Travel Guidelines for CJA Attorneys and Experts

Introduction

Local 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.[1] Travel expenses claimed on these vouchers must be itemized and documented with appropriate receipts. However, travel out-of-district and/or overnight requires prior authorization via a **TRAVEL authorization** in eVoucher.

Following the passage 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 set forth the procedure 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. However, these guidelines are not exclusive, and attorneys and experts are encouraged to refer to the local rules, court orders, the CJA page on the District of Delaware website, the Guide to Judiciary Policy, Vol. 7A, and related statutes.

I. General Rules

A. Attorney's and Expert's Obligation. Attorneys and experts are expected to exercise prudence while traveling in connection with representation under the CJA and should claim only those expenses which were actually incurred and were essential to the representation.

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 his or her residence overnight.

[1] In these guidelines, the term "experts" encompasses persons providing investigative, expert or other services necessary for adequate representation pursuant to subsection (e) of the CJA.

B. **Reimbursable Expenses.** Only those travel expenses that are essential to the representation and are supported by receipts will be reimbursed.

C. **Billing While in Travel Status.** An attorney or expert may be compensated for travel 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.

II. Authority for Travel

A. **Standard local travel.** An attorney or expert traveling in connection with representation under the CJA is not required to obtain prior authorization for local non-overnight travel within the district and in the local commuting area (i.e. Philadelphia/FDC).

B. **Travel Outside of the District & Overnight Travel.** An attorney or expert traveling in connection with representation under the CJA is required to obtain prior court authorization for all travel outside of the district and local commuting area, as well as all overnight travel.

1. **Requesting Authorization for Travel**. If prior authorization is required, the CJA attorney must submit a travel authorization ("TA") request in eVoucher. The attorney should completely ***fill out all required entries on the request*** for travel form and include a ***memorandum explaining the anticipated costs and any special authorizations*** (such as a rental car). Additionally, the attorney should mark the type of travel requested and provide estimated costs. Once submitted, the authorization will be sent to a judge for approval. ***A copy of the approved TA must be attached to the CJA20 voucher when submitted.***
2. National Travel should be used to estimate costs of travel prior to submission of the authorization.

C. **Arranging Out-of-District/ Overnight Travel.**

1. **Airfare.** In order to estimate costs for the TA, the attorney or expert may call National Travel (800-445-0668 | usctmc@nationaltravel.com) as well as to book. When booking, please state "I am a CJA attorney/expert and will be using the District of Delaware's CJA GTA". If not using National Travel, the attorney/expert must ensure that the independently secured rate is refundable, changeable, and falls beneath the GSA rate. **Change fees and lost costs due to a ticket not being refundable that will cause overall costs to exceed the GSA maximum will NOT be reimbursed.**

2. **Lodging and Automobile Rentals.** National Travel can still be and should be used to estimate costs of hotels and securing rentals at the government rate**.** These expenses should be claimed as itemized expenses on the attorney or expert's voucher, supported by receipts or other appropriate documentation. Travelers should exercise prudence in the selection of the least expensive rental vehicle necessary to adequately perform the official travel. Additionally, lodging expenses will be reimbursed *only* at the per diem rate established by the GSA. *See* https://www.gsa.gov/portal/category/100120 for per diem rates per location.
    a. **EXCEPTION:** The exception to using National Travel rates to book a hotel is if after securing your options with National travel, the attorney or expert finds and provides proof of securing a comparable room at a lower rate than National travel. Or if an attorney or expert finds lodging below the GSA maximum and would like to use that instead, that is also permitted.

D. Reimbursable Travel Expenses

1. **Reasonableness of Expenses.** 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. This includes POV mileage, per diem,

2. **General Authorized 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 on travel and subsistence expenses of federal judiciary employees with existing government travel regulations.

3. **Travel in Excess of 24 Hours or When Lodging is Incurred.** During overnight authorized travel, reimbursement will be made for actual subsistence expenses. Subsistence expenses 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.
4. **Travel of 24 Hours or Less and No Lodging Incurred.** 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.
5. **Receipts.** Receipts must be submitted with the voucher for all travel and subsistence expenses over $50.

E. Non-reimbursable Travel Expenses.

1. The cost of travel for spouses, other family members, and friends is not allowable.

2. First class or business class travel expenses are not reimbursable. Usage of points/miles benefits with airlines is also non-reimbursable.

3. The Court will not reimburse add-ons, upgrades, prepaid refueling of a rental car, or Personal Accident Insurance (PAI) or Personal Effects Coverage (PEC) for rental automobiles.

    a. **Note:** If it is not possible to refuel a rental vehicle safely (e.g., poorly lit area), the vehicle may be returned without refueling. Refueling charges are reimbursable with a statement of the circumstances on the employee's voucher.

4. Personal expenses will not be reimbursed. This includes, but is not limited to, the following items:

    a. Snacks and alcoholic beverages;
    b. Entertainment (e.g., movies);
    c. Travel insurance taken while traveling;
    d. Parking fines or fees for traffic violations;
    e. Personal automobile expenses;
    f. Expenses incurred in traveling by indirect routes for personal reasons;
    g. Use of taxis to obtain meals;
    h. Non-mileage related travel expenses over $50 submitted without receipts.

III. Allowable Transportation

A. Expenses Payable as Transportation. Transportation expenses that may be claimed on the voucher include fares, automobile rental fees, mileage payments, parking and any expenses incident to transportation such as baggage transfer, business related telephone, and food when on overnight travel. Receipts must accompany all claims for non-mileage related travel expenses over $50, including parking, tolls, taxi, airfare, lodging, and meals.

B. Methods of Transportation.

1. Authorized Methods. Methods of transportation authorized for travel include railroads, airlines, ferries, buses, streetcars, subways, transportation terminal limousines, taxis, rental automobiles, privately-

owned automobiles, and other necessary means of conveyance. Usage of rental vehicles must be pre-approved.

2. **Selecting Method of Transportation to be Used.** Travel shall be by the method of transportation which will result in the greatest advantage to the Court, cost and other factors considered. In selecting a particular method of transportation to be used, the traveler should consider energy conservation and the total cost to the Court, including cost of subsistence, fees, and actual transportation costs. The travel shall be by the most expeditious means of transportation practicable and shall be commensurate with the nature and purpose of the duties of the individual requiring such travel.

3. **Most Advantageous Method of Transportation.** Since travel by common carrier (air, rail, taxicabs or bus) will generally result in the most efficient use of energy resources and in the least costly and most expeditious performance of travel, the traveler shall use a common carrier whenever it is reasonably available. If rail, bus, or other means is selected as a personal preference, and is more costly (including travel time) than air, reimbursement will be limited to actual expenses not to exceed the constructive costs of travel by air.

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

C. Government Discount Travel Rates. The use of government discount fares is considered advantageous to the Court. To obtain the government fare, the traveler should follow the procedures outlined in section II(C).

D. Use of Special Lower Fares. 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 Court. 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.

E. Reimbursement for 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 rate or the actual rate paid, whichever is less.

F. Routing of Travel.

1. **Official Necessity.** The traveler shall perform all travel by the usually-traveled route. Reimbursement for travel by other routes will be made only when the traveler establishes official necessity.

2. **Indirect-Route or Interrupted Travel.** When a traveler, for his or her own convenience, travels by an indirect route or interrupts travel by direct route, he or she shall bear the extra expense. Reimbursement will be made of only the expenses the traveler would have incurred on the usually-traveled route.

G. Class of Service and Rental Cars Authorized. 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.

H. Frequent Traveler Programs. Travelers are encouraged to participate in frequent traveler programs for official travel.

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