORDERED, that additional costs for investigative services in these matters will be capped at \$1,600.00 pursuant to the Criminal Justice Act fee schedule; and it is further

¹ See 31 U.S.C. § 1341.

ORDERED, that these changes shall take effect immediately.

SO ORDERED.
BY THE COURT
DATE: July 29, 2022

A handwritten signature in black ink, appearing to read "Anita Josey-Herring", written over a horizontal line.

Hon. Chief Judge Anita Josey-Herring
Superior Court of the District of Columbia

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