



TRAVEL GUIDELINES FOR CJA ATTORNEYS AND EXPERTS

INTRODUCTION

Travel expenses reasonably incurred in providing representation under the Criminal Justice Act (CJA) may be claimed on the CJA 20 or 30 voucher form for attorneys and CJA 21 or 31 voucher form for experts and must be itemized and documented with appropriate receipts. Following the passage in late 1992 of Section 702 of the Federal Courts Administration Act of 1992 (Public Law 102-572, 106 Stat. 4506), attorneys and experts providing representation pursuant to the CJA were authorized to obtain government travel rates. These guidelines have been prepared to inform CJA attorneys and experts of the court's policies and procedures related to travel beyond the local area.

Considerable savings to the government will be achieved through compliance with these guidelines. All CJA attorneys and experts are required to arrange their out-of-district travel in this manner. The guidelines set forth the procedures for obtaining government travel rates and provide a summary of recurring allowable and non-allowable charges. While it is impossible to address all possible travel-related issues, the guidelines are intended to serve as a basic resource.

AUTHORIZATION TO TRAVEL

Prior to inter-district and overnight travel, a written travel authorization (TA) is required. The CJA attorney is to request permission by filing with the court an ex parte motion for travel for themselves or their expert. Additionally, the CJA attorney must submit a Travel Authorization document in eVoucher and upload the ex parte motion under the documents section.

Once authorized, the travel authorization will be emailed to National Travel. The traveler is to then contact National Travel (NT) at (800) 445-0668 to arrange the travel. NT will provide the traveler and the CJA Analyst with an itinerary. A copy of the TA and the passenger receipt must also be submitted with the voucher billing for any associated time and expenses.

An attorney or expert traveling as part of his or her representation under the CJA is expected to exercise the same care in incurring expenses that a prudent person would exercise if traveling on personal business. Only those expenses which were actually incurred and were essential to and in connection with representation under the CJA should be claimed.



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An attorney or expert may be compensated for time spent in travel status to and from the travel destination. However, since this unproductive travel time is foreseeable, every effort should be made to work on existing matters. All other compensation for time while in travel status will be paid only for actual services rendered.

In addition, an attorney appointed to represent a fact witness has the obligation to inform the witness to contact the U.S. Marshal's office on how to make travel arrangements and to obtain government transportation rates when the witness is required to remain away from their residence overnight. A fact Witness Voucher, Form OBD-3 must be prepared by the attorney for each witness. For detailed information, call the U.S. Marshal or obtain USMS Pub. No. 74, September 1997.

TRANSPORTATION ALLOWABLE

A. Expenses Payable as Transportation

Transportation expenses that may be claimed on the voucher or paid directly by the court include fares, automobile rental fees including gasoline charges, mileage payments for use of privately-owned vehicle (POV), parking and any expenses incident to transportation such as baggage transfer, business-related telephone, and food when on overnight travel. Regardless of the dollar amount, receipts are required for reimbursement of all travel expenses.

B. Methods of Transportation

Authorized Methods. Methods of transportation authorized for travel include railroads, airlines, ferries, buses, subways, transportation terminal limousines, taxis, rental automobiles, privately-owned vehicles, and other necessary means of conveyance. Travel shall be by the method of transportation that will result in the greatest advantage to the government, cost and other factors considered. There is no reimbursement for first class or business class travel expenses. Travelers should exercise prudence in the selection of the least expensive rental vehicle necessary to adequately perform the official travel. The court will not reimburse Personal Accident Insurance (PAI) or Personal Effects Coverage (PEC) for rental automobiles. In addition, no reimbursement will be made for add-ons or upgrades when renting an automobile, or for the excessive cost of refueling a rental car at the rental agency.



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Privately-Owned Vehicle. Use of a privately-owned vehicle for CJA case-related travel should be claimed at the mileage rate then in effect for the federal judiciary employees. The government will reimburse case-related parking fees and tolls if documented with receipts.

C. Travel Rates

Travel at Government Discount Rate. The use of government discount fares is considered advantageous to the government. In order to obtain the government discount fare, tickets must be charged to the court's Government Transportation Account (GTA). Only officially authorized travel related to CJA representation may be arranged in this manner.

Because the TA is an official government document, it should enable the traveler to obtain government rates at hotels and car rental agencies as well. Costs for other than common carriers (which are paid directly by the court) may be claimed for reimbursement on the CJA 20 or 30 form under the travel section and must be documented with receipts, regardless of the dollar amount. Credit card statements alone is not sufficient for reimbursement purposes.

Other special, excursion, and reduced rate round-trip fares for official travel may be used (in lieu of government-contract fares and regular coach) when the traveler can determine prior to the start of a trip that any such type of service is practical and more economical to the government. Special fares that involve penalties for changes or cancellation may be utilized provided that, to a high degree of certainty, no changes or cancellation will occur. Liability for costs for changes or cancellation over which the traveler had control will accrue to the traveler if a change or cancellation was due to personal preferences.

Travel at Other Than Government Rate

When an attorney or expert arranges their own travel without using the government rate, they will be reimbursed using the contracted government coach fare or the actual rate paid, whichever is lower. Reimbursement will be for the common carrier that is the most efficient, expeditious and advantageous to the court. All reimbursement for use of a common carrier must be supported by travel receipts. Submission of credit card statements alone is not sufficient for reimbursement purposes.



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REIMBURSABLE EXPENSES

Travel expenses that will be reimbursed are confined to those expenses essential to and in connection with representation under the CJA and supported by receipts. In determining the reasonableness of travel costs, the court will be guided by the prevailing limitations placed upon travel and subsistence expenses of federal judiciary employees in accordance with existing government travel regulations. The court's Financial Manager may be contacted for guidance in determining the reasonableness of such costs.

With the exception of tips and mileage calculations, receipts must be submitted with the voucher for all travel (including to and from the court) and subsistence expenses regardless of the amount incurred. Submission of credit card statements alone is not sufficient for reimbursement purposes.

When the travel period is 24 hours or less and no lodging is incurred, meals will not be reimbursed. Only those travel expenses related to the case will be reimbursed such as mileage, parking, and tolls.

During authorized overnight travel, reimbursement will be made for actual subsistence expenses. Expenses of subsistence include all reasonable charges for meals (maximum three per day), lodging, all fees and tips to waiters, porters, and hotel maids, and transportation between places of lodging and business.

NON-REIMBURSABLE EXPENSES

The cost of travel for spouses, other family members and friends is not allowable. In addition, snacks, alcoholic beverages, entertainment (e.g., movies), travel insurance taken while traveling, parking fines or fees for traffic violations, personal automobile expenses, expenses incurred in traveling by indirect routes for personal reasons, use of taxis to obtain meals, and expenses submitted without receipts are not reimbursable. If a traveler lengthens a trip or incurs any cost for personal reasons or performs work that is not related to the purpose of the official travel, the increased cost caused by such action is not allowable.