Judicial Conference of the United States
Committee on Defender Services

Chair
Cathy Seibel

Telephone: (914) [redacted]
Fax: (914) [redacted]

Members
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Denise Casper
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June 26, 2025

MEMORANDUM

To: Judges, United States Courts of Appeals
Judges, United States District Courts
Circuit Executives
Federal Public/Community Defenders
District Court Executives
Clerks, United States Courts of Appeals
Clerks, United States District Courts
Senior Staff Attorneys

From: Judge Cathy Seibel Cathy Seibel
Chair, Judicial Conference Committee on Defender Services

RE: UPDATE ON ANTICIPATED CJA PAYMENT DEFERRAL START DATE DUE TO FISCAL YEAR 2025 FUNDING SHORTFALL **(IMPORTANT INFORMATION)**

I write to provide an update on the anticipated deferral of payments to appointed counsel and service providers under the Criminal Justice Act, 18 U.S.C. § 3006A ("CJA").

As noted in my May 5, 2025, memorandum, to address the fiscal year (FY) 2025 funding shortfall resulting from the Full-Year Continuing Appropriations and Extensions Act, 2025 (Pub. L. No. 119-4), signed into law on March 15, 2025, the Executive

Committee approved a FY 2025 financial plan that anticipated the need to defer payments to CJA panel attorneys and service providers for an estimated 49 business days. Initially, panel attorney payments were projected to be deferred beginning on or about July 23, 2025. But because of an increase in the daily panel attorney payment rate leading up to the JIFMS upgrade shutdown, it is possible that panel attorney funds could be depleted as early as the week of July 7. It is difficult to predict the precise day when this unfortunate event will occur. We will continue to closely monitor and analyze the daily panel attorney payment rate, but making it to July 23 is unlikely.

Securing necessary funds to provide fair and timely compensation to appointed counsel and CJA service providers is of the highest priority for the judiciary, as the work of these individuals is critical to the administration of justice and protecting the rights of the accused in our federal courts. The judiciary will continue to seek every opportunity to obtain additional funding to meet this need. I ask that you continue to process and approve CJA vouchers during the payment deferrals so that queued payments may be disbursed as soon as funding becomes available. Any vouchers that have not been paid when the FY 2025 funds are depleted will be paid when funding becomes available in fiscal year 2026.

Despite the austere financial circumstances affecting CJA payments, Judicial Conference policy prohibits the reduction of CJA payment vouchers for the purpose of diminishing Defender Services program costs. Guide to Judiciary Policy, Vol. 7A, Ch. 2, § 230.33.20. Voucher reductions should be limited to mathematical errors; instances in which work billed was not compensable; instances in which work billed was not undertaken or completed; and instances in which the hours billed are clearly in excess of what was reasonably required to complete the task. *Id.* § 230.33.10. Thank you for your continued cooperation and compliance with these policies to help ensure the availability of highly qualified CJA counsel willing to accept future CJA appointments.

If you have any questions regarding the review and approval of CJA vouchers, please contact the AO's Defender Services Office, Legal and Policy Division at (202) 502-[redacted] or dso_lpd@[redacted]

cc: CJA Circuit Case Budgeting Attorneys
CJA Panel Attorney District Representatives