SCHEDULE OF MAXIMUM FEES
FOR COUNSEL AND OTHER SERVICES

The following fees are hereby prescribed for this District:

1. Maximum Hourly Rate for Assigned Counsel:
The maximum hourly rate for assigned attorneys shall not exceed $152 per hour for time expended in court, and $152 per hour for time reasonably expended out of court. These rates will apply to all time expended ***on or after January 1, 2020***. Effective In addition, such attorney shall be reimbursed for expenses ***reasonably*** incurred. The cost of any necessary transcripts authorized by the court will be claimed by the court reporter on a CJA-24; and therefore, should **not** be claimed by an attorney on a CJA-20 form.

2. Discretionary Rates of Hourly Compensation:
Co-counsel or associate attorneys may not be compensated under the Act. However, an appointed counsel may claim compensation for services furnished by a partner and/or associate, as well as any paralegals, law clerks, and/or assistants, for research and/or trial preparation assistance **with *prior* authorization by the Court**. Exact rates will be set and approved at the discretion of the presiding Judge. Suggested rates are prevailing industry medians for the Western New York area as follows:

Partners/associates (Attorney II)	$50/hour
Paralegals/law clerks/assistants	$25/hour

The Judicial Conference has been given authority by Congress to establish higher maximum hourly rates for particular districts or circuits. However, the Western District of New York does not fall into this category; therefore, the maximum allowable rates within the presiding judge's discretion will not exceed $152 per hour for both in-court and out-of-court time. **All vouchers will be *subject to adjustment* by the presiding Judge.**

3. Maximum Amounts of Case Compensation:
For representation of a defendant before a Magistrate and/or District Court Judge, the maximum compensation to be paid to an attorney shall not exceed **$11,800** for each attorney in a case in which one or more felonies are charged, and **$3,400** for each attorney in a case in which only misdemeanors are charged. Representation of a defendant on a new trial shall be considered as a separate case, and fees shall be paid on the same basis as in the original trial.
For representation in connection with any of the following matters, the maximum compensation shall not exceed **$2,500** for each attorney in a proceeding before this court:

a. Probation violation;
b. Supervised release hearing;
c. Parole proceedings;
d. Witness/material witness in custody;
e. International extradition.

4. Waiving Case Compensation Maximums:
Payment in excess of any case maximum amount may be made to provide fair compensation in cases involving extended or complex representation whenever the court in which the representation was rendered certifies that the amount of the excess payment is necessary, and is additionally approved by the Chief Judge of the Second Circuit. The following criteria, among others, may be used as determination factors:

a. Responsibilities involved measured by the magnitude and importance of the case;
b. Manner in which duties were performed;
c. Knowledge, skill, efficiency, professionalism, and judgment required of and used by counsel;
d. Any extraordinary pressure of time or other factors under which services were rendered.

5. Supplemental Statement for Excess Claims
In cases in which the application for services exceeds the maximum amounts set for counsel, form CJA-26 (Supplemental Information Statement for a Compensation Claim in Excess of the Statutory Case Compensation Maximum: District Court) will be required in lieu of an affidavit. The automated .pdf fillable form can be obtained from the Court's external website at http://www.nywd.uscourts.gov/ or on disk from the Federal Public Defender's Office. Please see the enclosed form CJA-26A for guidance in drafting such document.

6. Worksheets for existing paper vouchers only
Worksheets for in-court hours, out-of-court hours, as well as travel and other expenses are to be submitted for all vouchers. **The official Circuit approved automated worksheets *must* be utilized**. These can be obtained from the Court's external website at http://www.nywd.uscourts.gov/ or on disk from the Federal Public Defender's Office. All time must be rounded to the nearest 1/10th and then multiplied by the appropriate hourly rate. **If the appropriate detailed breakdown is not provided with each CJA-20 voucher, the entire submission will need to be returned for proper completion.**

7. Travel Rates
The maximum mileage reimbursement rate **as of January 1, 2020** is $0.575 per mile. This rate is established by the General Services Administration (GSA) and is subject to change.

8. When travel outside the district has been authorized by the Court in connection with representation under the CJA, government travel rates at substantial reductions from ordinary commercial rates may be available from common carriers. To procure such rates, by assigned counsel as well as investigators and other service providers, ***prior* approval must be obtained from the presiding Judge**. Contact must then be made with the Clerk's Office (ATTN: Maria or Lisa at (716) 551-1730) to make the proper travel arrangements. A travel authorization letter will be provided at that time itemizing maximum subsistence rates as well as a maximum daily rental car rate, if applicable.