

## United States Court of Appeals for the Tenth Circuit

### Appellate Case Management Plan for Processing Vouchers In Death Penalty Litigation

In all death penalty matters, whether on direct appeal or seeking habeas corpus relief, the following procedures shall apply.

1. Upon receipt of an appeal involving imposition of a death sentence, the clerk's office shall review the file to determine whether Criminal Justice Act counsel is involved. If yes, the appeal shall be submitted to the chief deputy clerk upon opening for review.

2. In all appropriate cases, the clerk's office shall, forthwith, issue a case management order setting forth the court's expectations regarding the payment of CJA vouchers and requests for interim payment. At the time the order is entered, the court will schedule a case management conference to discuss payment issues and any questions which counsel may have regarding submission of vouchers. The conference may be by telephone or via video conference. Counsel will be advised of the time, date, and type of conference. The conference will be held *ex parte*. In the same order, the court will direct counsel to prepare a proposed litigation budget. That proposed budget must be submitted to the clerk's office at least 7 days prior to the conference. *See attached Draft Order Regarding Litigation Budgets.*

3. Following the conference, the chief deputy clerk shall submit to the Chief Judge, or her designee, a copy of the proposed budget with recommendations for approving or disapproving the budget as drafted.

4. The chief judge or her designee shall review and approve the litigation budget. The clerk's office will enter an appropriate order approving the budget once any final revisions are made. Any motion to exceed or alter the proposed budget will be submitted to the Chief Judge or her designee with a recommendation from the chief deputy clerk. If a motion to exceed the budget is filed following panel assignment, the

motion will be submitted to the writing judge. *See attached Draft Order*

*Approving Litigation Budgets.*

5. The order approving the budget will also formally appoint counsel, approve interim payments and use of paralegals, and will note the court's policy of retaining 25% of attorney fees until the conclusion of the case. *See attached Draft Order Approving Litigation Budgets.*