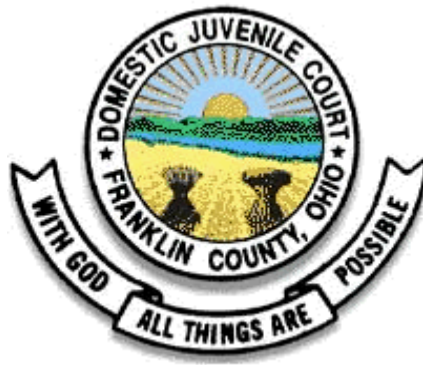


FRANKLIN COUNTY COURT OF COMMON PLEAS
DIVISION OF DOMESTIC RELATIONS
AND
JUVENILE BRANCH



Guidelines for the Appointed Counsel Reimbursement

Revised February 2011

TABLE OF CONTENTS

1. Introduction	2
2. Fee Caps.....	3
3. Rules Governing Billing.....	4
Prescribed Forms	4
Submission Deadlines.....	4
Itemization of Hours	4
Time Logs	4
Reimbursable Expenses	5
Non-Reimbursable Expenses.....	6
Periodic Billing.....	6
Fee Cap.....	6
Attorney Withdraw/Removal.....	7
Underpayment/Overpayment of Reimbursement	7
4. Abuse/Neglect/Dependency (list 1 and 3).....	8
5. Delinquency (list 2)	12
6. Contempt (list 4).....	15
7. Bindover (list 5)	16
8. Judicial Bypass (list 6).....	17
9. Extraordinary Fees.....	18
10. Instructions for Completing Form OPD-1026R.....	19

INTRODUCTION

The Franklin County Court of Common Pleas Division of Domestic Relations and Juvenile Branch would like to take this opportunity to welcome you to the Appointed Counsel list. The fiscal team has compiled this manual to provide helpful information, guidance in completing the Motion, Entry, and Certification for Appointed Counsel Fees, and provide answers to the most frequently asked questions regarding reimbursement issues. The fiscal team is available in the 6th Floor Administration area, Monday through Friday from 8:00 a.m. to 5:00 p.m. to handle any additional questions, comments, or concerns.

We hope that this manual provides necessary and useful information to you for many of your appointed counsel questions.

COURT STAFF		
<u>NAME</u>	<u>PHONE #</u>	<u>E-MAIL ADDRESS</u>
Kerri Griffin Court Director	525-3377	Kerri_Griffin@fccourts.org
Chip Jones Administrative Magistrate	525-5315	Charles_Jones@fccourts.org
Barbara Reeves Deputy Director, Business and Finance	525-4352	Barb_Reeves@fccourts.org
Angie Bing Assigned Counsel Supervisor	525-4036	Angie_Bing@fccourts.org
Jackie Lewis Fiscal Assistant	525-5867	Jackie_Lewis@fccourts.org
Ashley James Fiscal Assistant	525-3916	Ashley_James@fccourts.org
Aimee Smith Fiscal Assistant	525-6237	Aimee_Smith@fccourts.org

APPOINTED COUNSEL FEE CAPS

<u>TYPE OF CASE</u>	<u>FEE CAP</u>
Bindover Proceedings	\$1,000
Permanent Commitments	\$1,000
Abuse, Neglect, Dependency Annual Reviews Custody cases with no further FCCS involvement (the Court does not usually appoint on these types of cases)	\$1,000
Guardian Ad Litem (GAL) Bindover Proceedings Permanent Commitments Abuse, Neglect, Dependency Annual Reviews on Abuse, Neglect, Dependency Custody cases with no further FCCS involvement Felonies Misdemeanors Probation & Court Violations	\$1,000
Felonies	\$1,000
Parentage	\$1,000
Misdemeanors	\$ 500
Probation & Court Violations	\$ 500
Contempt	\$ 500
Judicial Bypass	\$ 300
Juvenile Protection Orders	\$ 200
Miscellaneous	\$ 400
In-Court Hourly Rate	\$ 60
Out-of-Court Hourly Rate	\$ 50

RULES GOVERNING BILLING

PRESCRIBED FORMS

Juvenile Rule 4 requires every appointed attorney requesting reimbursement shall use the current edition of the software program provided by the Ohio Public Defender. To download the software program go to the Ohio Public Defender's website <http://opd.ohio.gov>.

To receive payment for appointed counsel fees, you must properly complete and submit all prescribed form(s) listed below to the Court's Appointed Counsel Department located on the 6th floor. Additionally, the forms must be submitted in the order listed below and paper clipped together, not stapled.

If any of the information requested on the prescribed forms is incomplete or incorrect, the entire fee application package will be returned to the attorney for correction. All Motion, Entry and Certification forms returned are placed in the attorney's assigned file located on the 5th floor.

SUBMISSION DEADLINES

All prescribed forms shall be submitted no later than thirty (30) days of the termination date listed on the Motion, Entry and Certification. Date of termination shall be no later than the file stamp date of the journal entry dismissing the complaint or motion, dispositional journal entry, or termination whichever is later. If the Court receives the prescribed forms late, then payment will be reduced by 50%. Motion, Entry and Certification forms submitted after sixty (60) days of the date of termination will **NOT** be processed for payment.

Defective fee applications which are corrected and returned to the Court's Appointed Counsel Department located on the 6th floor within 10 days of being returned, will be reimbursed at the same rate as if they were correct on the first date submitted.

ITEMIZATION OF HOURS

The itemization of hours spent in-court and out-of-court is required on every Motion, Entry, and Certification form submitted. Hours must be itemized on all forms in tenth of an hour (6 minute) increments.

- .1 = 6 minutes
- .2 = 12 minutes
- .3 = 18 minutes
- .4 = 24 minutes
- .5 = 30 minutes
- .6 = 36 minutes
- .7 = 42 minutes
- .8 = 48 minutes
- .9 = 54 minutes
- 1.0=60 minutes

TIME LOGS

Attorneys are required to prepare and maintain time records for each appointed case showing the date of service, nature of services rendered and hours worked. Except as provided in

requests for extraordinary fees, these records should not be submitted with the billing, but may be requested from the attorney in the event that the Court or the Ohio Public Defender has questions about the billing. The suggested format for maintaining such time is on form OPD-1028: *Attorney Time Log*. However, attorneys may use their own forms or billing programs so long as equivalent data can be produced, if requested. Such records should be kept by the attorney for a minimum of five years from the date the related Motion, Entry and Certification form was submitted to the Court. The attorney shall keep a time log even if the fee cap has been reached and the fee application has been submitted for payment.

REIMBURSABLE EXPENSES

Necessary and reasonable expenses may be allowed for such items as expert witness fees, polygraph costs, long distance phone calls and photocopying. Attorneys seeking reimbursement for expenses must provide receipts for all expenses in excess of one dollar. Court approval is not required for expenses up to \$100.00. However, attorneys may not fractionalize expenses to circumvent the \$100.00 cap. The Ohio Public Defender's Office limits photocopying to \$.05 per page or at the actual cost (with receipt) if a service is used. Additionally, the number of copies shall be listed on the Motion, Entry and Certification form.

Prior approval by the Assigned Judge is required before incurring expenses exceeding \$100.00. When determining whether to grant expenses the Assigned Judge shall consider the value added to the proper representation at trial, and whether there is another available alternative which would fulfill the same function at a lesser cost.

Attorney fees for time spent in-transit and expenses for mileage and parking are reimbursable only when the attorney travels to a city outside of the city in which the attorney resides or maintains an office.

Expenses for lodging and meals are reimbursable only when the attorney travels over 45 miles, one way, from the attorney's home or office for purposes of representing an indigent client, and when an overnight stay is required.

Lodging, meals, mileage, and travel by common carrier are eligible expenses for reimbursement subject to the current rates prescribed by Ohio Administrative Rule 126-1-02.

- 1) Lodging expenses when incurred during travel within the state of Ohio will be reimbursed at actual cost up to \$60.00 plus applicable tax per day. Lodging expenses incurred during travel outside the state of Ohio will be reimbursed at actual cost when such cost is reasonable as determined by the Ohio Public Defender.
- 2) Meal expenses shall be reimbursed in accordance with the per diem rates established by the U.S. General Services Administration (www.gsa.gov), which is based on the lodging location.
- 3) Expenses for travel by commercial carrier will be reimbursed at the lowest fare available for the trip and only when the attorney travels outside Ohio.

- 4) Reimbursement for travel by personal auto shall be made at the rate of the Internal Revenue Service's business standard mileage rate which is currently at \$.51 per mile. Mileage reimbursement must be accompanied by a printed receipt i.e. Mapquest, Mapblast, etc with driving directions which include the start address and the final destination address.

All expenses must be itemized on the second page of Motion, Entry and Certification form (see example below)

Use the following categories for Type: (1) Experts (2) Postage/Phone (3) Records (4) Transcripts (5) Travel (6) Other

TYPE	PAYEE	AMOUNT
1	Mid Ohio Psychological - bindover exam for defense attorney	\$1,000.00
1	Martin Investigation Services - investigator	\$ 500.00
2	2 Postage stamps @ \$.44 each	\$.88
3	Nationwide Children's Hospital - health records	\$ 25.00
5	Attorney Name - Mileage 120 miles @ \$.51 visit youth in foster care from Columbus to Newark and return	\$ 61.20
6	Kinkos - 15 copies @ \$.05 per copy	\$.75
6	Attorney name 10 copies @ \$.05 per copy	\$.50

NON-REIMBURSABLE EXPENSE

Attorneys and guardians ad litem will not be reimbursed for the following expenses:

- Mileage and parking incurred between the attorney's home and office, the attorney's home and Court, or the attorney's office and court
- Any fixed office overhead expenses
- Court transcripts or depositions, except as provided by law
- Lodging, meals, mileage, and travel by common carrier for the client, the client's family, the client's friends, or for the attorney's employees.
- Services performed by a social worker, including but not limited to, expenses incurred to use a Licensed Independent Social Worker to do child interviews and home investigations.

PERIODIC BILLING

Periodic bills may be submitted prior to the case termination date **only** for reimbursable expenses, a warrant has been issued, or the case has not been disposed of within a twelve month period from the date of appointment.

To determine the maximum amount payable, the totals of all periodic billings shall be added together. Once the maximum or final disposition has been reached, no additional payments will be made unless the billing is accompanied by an order granting extraordinary fees.

FEE CAP

A fee application may be submitted prior to the disposition of the case if the fee cap has been reached. This is not considered a periodic billing; therefore, the box should not be checked on the fee application.

ATTORNEY WITHDRAWAL/REMOVAL

An attorney or guardian ad litem may submit a Motion, Entry, and Certification form after being removed or granted leave to withdraw from a case. A copy of the withdrawal/removal entry filed stamped by the Clerk of Courts shall be attached to the Motion, Entry, and Certification form. The withdrawal/removal entry serves as the final disposition.

UNDERPAYMENT/OVERPAYMENT OF REIMBURSEMENT

If an attorney receives a reimbursement payment which is less than or greater than the amount that should have been paid to the attorney as a result of errors, omissions, or other factors, the Court shall either make a supplementary payment to or seek reimbursement from the attorney

ABUSE/NEGLECT/DEPENDENCY CASES LIST 1 AND 3

The fee cap for an Abuse, Neglect, Dependency is \$1,000.

To receive payment for appointed counsel fees, attorneys must properly complete and submit all prescribed form(s) listed below. Additionally, the forms must be submitted in the order listed below and paper clipped together, not stapled.

FORM NAME

REQUIREMENTS

Motion, Entry, and Certification for Appointed Counsel Fees

Need original signatures

Financial Disclosure Affidavit of Indigency

Notarized or signed by a Judge or Magistrate

Entry/Magistrate's Order Appointing Counsel

Time-stamped by the Clerk of Courts

or

Appointing Attorney and Guardian Ad Litem

or

Appointing Guardian Ad Litem and Court Appointed Special Advocate

Magistrate's Decision

Time-stamped by the Clerk of Courts

Guardian Ad Litem shall continue to serve until the duties of the guardian ad litem terminate in accordance with R.C. 2151.281(G), or until discharged by order of the Court.

Attorneys on Abuse, Neglect, Dependency cases shall continue to serve until the complaint is dismissed, all dispositional orders relative to the child have terminated, legal custody of the child is granted to a relative or another person, parental rights are terminated, or the attorney withdraws or is removed by the Court. A new appointment is **not** needed for each annual review hearing.

When Abuse, Neglect, Dependency cases are dismissed and re-filed, each case filing shall be treated as two cases with two separate fee caps. Cases cannot be combined together to avoid the 30 day deadline.

Fee applications may not be submitted for payment on motion hearings, status conferences and drug court appearances. However, the attorney should continue to log their time and bill at the appropriate time (see examples below).

Additionally, fee applications may not be submitted on reviews hearings that are set less than twelve months from the last annual review. **Example:** After the first annual review, the next review date is scheduled within 170-180 days. The subsequent review date scheduled in additional 170-180 days would be billable. The two reviews combined together equal approximately twelve months, which is the definition of annual for billing purposes.

Appointed attorneys and guardians ad litem may submit a fee application following the initial dispositional hearing and for each subsequent twelve month **annual** review hearing.

Example: Initial dispositional hearing.

SUMMARY OF CHARGES, HOURS, EXPENSES, AND BILLING			
OFFENSE/CHARGE/MATTER	ORC/CITYCODE	DEGREE	DISPOSITION
Abuse	2151.03(A)(2)	n/a	TC to Father
Dependency	2151.04	n/a	Dismissed
Case Plan Hearing	2151.412(D)	n/a	Other

Example: First annual review hearing after the initial disposition of the abuse, neglect, dependency case. The annual review is usually scheduled at the time of the dispositional hearing and is held within twelve months of the initial filing of the complaint.

SUMMARY OF CHARGES, HOURS, EXPENSES, AND BILLING			
OFFENSE/CHARGE/MATTER	ORC/CITYCODE	DEGREE	DISPOSITION
Annual Review of A/N/D	2151.417	n/a	Extend TCC

Example: Motion was filed for legal custody in which legal custody was awarded. A fee application may be submitted since legal custody was awarded and the case was **closed**.

SUMMARY OF CHARGES, HOURS, EXPENSES, AND BILLING			
OFFENSE/CHARGE/MATTER	ORC/CITYCODE	DEGREE	DISPOSITION
Legal Custody motion of A/N/D	2151.353	n/a	Legal Custody Awarded Case Closed

Example: Motion was filed for planned permanent living arrangement (PPLA) and the next annual review was stricken as a result of the PPLA motion. A fee application may be submitted if the next annual review was stricken. If the annual review was **not** stricken, a fee application may not be submitted on the PPLA motion.

SUMMARY OF CHARGES, HOURS, EXPENSES, AND BILLING			
OFFENSE/CHARGE/MATTER	ORC/CITYCODE	DEGREE	DISPOSITION
Motion for Planned Permanent Living Arrangement (PPLA) Annual Review of 2-15-11 stricken	2151.353(B)	n/a	PPLA Granted

Example: Motion was filed for an alternative disposition on a **closed** Abuse, Neglect, Dependency case in which the Court issued orders that involve Franklin County Children Services such as TCC, COPS, etc. A fee application may be submitted since the original Abuse, Neglect, Dependency case was closed. The next fee application may be submitted at the twelve month annual review unless the case is closed prior to the annual review.

SUMMARY OF CHARGES, HOURS, EXPENSES, AND BILLING			
OFFENSE/CHARGE/MATTER	ORC/CITYCODE	DEGREE	DISPOSTION
Motion for Alternative Disposition on A/N/D	2151.353	n/a	TC Granted

Example: Motion was filed for a permanent court commitment (PCC). A fee application may be submitted only if the previously scheduled annual review is stricken or the motion takes the place of the annual review.

SUMMARY OF CHARGES, HOURS, EXPENSES, AND BILLING			
OFFENSE/CHARGE/MATTER	ORC/CITYCODE	DEGREE	DISPOSTION
Permanent Court Commitment Annual Review of 2-15-11 stricken	2151.414	n/a	PCC granted

Example: Second annual review is not scheduled until September 21, 2011, but the \$1,000 cap has been reached. A fee application may be submitted since the cap has been reached. However, any work performed through 9-21-11 would not be billable on any subsequent fee application that may be submitted to the Court.

SUMMARY OF CHARGES, HOURS, EXPENSES, AND BILLING			
OFFENSE/CHARGE/MATTER	ORC/CITYCODE	DEGREE	DISPOSTION
Annual Review of 9-21-11 - A/N/D	2151.417	n/a	Extend TCC

COMPANION CASES AND MULTIPLE CLIENTS

In cases involving multiple parties, regardless of the date appointed, date disposed, or whether the attorney represented the children, parents, or other parties in an abuse, neglect, dependency, the attorney shall list all parties and their respective case numbers on one Motion, Entry and Certification form. The most recent case number shall be listed first on the Motion, Entry, and Certification form.

MOTION, ENTRY, AND CERTIFICATION FOR APPOINTED COUNSEL FEES	
In the _____	Court of _____
Plaintiff: _____ V	Current Case No. <u>10JU1555</u> <u>10JU333</u> <u>09JU701</u> Reference Case No. (if app.) _____
<u>Smith, Jones, Clark</u> Defendant/Party Represented	<input type="checkbox"/> Capital Offense Case (check if this is a Capital Offense Case) <input type="checkbox"/> Guardian Ad Litem (check if appointed as GAL)
In re: <u>Smith, Jones, Clark</u>	Judge _____

CASES WITH NO FURTHER FCCS INVOLVEMENT

If legal custody has already been awarded and Franklin County Children Services (FCCS) is no longer involved in the case, appointed attorneys/guardians ad litem may submit a fee application following the dispositional hearing on the initial motion filed for change of custody, visitation, etc. and every twelve months thereafter. The twelve months would begin with the filing date of the first motion. A separate fee cap is not applied to each motion filed, but rather based upon the twelve month period.

SUMMARY OF CHARGES, HOURS, EXPENSES, AND BILLING			
OFFENSE/CHARGE/MATTER	ORC/CITYCODE	DEGREE	DISPOSTION
<u>Private Custody from A/N/D case</u>	<u>2151.353</u>	<u>n/a</u>	<u>Legal Custody Awarded</u>

DELINQUENCY/UNRULY LIST 2

The fee cap for a Felony \$1,000, Misdemeanors \$500, Probation Violations \$500, and all other proceedings are \$400.

To receive payment for appointed counsel fees, attorneys must properly complete and submit all prescribed form(s) listed below. Additionally, the forms must be submitted in the order listed below and paper clipped together, not stapled.

FORM NAME

REQUIREMENTS

Motion, Entry, and Certification for Appointed Counsel Fees Need original signatures

Financial Disclosure Affidavit of Indigency Notarized or signed by a Judge or Magistrate

Entry/Magistrate’s Order Appointing Counsel Time-stamped by the Clerk of Courts

or

Appointing Attorney and Guardian Ad Litem

Magistrate’s Decision Time-stamped by the Clerk of Courts

MULTIPLE CHARGES AND COUNTS

When a single client is charged with multiple offenses as separate counts of one complaint, or multiple offenses in more than one case number, and the counts/complaints are assigned to the same Judge/Magistrate, with much of the work performed and the cases disposed simultaneously, only one Motion, Entry, and Certification form shall be submitted with all cases listed.

SUMMARY OF CHARGES, HOURS, EXPENSES, AND BILLING			
OFFENSE/CHARGE/MATTER	ORC/CITYCODE	DEGREE	DISPOSTION
Burglary – new charge	2911.12	F2	Pled to lesser Probation
Menacing – new charge	2903.22	M4	Admit Case closed.
Probation Violation – for prior assault	2951.08	n/a	Dismissed

The maximum fee shall be based on the highest degree of offense charged. The case number with the highest degree of offense shall be listed first on the Motion, Entry and Certification form.

MOTION, ENTRY, AND CERTIFICATION FOR APPOINTED COUNSEL FEES

In the _____

Court of _____

Plaintiff: _____
 V

Current Case No. 10JU1111 09JU5555 08JU1566
 Reference Case No. (if app.) _____

Defendant/Party Represented

Capital Offense Case (check if this is a Capital Offense Case)
 Guardian Ad Litem (check if appointed as GAL)

In re: _____

Judge _____

Example: Probation violation on a prior assault. The ORC on the probation violation should be listed not the ORC for the prior assault and the degree would always be n/a.

SUMMARY OF CHARGES, HOURS, EXPENSES, AND BILLING

OFFENSE/CHARGE/MATTER	ORC/CITYCODE	DEGREE	DISPOSITION
Probation Violation – for prior assault	2951.08	n/a	Dismissed

HOLD OPEN/REVIEW HEARINGS

If disposition is held open for a specific time period without scheduling a review hearing, the case is deemed disposed for billing purpose and the Motion, Entry, and Certification must be submitted for payment. If disposition is held open and a review hearing is scheduled, the case remains open and the Motion, Entry, and Certification shall **not** be submitted until final disposition is entered.

CUSTODY ON UNRULY AND DELINQUENT CASES

If custody is part of the unruly/delinquent case, the fee cap will be based upon the delinquency matter not based on the underlying motion. These types of cases are not treated the same as A/N/D cases with multiple caps. Appointed attorneys and guardians ad litem may submit a fee application for the disposition of the delinquency, but any fee applications submitted thereafter, for annual reviews, termination of custody, etc. must be submitted along with a motion for extraordinary fee and billed as the delinquency matter not as the A/N/D custody

SUMMARY OF CHARGES, HOURS, EXPENSES, AND BILLING

OFFENSE/CHARGE/MATTER	ORC/CITYCODE	DEGREE	DISPOSITION
Annual Review on burglary	2911.12	F2	Custody Terminated

or

SUMMARY OF CHARGES, HOURS, EXPENSES, AND BILLING			
OFFENSE/CHARGE/MATTER	ORC/CITYCODE	DEGREE	DISPOSTION
Motion for Custody – original charge burglary	2911.12	F2	Custody Terminated

WARRANT

A Motion, Entry, and Certification may be submitted for payment when a warrant is issued. The box for periodic billing must be checked (√) on the Motion, Entry, and Certification and the disposition should indicate, “warrant”. The original appointment continues and a new few cap will **not** apply once the client is taken into custody

MOTION FOR APPROVAL OF PAYMENT OF APPOINTED COUNSEL FEES AND EXPENSES

The undersigned having been appointed counsel for the party represented moves this Court for an order approving payment of fees and expenses as indicated in the itemized statement herein. I certify that I have received no compensation in connection with providing representation in this case other than that described in this motion or which has been approved by the Court in a previous motion, nor have any fees and expenses in this motion been duplicated on any other motion. I, or an attorney under my supervision, have performed all legal services itemized in this motion.

Periodic Billing (check if this is a period bill)

SUMMARY OF CHARGES, HOURS, EXPENSES, AND BILLING			
OFFENSE/CHARGE/MATTER	ORC/CITYCODE	DEGREE	DISPOSTION
Attempted Assault	2903.13	M2	Warrant issued

To determine the maximum amount payable, the totals of all billings will be added together. Once the maximum or final disposition has been reached, no additional payments will be made unless the billing is accompanied by an order for extraordinary fees

CONTEMPTS LIST 4

The fee cap for a Contempt case is \$500.

To receive payment for appointed counsel fees, attorneys must properly complete and submit all prescribed form(s) listed below. Additionally, the forms must be submitted in the order listed below and paper clipped together, not stapled.

FORM NAME

REQUIREMENTS

Motion, Entry, and Certification for Appointed Counsel Fees

Need original signatures

Financial Disclosure Affidavit of Indigency

Notarized or signed by a Judge or Magistrate

Entry/Magistrate’s Order Appointing Counsel

Time-stamped by the Clerk of Courts

Magistrate’s Decision

Time-stamped by the Clerk of Courts

If an indigent defendant is found guilty of contempt and the matter is continued to review compliance with the purge order, the case remains open and appointed counsel may **not** submit a Motion, Entry, and Certification until final disposition is entered. Work performed for the review hearing must be included in the contempt fee cap.

CAPIAS

A Motion, Entry, and Certification may be submitted for payment when a capias is issued. The box for periodic billing must be checked (√) on the Motion, Entry, and Certification and the disposition should indicate “capias”. The original appointment continues and a new fee cap will **not** apply once the client is taken into custody.

MOTION FOR APPROVAL OF PAYMENT OF APPOINTED COUNSEL FEES AND EXPENSES

The undersigned having been appointed counsel for the party represented moves this Court for an order approving payment of fees and expenses as indicated in the itemized statement herein. I certify that I have received no compensation in connection with providing representation in this case other than that described in this motion or which has been approved by the Court in a previous motion, nor have any fees and expenses in this motion been duplicated on any other motion. I, or an attorney under my supervision, have performed all legal services itemized in this motion.

Periodic Billing (check if this is a period bill)

SUMMARY OF CHARGES, HOURS, EXPENSES, AND BILLING

OFFENSE/CHARGE/MATTER	ORC/CITYCODE	DEGREE	DISPOSITION
Contempt	2705.02	n/a	capias

To determine the maximum amount payable, the totals of all billings will be added together. Once the maximum or final disposition has been reached, no additional payments will be made unless the billing is accompanied by an order granting extraordinary fees.

BINDER LIST 5

The fee cap for a Bindover Motion is \$1,000.

To receive payment for appointed counsel fees, attorneys must properly complete and submit all prescribed form(s) listed below. Additionally, the forms must be submitted in the order listed below and paper clipped together, not stapled.

FORM NAME

REQUIREMENTS

Motion, Entry, and Certification for Appointed Counsel Fees

Need original signatures

Financial Disclosure Affidavit of Indigency

Notarized or signed by a Judge or Magistrate

Entry/Magistrate's Order Appointing Counsel
or
Appointing Attorney and Guardian Ad Litem

Time-stamped by the Clerk of Courts

Magistrate's Decision

Time-stamped by the Clerk of Courts

If the Bindover motion is **not** granted and the case proceeds on the delinquency matter, each case proceeding shall be treated as two separate cases with two separate fee caps. The attorney shall initially submit a Motion, Entry and Certification for the work performed on the Bindover motion within thirty (30) days of the disposition of the motion. Additionally, the attorney shall submit a Motion, Entry and Certification for the subsequent work performed as a result of the hearing on the delinquency charge within thirty (30) days of the disposition of the case.

SUMMARY OF CHARGES, HOURS, EXPENSES, AND BILLING			
OFFENSE/CHARGE/MATTER	ORC/CITYCODE	DEGREE	DISPOSITION
Bindover	2152.12	n/a	Dismissed

SUMMARY OF CHARGES, HOURS, EXPENSES, AND BILLING			
OFFENSE/CHARGE/MATTER	ORC/CITYCODE	DEGREE	DISPOSITION
Attempted Murder	2903.02A	F1	Committed to DYS

JUDICIAL BY PASS

LIST 6

The fee cap for a Judicial By Pass case is \$300.

To receive payment for appointed counsel fees, you must properly complete and submit all prescribed form(s) listed below. Additionally, the forms must be submitted in the order listed below and paper clipped together, not stapled.

FORM NAME

REQUIREMENTS

Motion, Entry, and Certification for Appointed Counsel Fees

Need original signatures

Financial Disclosure Affidavit of Indigency

Signed by a Judge or Magistrate

Entry/Magistrate’s Order Appointing Counsel
or
Appointing Attorney and Guardian Ad Litem

Time-stamped by the Clerk of Courts

On the Motion, Entry, and Certification for Appointed Counsel Fees enter the name of the defendant/party represented and In re: as “Jane Doe”.

MOTION, ENTRY, AND CERTIFICATION FOR APPOINTED COUNSEL FEES	
In the _____	Court of _____
Plaintiff: _____ V	Current Case No. _____ Reference Case No. (if app.) _____
_____ Jane Doe _____ Defendant/Party Represented	<input type="checkbox"/> Capital Offense Case (check if this is a Capital Offense Case) <input type="checkbox"/> Guardian Ad Litem (check if appointed as GAL)
In re: _____ Jane Doe _____	Judge _____

SUMMARY OF CHARGES, HOURS, EXPENSES, AND BILLING			
OFFENSE/CHARGE/MATTER	ORC/CITYCODE	DEGREE	DISPOSITION
Abortion Consent	2151.85	n/a	Affirmed

EXTRAORDINARY FEES

Listed below are the following forms to be completed when submitting extraordinary fees. You must properly complete and submit all prescribed form(s) and place them in the extraordinary fee basket at the appointed counsel counter located on the 6th floor.

Additionally, the forms must be submitted in the order listed below and paper clipped together, not stapled.

FORM NAME

REQUIREMENTS

Motion, Entry, and Certification for Appointed Counsel Fees

Need original signatures

Financial Disclosure Affidavit of Indigency

Notarized or signed by a Judge or Magistrate

Entry/Magistrate's Order Appointing Counsel

or

Appointing Attorney and Guardian Ad Litem

or

Appointing Guardian Ad Litem and Court Appointed Special Advocate

Time-stamped by the Clerk of Courts

Attorney Time Log (OPD -1028)

Clearly reflecting date of service, nature of services rendered and hours worked

Motion requesting Extraordinary Fees

Time-stamped by the Clerk of Courts

Magistrate's Decision

Time-stamped by the Clerk of Courts

Requests for extraordinary fees must be made by written motion submitted with supporting information, including all regular billing documents, within 30 days of the date of the journal entry disposing of the complaint or motion, or date of the journal entry approving the case plan, whichever is later. Requests for extraordinary fees will **not** be considered prior to disposition. If the court receives requests for extraordinary fees late, payment to the attorney will be reduced by 50%. All requests for extraordinary fees shall be submitted within sixty days of the date of the journal entry disposing of the complaint or motion, or date of the journal entry approving the case plan, whichever is later. Applications submitted beyond sixty days will **not** be paid.

An award for extraordinary fees will be made only with the approval of a majority of the Judges of the Domestic Relations Court. Extraordinary fees will be granted only in complex cases involving multiple counts dealing with multiple separate incidents which require an extraordinary amount of trial preparation time, cases that involve unique legal issues, cases that require multiple types of hearings (e.g., motion to relinquish jurisdiction denied and SYO subsequently filed), or cases requiring extended days of trial. Motions for extraordinary fees **must** be accompanied by an itemized time log clearly reflecting the date of service, nature of services rendered and hours worked.

INSTRUCTIONS FOR COMPLETING FORM OPD-1026R

(MOTION, ENTRY AND CERTIFICATION FOR APPOINTED COUNSEL FEES)

The following instructions are for the *Motion, Entry, and Certification for Appointed Counsel Fees* for (Form OPD-1026R). For the purpose of these instructions, the form is divided into eight sections, A - H and spaces requiring an entry have been numbered.

MOTION, ENTRY, AND CERTIFICATION FOR APPOINTED COUNSEL FEES

In the _____ (1) _____ Court of _____ (2) _____, Ohio

Plaintiff: (3)

Case No. _____ (6)

Appellate Case No. (if app.) _____ (7)

v. _____ (4)

(8) ? Capital Offense Case (*check if Capital Offense case*)

Defendant/Party Represented

(9) ? Guardian Ad Litem (*check if appointed as GAL*)

In re: _____ (5) Judge: _____ (10)

- (1) Enter Juvenile or Domestic.
- (2) Enter Franklin County.
- (3) Enter the name of the plaintiff. If there is no plaintiff, this space is blank.
- (4) Enter the name of the defendant or the party being represented.
- (5) Complete the "In re:" section, if applicable, for juvenile cases.
- (6) Enter the case number with the most current case number listed first. Case number should be listed as 09JU1212. **Do not list the case number as 2009JU-10-1212.**
- (7) Not applicable.
- (8) Not applicable.
- (9) Check the box if appointed as GAL.
- (10) Enter the name of the Judge to whom the case is assigned.

MOTION FOR APPROVAL OF PAYMENT OF APPOINTED COUNSEL FEES AND EXPENSES

The undersigned having been appointed counsel for the party represented moves this Court for an order approving payment of fees and expenses as indicated in the itemized statement herein. I certify that I have received no compensation in connection with providing representation in this case other than that described in this motion or which has been approved by the Court in a previous motion, nor have any fees and expenses in this motion been duplicated on any other motion. I, or an attorney under my supervision, have performed all legal services itemized in this motion.

(11) Periodic Billing (*check if this is a periodic bill*)

As attorney/guardian ad litem of record, I was appointed on ____ (12) ____, _____. This case terminated and/or was Disposed of on ____ (13) ____, _____. I am submitting this application on ____ (14) ____, _____.

Name ____ (15) _____ Signature ____ (16) _____

Address ____ (17) _____ SSN/Tax I ____ (18) _____

No. and Street City State Zip OSC Reg. No. ____ (19) _____

- (11) Check the box only if this is a periodic bill.
- (12) Enter the date appointed to the case which shall be either the Clerk's date stamp or the effective date listed on the Order signed by the Judge/Magistrate.
- (13) Enter the date the case was terminated and/or was disposed of by the Court.
- (14) Enter the date you submitted the OPD-1026R form.
- (15) Enter your individual name **and** the name that corresponds to the Federal Tax I.D. or Tax I.D. being used on line 18 if different than the individual name. For example: John A. Smith/Smith & Associates Co., LPA
- (16) Sign the form.
- (17) Enter the address that corresponds to the W-9 that is on file with the County Auditor. (Include P.O., Apt#, or Suite, if applicable).
- (18) Enter your Vendor Number. Do **not** enter your Federal Tax I.D. number or the Tax I.D. number of the legal association or firm.
- (19) Enter your Ohio Supreme Court registration number.

If there are more than three charges against the defendant, list only the three most serious charges beginning with the one of greatest severity and continuing in descending order.

SUMMARY OF CHARGES, HOURS, EXPENSES, AND BILLING

OFFENSE/CHARGE/MATTER	ORC/CITY CODE	DEGREE	DISPOSITION
1.) (20)	(21)	(22)	(23)
2.) (20)	(21)	(22)	(23)
3.) (20)	(21)	(22)	(23)

- (20) Enter the charge(s) and or motion(s) type for which the Motion, Entry and Certification is being submitted (i.e. Felony, Bindover, PCC, Misdemeanor, Probation Violation, Contempt, A/N/D/ - Annual Review, Judicial Bypass, Contempt of Court etc.)
- (21) Enter the Ohio Revised Code Section (ORC) for each charge listed.
- (22) Enter the degree of the offense (e.g. F1, M4, etc.).
- (23) Indicate how the charge was disposed. The following categories are some examples:

Affirmed	
Attorney Withdraw	Counsel withdrew from case
Custody Denied	Custody is denied to agency
Dismissed	The case is dismissed by the Judge hearing the case
DYS Commitment	Client is committed to Department of Youth Services
Other	Any other types of case disposal
PC Granted	Agency is given permanent custody
Pending	Case has not been disposed
Pled to Charge	Client pleads guilty, no contest or admits to the charge
Pled to Lesser	Client pleads guilty, no contest or admits to a lesser charge
Probation	Client is placed on probation
PS Ordered	Child is placed under protective supervision
TC Granted	Agency is given temporary custody
Trial - Guilty	Trial - found guilty/ delinquent/ unruly
Trial - Not Guilty	Trial - found not guilty/ delinquent/ unruly
Trial - Other	Trial - other (hung jury etc.)

(24) The figures for the boxes below in the Summary of Hours, Expense, and Billing grid are to be copied from the grand totals in Section (G) of Side Two of this form. The figures show the total number of hours spent on each type of service provided, and the total number of hours spent out-of-court and in-court. See Section (G) on Side Two of the form for a listing of the different types of services and their associated numbers.

OUT-OF-COURT	IN COURT			GRAND TOTAL
	PRE-TRIAL HEARINGS	ALL OTHER IN COURT	IN-COURT TOTAL	

(25) Flat Fee Hrs:In (27) X Rate (28) = \$ (29) Tot. Fees \$ (33)
 (26) Min Fee Hrs:Out (30) X Rate (31) = \$ (32) Expenses \$ (34) Total \$ (35)

(25) Not applicable.

(26) Not applicable.

(27) Enter the total number of in-court hours.

(28) Enter \$60 for in-court hourly rate.

(29) Enter the product of the total in-court hours times the hourly rate for in-court services.

(30) Enter the total number of out-of-court hours listed on Side Two of the OPD-1026R form.

(31) Enter \$50 for out-of-court hourly rate.

(32) Enter the product of the total out-of-court hours times the hourly rate for out-of-court services.

(33) Enter the sum of the in-court and out-of-court totals for legal fees.

(34) Enter the total expenses incurred in the representation of the client. This figure must correspond to the grand total listed on Side Two of the OPD-1026 form.

(35) Enter the grand total of the legal fees plus expenses being requested.

CASE NUMBER _____(36)_____ ATTORNEY/GAL _____(37)_____

IF CAPITAL OFFENSE CASE, LIST CO-COUNSEL'S NAME HERE: _____(38)_____

(36) Enter the case number(s).

(37) Enter your name.

(38) Not applicable.

(39) Complete the Itemized Fee Statement grid according to the following guidelines:

- Hours must be expressed in tenth of an hour increments (6 minutes).
- Use **only** the Itemized Fee Statement to record hours worked in- and out-of-Court. If additional space is needed, use Form OPD-1027R, *Itemized Fee Statement Continuation Sheet*. If Form OPD-1027R is used, put the grand total of all hours worked only on the last continuation sheet used. Per page totals are not necessary. Otherwise, put the grand total in the "Grand Total" row of the Itemized Fee Statement on Form OPD-1026R. Grand totals must also be recorded in the "Grand Total Hours" row on the front of the form.
- For each date services were performed, enter in the appropriate boxes the date of service, the number of hours spent performing each type of service, and the total hours. On the form, two sets of columns are provided. When the bottom of the first set of columns is reached, continue at the top of the second. Use continuation sheets in the same manner.
- Record all out-of-Court hours in the "Out-of-Court Total" column
- For in-court hours, specify time between two categories: "pre-trial hearings" and "all other In-Court" then add the two and enter the sum in the "In-Court Total" column.
- Add the out-of-court total and the in-court total and enter the sum in the "Daily Total" column.
- In the Grand Total row, enter the sum of each column.
- Be sure to enter a number for hours of service performed. Entering a check mark, an "X," or other non-numerical markings is not allowed.

A receipt is required for any expense over \$1.00. If expenses are over \$100, an approved entry signed by the Judge must be attached, along with receipts.

I hereby certify that the following expenses were incurred:

Use the following categories for Type: (1) Experts (2) Postage/Phone (3) Records (4) Transcripts (5) Travel (6) Other

TYPE	PAYEE	AMOUNT
(40)	(41)	(42)
	Total	(43)

Clearly identify each expense and include a receipt for any expense over \$1.00. See Section (P)(1)(c) for privileged information.

- (40) Assign a category using one of the six categories listed on grid. Use only these categories.
- (41) Enter the name of the individual or organization to which the expenses were paid.
- (42) Enter the total amount of the expense.
- (43) Enter the grand total of the expenses.

MOTION, ENTRY, AND CERTIFICATION FOR APPOINTED COUNSEL FEES

In the _____ (1) Court of _____ (2) _____, Ohio

Plaintiff: _____ (3) Case No. _____ (6)

Appellate Case No. (if app.) _____ (7)

v. _____ (4)

Defendant/Party Represented Capital Offense Case (check if Capital Offense case) (8)

Guardian Ad Litem (check if appointed as GAL) (9)

In re: _____ (5) Judge: _____ (10)

MOTION FOR APPROVAL OF PAYMENT OF APPOINTED COUNSEL FEES AND EXPENSES

The undersigned having been appointed counsel for the party represented moves this Court for an order approving payment of fees and expenses as indicated in the itemized statement herein. I certify that I have received no compensation in connection with providing representation in this case other than that described in this motion or which has been approved by the Court in a previous motion, nor have any fees and expenses in this motion been duplicated on any other motion. I, or an attorney under my supervision, have performed all legal services itemized in this motion.

Periodic Billing (check if this is a periodic bill) (11)

As attorney/guardian ad litem of record, I was appointed on _____ (12) _____, _____. This case terminated and/or was disposed of on _____ (13) _____, _____. I am submitting this application on _____ (14) _____, _____. Name _____ (15) Signature _____ (16)

Address _____ (17) _____ SSN/Tax ID _____ (18)

No. and Street City State Zip OSC Reg. No. _____ (19)

SUMMARY OF CHARGES, HOURS, EXPENSES, AND BILLING

OFFENSE/CHARGE/MATTER	ORC/CITY CODE	DEGREE	DISPOSITION
1.) _____ (20)	_____ (21)	_____ (22)	_____ (23)
2.) _____			
3.) _____			

*List only the three most serious charges beginning with the one of greatest severity and continuing in descending order.

(24)
Grand Total Hours
From Other Side:

OUT-OF-COURT	IN-COURT			GRAND TOTAL
	PRE-TRIAL HEARINGS	ALL OTHER IN-COURT	IN-COURT TOTAL	

(25) Flat Fee Hrs:In _____ (27) X Rate _____ (28) = \$ _____ (29) Tot. Fees \$ _____ (33)

(26) Min Fee Hrs:Out _____ (30) X Rate _____ (31) = \$ _____ (32) Expenses \$ _____ (34) Total \$ _____ (35)

JUDGMENT ENTRY

The Court finds that counsel performed the legal services set forth on the itemized statement on the reverse hereof, and that the fees and expenses set forth on this statement are reasonable, and are in accordance with the resolution of the Board of County Commissioners of _____ County, Ohio relating to payment of appointed counsel, that all rules and standards of the Ohio Public Defender Commission and State Public Defender have been met.

IT IS THEREFORE ORDERED that counsel fees and expenses be, and are hereby approved, in the amount of \$ _____. It is further ordered that the said amount be, and hereby is, certified by the Court to the County Auditor for payment.

Extraordinary fees granted (copy of journal entry attached) Judge _____ Signature _____ Date _____

CERTIFICATION

The County Auditor, in executing this certification, attests to the accuracy of the figures contained herein. A subsequent audit by the Ohio Public Defender Commission and/or Auditor of the State which reveals unallowable or excessive costs may result in future adjustments against reimbursement or repayment of audit exceptions to the Ohio Public Defender Commission.

County Number _____ Warrant Number _____ Warrant Date _____

County Auditor _____

