

To: Panel Attorneys
From: Appellate Projects
Date: November 18, 2011

M E M O R A N D U M

The purpose of this memo is to assist panel attorneys in entering their hours in the correct line items of their compensation claims. In the past, the correct usage of some line items has been unclear, resulting in ambiguity and lack of uniformity. Here are some principles that should help:

(1) Time spent on a subject, whether completed or not, should be on the line item for that subject, not on a line for “other” services.

- For example, preparation for oral argument should be on the *oral argument* line (not line 24) even if the ultimate decision is to waive argument.
- Similarly, work in considering a reply brief should be on line 8 and preparation for (including investigation) relating to a habeas petition should be on line 11, even if a brief or petition is not filed.
- Attorneys should indicate in the comment/explanation section of the appropriate line item whether the oral argument was made or a brief or petition was filed and provide the date of the argument or the date the court filed the pleading and/or a comment describing the work done.

[NOTE: Attorneys appointed in the Third and Fifth Districts should review the instructions on the CCAP website regarding where to claim any work done in furtherance of an application to expand an appointment to include preparation of a habeas petition.]

(2) All communication with the client and the trial attorney should be entered on line 1.

- This includes all such communication, no matter what the subject (e.g., whether about a habeas investigation, a *Wende* brief, oral argument, or any other subject).
- Whenever claiming hours greater than the guideline, one should always include an explanation.
- All communications with persons other than the client or trial counsel should be entered in line item 23.

We hope these clarifications are helpful.