

6th Circuit Presumptive Rates

Paralegal ¹	\$35 – \$50
Law Student	\$15 – \$25
Investigator ²	\$55 – \$100
Mitigation Specialist	\$75 – \$100 (\$55 for record collection)
Attorney Expert – Capital Case	\$185
Attorney Expert – Non-Capital Case	\$132
Litigation Support Expert	\$65 – \$100
Psychiatrist (M.D.)	\$200 – \$300
Neurologist (M.D.)	\$250 – \$350
Other Medically-licensed Expert (M.D. or D.O.)	\$250 – \$350
Neuropsychologist (with Ph.D.)	\$150 – \$250
Psychologist (with Ph.D.)	\$150 – \$250
Accountant	\$150 – \$250
Audio, Video, or Photo Analyst	\$100 – \$200
Ballistics/Firearms Expert	\$150 – \$250
Chemist	\$100 – \$250
DNA	\$150 – \$250
Fingerprint Analyst	\$100 – \$125
Forensic Computer/Cellphone Analyst	\$150 – \$250
Gang Expert	\$100 – \$200
Handwriting Analyst	\$100 – \$150
Jury Consultant	\$100 – \$200
Interpreter/Translator	\$25 – \$60
Document Translation	16.5 cents per word
Associates Non CJA Panel	\$80
Associates CJA Panel	\$90

¹ The policy contemplates that paralegals appointed at the maximum hourly rate possess foreign language skills, discovery database management expertise, or subjective coding experience in at least two prior federal cases or complex civil litigation.

² The policy contemplates that investigators authorized at the maximum hourly rate have foreign language skills, a high level of investigative expertise in the type of crime alleged, special skills the case requires, or experience conducting investigations in a significant number of federal cases.

Tip Sheet for Budgeting Cases

When Should a CJA Case Be Budgeted?

- All federal capital prosecutions and capital habeas corpus/post-conviction proceedings
- When a case is deemed complex
- When it appears a representation will require more than 300 attorney hours or 300 times the prevailing CJA panel attorney non-capital hourly rate, rounded up to the nearest thousand, for appointed counsel and services other than counsel for an individual CJA defendant
 - It is better to budget early for maximum benefits
 - It is proved better stewardship of funds when cases are budgeted
 - It is always better than to budget than not to budget

Why Budget a CJA Case?

- Promotes high quality representation in mega/complex cases
- Encourages fiscal responsibility (such as use of lower costing, well-qualified associates)
- Facilitates voucher review – budget will help judges assess reasonableness
- Promotes efficient discovery practices
- Improves case management (avoid duplication of efforts in multi-defendant cases)

Six Steps to the Budgeting Process

1. Court orders budgeting or counsel initiates budgeting process
 - Communication is important between the attorney and chambers in determining if there is a need for a budget.
 - Court orders attorney to budget via Order or Minute Entry
 - Counsel affirmatively requests a case be budgeted
2. Attorney contacts Sixth Circuit Budgeting Attorney (Robert Ranz) for budgeting forms
 - **Robert Ranz**, Sixth Circuit Court of Appeals, Budgeting Attorney (513-564-7358)
 - Provides budget forms, discusses budgeting process, and provides instructions on preparing a budget
3. Counsel Prepares and files proposed budget in consultation with Budgeting Attorney
4. Budgeting Attorney consults with court on budget
5. Budget order is filed
 - Attorney submits budget ex parte and under seal in CM/ECF for the district judge's review and approval/modification
 - After the judge's approval, the budget is sent to the circuit for approval
 - After the circuit's approval, the budget is returned to the district court approved and docketed ex parte and under seal
 - The attorney is notified by the CRD the budget has been approved
 - A copy of the budget should be emailed to Daria Wyatt/TNWD/06/USCOURTS
 - The Budgeting Attorney does not undertake reasonableness review of vouchers but is available to assist if questions arise concerning tasks authorized by the budget
6. CJA administrator monitors for budget compliance

***Note:** If appointed counsel withdraws, a new budget must be filed and approved. Payments for new counsel and co-counsel cannot be paid against the withdrawn counsel's budget.

<http://www.lacourt.org/division/criminal/pdf/witnesses.pdf>

This is helpful to show what experts are charging on the West Coast, which certainly has a higher cost of living than we do.

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No Photo

Available

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The “go to” gut for all things discovery.

NEWS YOU CAN USE

BEST PRACTICES FOR MANAGING ELECTRONIC DISCOVERY

EVERY CASE, EVERY TIME

PART 1: FIGURE OUT WHAT YOU'VE GOT!

The days of reviewing every item in your production are over! If you're going to thrive in the brave new world of electronic discovery, you need a plan for reliably and quickly getting control of the data. When you first get discovery, here are the steps to take, and when you run into a brick wall, don't spin your wheels! Call your CBA or the National Litigation Support Team at 510-637-3500!

Step 1: Secure your Data	If it's on a hard drive or CD/DVD, make a copy and put the original someplace safe. If it's on USAfx, download it <i>immediately</i> – it won't stay there forever – and make an extra "original" to keep in a secure place. NEVER work from the original you get from the government.
Step 2: Count your Data	On a PC, open the file explorer. Right-click on the folder you want to know the size of – for example, the whole drive. Click "properties." (On a Mac, go to the Finder, and click on "Get Info"). The dialogue box will tell you how much data you've got. While you're looking around here, make a mental note of the types of files you have and get a feel for how the prosecutor has organized the information. Is it arranged in overt acts, by file type, by defendant, or with no apparent theory at all?
Step 3: Access your Data	Make sure you have all the credentials you need from the prosecutor to access any encrypted files. Make sure the prosecutor has given you any proprietary software you need to open files. Convert any video using proprietary software using an app like VLC, Skysoft or your favorite converter. If you can't open a file, ask for help from NLST!
Step 4: OCR your Data	Spot check to ensure the documents have been OCR'd. This is easy – just open a few documents that contain readable text and do a word search for a word you know is in the document (click Ctrl-F on a PC or Cmd-F on a Mac.) If you run across some documents that aren't OCR'd and should be, contact NLST. They can help you get this done.
Step 5: Identify Data from Devices	If you have evidence collected from computers, hard drives, phones, polecams, or any other electronic device, you will probably need some help figuring out what's important and what's not and where to find the metadata, which can be crucial. If you have this kind of evidence, you are probably going to need some assistance from a CMA or NLST – make the call!
Step 6: Index your Data	Once you've secured your data, ensure that you can open all the files and that all the OCR-able files have been OCR'd. Next, create an index of your files with dtSearch. You don't have to do anything with it to complete this step – just create the index.
Step 7: State your Goal	What do you want to get out of the discovery? When you think about your theory of the case, also think about your theory of the discovery, and outline what you're going to look for when you start digging into the data. Do you have an alibi issue? You'll need to search for dates and times and places. Do you have an identification issue? Maybe you'll need to search for an alias, or count how many times your client's name comes up in other people's phone calls.

Now you can assess what you need help with, whether you'll need help coding and indexing, or whether a simple dtSearch at your desk will help you find the information you need.