

USING SERVICE PROVIDERS

Eastern District of North Carolina CJA Training
November 3, 2017
Presented By
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WHAT WE WILL COVER TODAY

- What are Service Providers and How to Use them Effectively
- Rules Under the CJA
- How to best request them
- How to get them paid

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WHAT IS A SERVICE PROVIDER



Investigator



Paralegal



Other Experts

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HOW EXPERTS CAN HELP YOU, THE CJA ATTORNEY

- Help with full review of discovery in large discovery cases
- Use to help develop appropriate trial theory, defense and/or mitigation

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SERVICE PROVIDERS-HOW TO USE THEM

Expert services are utilized by CJA attorneys in the Eastern District of North Carolina

Excluding interpreters—20-32% of cases

Average cost is about \$400/case

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TYPES OF SERVICE PROVIDERS

Investigative and Support Services

- Investigators
- Paralegals

Scientific or Technical Experts

- Mental Health Professionals
- Computer Experts
- Cell Phone Experts

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TYPES OF EXPERTS



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TYPES OF EXPERTS



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TYPES OF EXPERTS



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DUTY TO INVESTIGATE

ABA Standard 4-4.1

Defense counsel's duty to make independent investigation of the "circumstances of the case"

ABA Standard 4-8.1

Defense counsel's duty to "verify" PSR

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WHY USE INVESTIGATOR

- Specialized training
- Law enforcement experience
- Investigative tools
- Use as witness

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EFFECTIVE USE OF INVESTIGATORS

- Prepare Investigator
- Government's Case
- Your Case
- Discovery Review with Defendant
- Cooperating Defendant
- Case Agent

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EFFECTIVE USE OF PARALEGALS

- Discovery
- Investigation
- Trial Preparation
- Trial
- Sentencing
- Appeal

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NON-CAPITAL MITIGATION

- ABA Duty-Verify PSR
- Investigator & Paralegal
- Records
- Interviews

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GUIDE TO JUDICIARY POLICY VOLUME 7, CHAPTER 3 (SEE 18 USC § 3006A(E))

- \$800 maximum, without prior approval
(all Service Providers combined)
- \$2,500 maximum, with prior approval by District
Court Judge (per Service Provider)
- Anything above \$2,500 needs Circuit Court
Chief Judge approval

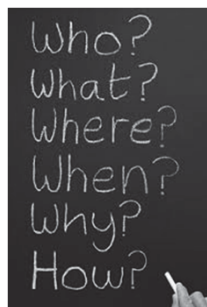
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**GUIDE TO JUDICIARY POLICY
VOLUME 7A, CHAPTER 6
(SEE 18 USC § 3599(G)(2))**

- \$800 maximum, without prior approval
(all Service Providers combined)
- \$7,500 maximum, with prior approval by District
Court Judge (all Service Providers combined)
- Anything above \$7,500 needs Circuit Court
Chief Judge approval

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EFFECTIVE REQUESTS



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WHO

- Who do you want. Explain how they are
qualified for the position.
- Consider providing a copy of CV

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WHAT

- What do you expect them to accomplish.

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WHERE

- Where are they from
- Where are they going to conduct the work

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WHEN

- When do you need the work accomplished and how long will it take

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WHY

- Why do you need this provider
- Why can't you do the work yourself, and how is this saving costs

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HOW

- How will this accomplish your needs
- How long will it take
- How much is he charging and how many hours do you need

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GETTING YOUR SERVICE PROVIDER PAID

- Use an Engagement Letter
- Monitor their hours and work
- Have them file regular interim payment request

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TIPS FOR SERVICE PROVIDER VOUCHERS

- Fine line between paralegals and administrative tasks
- Cannot give them Advanced Pay
- Cannot use investigators/paralegals merely to serve subpoenas
- Cannot reimburse an expert for "lost wages"
- Consider reduced travel rates for experts
- Attorneys should travel to expert's office rather than vice versa

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CALL FOR ASSISTANCE

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