

## CJA AND EX PARTE FILINGS IN CM/ECF

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## PRESENTATION OBJECTIVES

- Background for changes
- What's different?
- CJA Form 26
- Statement of Reason
- Demonstration
- Effective date
- Questions

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## BACKGROUND FOR CHANGES

- Since the initial process of filing CJA related documents, the "Ex Parte Document" event was used to allow attorneys to file both ex parte and CJA documents.
  - The filings were restricted but were accessible only by court staff.
  - The document being filed may be an ex parte document or a CJA related document such as a CJA 20, CJA 21, etc.
  - The "Ex Parte" filed document had to be accessed to determine the content and nature of the filing.
    - For CJA documents, there is an audit and approval process. This was managed by the CJA staff in the Attorney and Legal Services Division.
    - Ex Parte documents were processed and handled by appropriate court and/or chamber staff.
- A quick sampling showed that approximately 85% of "Ex Parte" filings were CJA related documents and the remaining 15% were "Ex Parte" documents.

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### WHAT'S DIFFERENT?

- Current process
  - "Ex Parte Document" event is used for all CJA and Ex Parte filings.
  - NEFs are sent, but documents are not electronically accessible.
- Motions:
  - In excess of statutory dollar limits.
  - Past the 45 day limit to submit final voucher.
- ❖ New process
  - ❖ New specific "CJA" events related to Forms 20/30, 21/31, etc. have been defined for filing.
  - ❖ Additionally, two new "CJA" events, a "CJA Motion" and related "Order on CJA Motion" have been added. The "Ex Parte Document" **should not** be used for CJA related filings.
  - ❖ NEFs are sent out. Document is electronically accessible by **appropriate** parties from the NEF.
  - ❖ Use of CJA 26 and Statement of Reason.

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### CJA FORM 26

- CJA Form 26 - SUPPLEMENTAL INFORMATION STATEMENT FOR A COMPENSATION CLAIM IN EXCESS OF THE STATUTORY CASE COMPENSATION MAXIMUM: DISTRICT COURT
  - Used in lieu of a motion
  - Submit as an attachment to the filing of a CJA 20 Request for payment (**Note: the CJA form 26 is not needed when filing a CJA 30**)
  - Let's take a look at the fillable PDF form

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### STATEMENT OF REASON

- The Statement of Reason is an attorney generated document explaining the reasons why the submission of the final CJA Payment Request is submitted past the 45 day limit.
  - Used in lieu of a motion
  - Submit as an attachment to the filing of a CJA 20 or CJA 30 Request for payment

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## EVENTS FOR ATTORNEY FILERS

- New CJA events are added to two existing CJA events for use by attorneys.
- The new CJA events are:
  - CJA – Request for Interim Payment
  - CJA – Travel Request (Non-defendant)
  - CJA 20 /30 - Payment Request
  - CJA 21/31 - Payment Request
  - CJA 21/31 - Request for Service
- The existing CJA events are:
  - CJA 23 - Financial Affidavit
  - CJA 24 - Transcript Request
- The CJA events are found in the **"Other Documents"** category.
- Required attachments to these new events are the same .

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## WHAT ABOUT.....?

- New **CJA Motion** event added to allow the filing of a motion (with "restricted access") in a **CJA related matter** but does **NOT** fall into one of the new CJA events.
  - The CJA Motion is found in the **"Motions"** category.
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- New **ExParte Motion** event added to allow the filing of a motion (with "restricted access") for those unique situations where a CJA event or the CJA Motion is not appropriate but a "restricted" motion is needed.
  - **USE of the ExParte Motion should be rare!!!**
  - The ExParte Motion is found in the **"Motions"** category.

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## DEMONSTRATION

- Filing CJA documents by attorneys
- Accessing CJA documents via the NEF
- Court filed CJA documents
- Accessing court filed CJA documents via the NEF

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### CONTACT INFORMATION

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