

IN THE SUPREME COURT OF ALABAMA  
ADMINISTRATIVE ORDER

WHEREAS, pursuant to Article VI, Section 149, of the Constitution of Alabama, the Chief Justice of the Supreme Court of Alabama is the administrative head of the judicial system; and

WHEREAS, Section 12-2-30(b)(7), Code of Alabama 1975, authorizes and empowers the Chief Justice, “[t]o take affirmative and appropriate action to correct or alleviate any condition or situation adversely affecting the administration of justice within the state;” and

WHEREAS, Section 12-2-30(b)(8), Code of Alabama 1975, authorizes and empowers the Chief Justice “[t]o take any such other, further or additional action as may be necessary for the orderly administration of justice within the state, whether or not enumerated [in the law],”

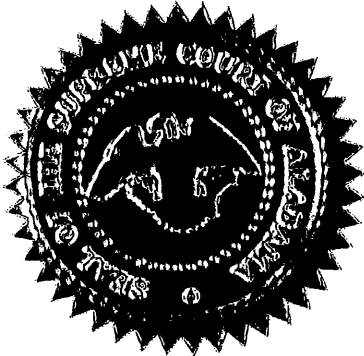
IT IS THEREFORE ORDERED AND DIRECTED that effective November 13, 2012, any and all attorney fee declarations and supporting documents relating to payment of a claim for services rendered by an attorney in an indigent defense matter shall be submitted electronically with the Office of Indigent Defense Services through the Alabama Indigent Defense Claims Center in all criminal divisions of the circuit and district courts including: Circuit Criminal (CC); District Criminal (DC); Juvenile (JU) and any other division, criminal or civil, where a party has been determined by court order to be indigent and involved in a proceeding for which representation by counsel is constitutionally required or is authorized or required by statute or court rule.

A hardship exception allowing an attorney to file in paper may be requested by an attorney who cannot file electronically due to exceptional circumstances. Requests for an exception should be submitted to the Administrative Director of Courts for consideration and approval or disapproval by the Director.

Effective November 13, 2012, all orders rendered by the judge assigned to an indigent defense case in one of the above referenced divisions, criminal, civil, or juvenile shall be rendered electronically by the judge through AlacourtPlus and transmitted electronically to the Alabama Indigent Defense Claims Center.

A hardship exception allowing a judge to file an order in paper may be obtained for a judge who cannot file electronically due to exceptional circumstances. Requests for an exception should be submitted to the Administrative Director of Courts for consideration and approval or disapproval jointly by the Administrative Director of Courts and the Chief Justice.

Done this 25<sup>th</sup> day of October 2012.



  
CHARLES R. MALONE  
CHIEF JUSTICE

Appendix 1

## **Uniform Guidelines for Attorney Fee Declarations**

### **Recommended by the Appointed Counsel and Indigent Representation Committee of the Alabama State Bar**

#### **Preface**

These guidelines were amended and updated by the Appointed Counsel and Indigent Representation Committee, and adopted by the State Bar's Board of Bar Commissioners on XXXX, 2012. This follows passage of the Indigent Defense Services legislation in 2011, and includes input from the Office of Indigent Defense Services. These are intended to assist and guide lawyers throughout the state with respect to billing procedures in cases in which they are appointed by the court to represent indigent persons. It is the hope of the Alabama State Bar that these guidelines will provide guidance to lawyers and serve as a standard by which questionable conduct can be judged.

Those lawyers who follow the letter and spirit of these guidelines will be protected from charges of impropriety; those who do not will have no added protection from charges to the contrary. In short, these guidelines, though designed chiefly to aid and assist members of the bar, also stand as this association's self-policing mechanism for questionable fee practices.

The Alabama State Bar expresses its sincere appreciation to those who dedicate themselves to the representation of those who do not have the means to hire a lawyer. At the same time, it cautions anyone who attempts to take advantage either of their clients or the State of Alabama (by practices such as double billing) that abuses of this honorable system will not be tolerated.

#### **Activities are to be separately listed**

All activities for which compensation is claimed shall be separately listed on contemporaneous time records in a form which satisfies the Office of Indigent Defense Services.

#### **Standard time reporting**

All time shall be declared in increments of 0.1 hour (six minutes). Counsel may bill for time spent under six minutes at a minimum rate of 0.1. Half increments, such as .15 or .35, are not appropriate, and should be rounded up to the next increment; here, .2 and .4, respectively.

#### **Telephone Calls**

The fact of the phone call, but neither its purpose nor substance, should be specified. For example: "Telephone call with defendant's brother" or "Telephone call to defendant."

Each call should be separately listed (on the contemporaneous time records, not on the Fee Declaration Form).

### **Mileage**

The rate for mileage shall conform to § 36-7-22, Code of Alabama 1975.

### **Expenses**

Certain expenses must be approved by the appointing judge prior to the time they are incurred. Section 15-12-21(d), Code of Alabama 1975. A general definition of expenses is impractical. Therefore, a definition is given by way of what is and what is not an expense which requires approval prior to being incurred. Counsel should file the appropriate motion in cases of uncertainty. In cases where court approval is required, counsel shall file a copy of the order along with the Fee Declaration Form in order to obtain reimbursement.

The following are examples of extraordinary expenses which do require approval prior to being incurred:

- A. Private investigators;
- B. Expert witnesses;
- C. Transcripts of trials or hearings not otherwise available;
- D. Interpreters;
- E. Scientific tests.

The following are examples of incidental non-overhead expenses which do not require approval prior to being incurred:

- A. Copying (limited to 15 cents per copy, when completed in-house, except under extraordinary circumstances. Otherwise, the actual reasonable expense is compensable. Copying expenses charged by clerks of court, prosecutors, or district attorneys are inherently reasonable for purposes of compensation.);
- B. Long distance telephone calls;
- C. Mileage;
- D. Postage.

Subject to recent legislative changes resulting from passage of the Indigent Defense Services statute, this "expenses" section remains largely the same. However, the committee recommends statutory changes, including the following:

1. Allowance of up to \$300 per incident expenses, whether incidental (non-overhead) or extraordinary, without prior approval of the court.
2. Removal of investigators and experts from the list requiring pre-approval when the total expense is expected to be less than \$300.

### **Opening and closing case files**

Counsel may bill for this activity, but the maximum time which may be billed (for opening and closing combined) is 0.5 hour.

### **Travel time to and from court**

Travel time to and from court appearances should be billed, except under the following circumstances where it may not be claimed:

A: Travel time to and from arraignment when counsel is not assigned a defendant prior to arraignment; and,

B. Travel time to arraignment when counsel is assigned a defendant prior to arraignment, but counsel fails to file a waiver of arraignment without just reason. Examples of just reasons for failing to file a waiver of arraignment are that the client refused to waive arraignment or that counsel could not locate the client prior to arraignment, and etc. If travel time involves more than one case, it should be divided equally among the cases, e.g., if two cases are involved, one-half of the travel time should be billed to each case.

### **Arraignment**

When there is a just reason for not filing a waiver in advance, only the actual time spent arraigning a defendant is compensable unless counsel is assigned a client prior to arraignment and counsel is required to wait due to circumstances beyond his control. As when spent during other court appearances, such waiting time may be billed.

### **Hearings and trials of co-defendants or directly related cases**

Attendance at the hearings and trials of co-defendants or cases directly related to your clients should be billed. Your attendance should be briefly explained and that case identified. Attendance at a trial in which a client is called as a witness against another person charged in the same or related case may be billed, provided that the period of time billed is for the period of client testimony, or reasonably anticipated client testimony, only.

### **Attorneys and staff**

Time spent by staff should be billed at \$20 per hour. This time should not be redundant nor duplicate attorney time, and should consist of work done at the attorney's direction. Work completed by staff should be noted as such on the fee declaration. Time spent by attorneys working at your direction should be billed at the statutory rate, provided that (a) the attorney's assistance was required by circumstances beyond your control and (b) the name of the attorney is noted on the declaration.

### **Actual time records**

Actual time records, notations, or memorandums shall be maintained contemporaneously.

### **Total billing is required**

With certain exceptions, noted here, a case should be billed only a single time. The bill shall be submitted within 90 days after its conclusion (or within such period as authorized by law). Unless pursuant to interim billing rules as permitted by the Office of Indigent Defense Services, a declaration should not be filed until the case has reached conclusion, i.e., it is not permissible to file a declaration after a preliminary hearing where the defendant has been bound over and been indicted. However, billing may be completed after district court in limited situations, including the following: when a lawyer withdraws; when there is a finding of no probable cause; when the case is no-billed by the grand jury; or after the passage of one year without action by the grand jury. If there is a finding of no probable cause and the case is still presented and indicted, the same lawyer may be reappointed without issue. Regarding the timing of bills submitted after district court, the same 90-day limitation still applies, absent good cause. Good cause includes those times when a case is no-billed without notice to the attorney. In such cases, the lawyer should certify with their bill that they received no notice of the no-bill.

Additionally, when a client fails to appear or absconds, a declaration may be filed 60 days thereafter. Similarly, if new counsel is appointed or retained, a declaration may be filed immediately. However, the continuity of counsel should be strictly adhered to and should be departed from only in those cases in which it is absolutely necessary to have new counsel.

If a lawyer maintains representation from district court through its conclusion in circuit court, only the circuit court case needs to be referenced. It is a single billing event per attorney.

### **Supplemental billing**

Supplemental billing is allowed when good cause exists. Examples include instances such as when transcripts need amendment, orders need correction, or erroneously-outstanding writs need recalling following the cases's conclusion and billing.

### **Separate declarations are required in multiple charge cases.**

Irrespective of the timing (whether charged initially in separate district court cases or arising merely by grand jury presentment) or consolidation of the charges, charges arising from separate incidents are separately billable. For example, separate allegations of Sexual Abuse or drug sales, although related sufficiently to be indicted together, are properly billed separately. Likewise, separate transactions, such as a Burglary and a misdemeanor Assault within the burglarized building, are separately billable events even if arising from a single incident. This does not include lesser-included offenses, which are not separately billable.

On the other hand, separate charges that relate to a single transaction and incident may not be billed separately. For example, Possession of a Forged Instrument and Forgery are both

commonly charged in relation to a single forged instrument. Similarly, Theft of Property and Receiving Stolen Property are often charged as separate counts related to a single transaction. In both of these last situations, there should be a single bill.

Regardless, double billing is inappropriate under any circumstance. Therefore, if you are billing for more than one case, be careful not to charge for the same work more than once.

Finally, although payment will be permitted for new trial motions and like proceedings, including sentencing, all such billing shall be treated as trial billing rather than post-conviction billing.

#### **“In-court” versus “out-of-court” time**

Although there is no longer a difference in rates between the two, billed time should continue to reference “in-court” and “out-of-court” consistent with Office of Indigent Defense Services policy.

#### **Fees collected from the client**

Any fees or expense money collected from the client (or from anyone on the client’s behalf) before, during, or after working the case for which counsel has been appointed shall be reported. All amounts received shall be deducted from the amount claimed by the lawyer. These assets, and others not previously declared, shall be reported.

In the event of changed circumstances (i.e., the client becomes able to retain counsel or secures outside assistance to retain counsel), counsel shall immediately notify the court that he or she has been retained, and the appointment shall be withdrawn. Retained counsel will not be required to file a Fee Declaration Form because no state funds will be paid.

#### **Additional Recommendation**

This committee strongly recommends to the legislature the addition of the following language related to trial-level billing: “Notwithstanding the foregoing provisions of this subdivision, the maximum amounts set forth above in this subdivision may be waived by the appropriate court and the director for good cause shown.” This tracks the language in § 15-12-22(c)(2) related to appellate billing, and will help alleviate concerns regarding a judicial mandate of overhead expense reimbursement. Importantly, it also acknowledges the inherent distinctions between cases and the potential issues or difficulties in providing competent client representation, which distinctions, issues, and difficulties may exist irrespective of the alleged crime’s seriousness.

## **SEPARATE BILLING STATEMENT – SEPARATE INCIDENTS**

In this case, although I may have been appointed at the same or a different time to represent the Defendant in one or more additional charges, those charges constitute “separate incidents” under the Uniform Guidelines for Attorney Fee Declarations promulgated by the Alabama State Bar Association. Regardless of whether those charges were joined in the same indictment, in accordance with the Uniform Guidelines for Attorney Fee Declarations promulgated by the Alabama State Bar Association, I have separated the separate and distinct incidents, transactions, charges, indictments, counts, offenses for billing purposes in the OIDS online billing system.

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**355-9-1-.08 Indigent Defense Advisory Boards; Required Attorney Qualifications.**

Act 2011-678 established an Indigent Defense Advisory Board ("the Board") in each judicial circuit. Under the Act, the Board is directed to, among other things, determine the method of delivering indigent defense services to be used in its respective circuit, which methods of delivery may include, but are not limited to, the use of appointed counsel, contract counsel, or public defenders or a combination of any of these. In choosing the method of delivery of indigent defense services for a judicial circuit, the Board "shall select the most efficient and effective counsel system available in each county or circuit, or parts of the county or circuit." (See Code of Ala. 1975, § 41-4-322(d).) In order to provide the most efficient and effective indigent defense services, either by the appointment of counsel by a judge or the selection of counsel under contract by the Board, the following qualifications are mandatory:

(a) Each attorney appointed or selected to provide indigent defense representation must -

1. Be a member in good standing with the Alabama State Bar, and
2. Must complete a minimum of six (6) hours per year of continuing legal education credits, approved by the Alabama State Bar; in criminal law beginning after the attorney is appointed or selected.

(b) **Capital Murder** - to act as Lead Counsel in a capital case, the attorney, whether appointed or public defender, must, in addition to the mandatory qualifications in (a) above, possess the following minimum qualifications:

1. Must have at least five (5) years of criminal litigation experience.
2. Must be familiar with the Alabama Rules of Professional Conduct, must be familiar with current criminal practice and procedure in Alabama, must be familiar with capital jurisprudence established by the U.S. Supreme Court and the Supreme Court of Alabama;
3. Must have litigated a capital case to verdict, hung jury, or plea as associate counsel, or have litigated four (4) homicide cases to verdict, hung jury, or plea;
4. Must have substantial familiarity with, and experience in the use of, expert witnesses and scientific and medical evidence in litigation;
5. Must complete at least ten (10) hours of capital defense related continuing legal education every two (2) years.

(c) **Capital Murder** - To act as Associate Counsel in a capital case, the attorney, whether appointed or public defender, must in addition to the mandatory qualifications in (a) above, possess the following minimum qualifications:

1. Must have at least three (3) years of criminal litigation experience;
2. Must be familiar with the Alabama Rules of Professional Conduct, must be familiar with current criminal practice and procedure in Alabama, must be familiar with capital jurisprudence established by the U.S. Supreme Court and the Supreme Court of Alabama;
3. Must have participated as trial counsel in at least four (4) jury trials to verdict or hung jury;
4. Must have substantial familiarity with, and experience in the use of, scientific and medical evidence in litigation;

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5. Must complete a capital murder seminar every two (2) years.

(d) **Class A Felonies** - To act as defense attorney in a Class A felony case, whether appointed, contract counsel, or public defender, an attorney must meet the qualifications as determined by the person or entity responsible to appoint or select the attorney. In addition to the mandatory qualifications in (a), above, any appointment or selection should take into account the following factors:

1. The amount of criminal litigation experience possessed by the attorney;
2. The degree of familiarity with the Rules of Professional Conduct and the current criminal practice and procedure in Alabama; and
3. Whether the attorney has sufficient criminal trial experience in light of the seriousness of criminal charges constituting Class A felonies in Alabama.

(e) **Class B Felonies** - To act as defense attorney in a Class B felony case, whether appointed, contract counsel, or public defender; an attorney must meet the qualifications as determined by the person or entity responsible to appoint or select the attorney. In addition to the mandatory qualifications in (a), above, any appointment or selection should take into account the following factors:

1. The amount of criminal litigation experience possessed by the attorney;
2. The degree of familiarity with the Rules of Professional Conduct and the current criminal practice and procedure in Alabama; and
3. Whether the attorney has sufficient criminal trial experience in light of the seriousness of criminal charges constituting Class B felonies in Alabama.

(f) **Class C Felonies** - To act as defense attorney in a Class C felony case, whether appointed, contract counsel, or public defender, an attorney must meet the qualifications as determined by the person or entity responsible to appoint or select the attorney. In addition to the mandatory qualifications in (a), above, any appointment or selection should take into account the following factors:

1. The amount of criminal litigation experience possessed by the attorney;
2. The degree of familiarity with the Rules of Professional Conduct and the current criminal practice and procedure in Alabama; and
3. Whether the attorney has sufficient criminal trial experience in light of the seriousness of criminal charges constituting Class C felonies in Alabama.

(g) **Juvenile Cases** - To act as defense attorney in a Juvenile case, whether appointed, contract counsel, or public defender, an attorney must meet the qualifications as determined by the person or entity responsible to appoint or select the attorney. In addition to the mandatory qualifications in (a), above, any appointment or selection should take into account the following factors:

1. The amount of juvenile litigation experience possessed by the attorney;

2. The degree of familiarity with the Rules of Professional Conduct and the current criminal and juvenile practice and procedure in Alabama possessed by the attorney;
3. Whether the attorney has exhibited proficiency and commitment to providing quality representation to juvenile offenders; and
4. Whether the attorney has completed a minimum of three (3) hours per year of continuing legal education credits, approved by the Alabama State Bar, in juvenile law or practice.

(h) **Guardian Ad Litem (GAL)** - To act as GAL, an attorney must meet the qualifications as determined by the person or entity responsible to appoint or select the attorney. In addition to the mandatory qualifications in (a), above, any appointment or selection should take into account the following factors:

1. The degree of familiarity with the Rules of Professional Conduct and the current criminal and juvenile practice and procedure in Alabama possessed by the attorney;
2. Whether the attorney has completed a minimum of three (3) hours of continuing legal education credits approved by the Alabama State Bar and specifically related to GAL practice; and
3. Whether the attorney has completed GAL training and certification required by the Alabama Administrative Office of Courts (AOC). Said certification must be maintained on a continuous basis as reported by AOC.

(i) **Misdemeanors and Traffic** - To act as defense attorney in a misdemeanor or traffic case, whether appointed, contract counsel, or public defender, an attorney must meet the qualifications as determined by the person or entity responsible to appoint or select the attorney. In addition to the mandatory qualifications in (a), above, any appointment or selection should take into account the following factors:

1. The degree of familiarity with the Rules of Professional Conduct and the current criminal practice and procedure in Alabama; and
2. Whether the attorney has exhibited professionalism, proficiency, and commitment to providing quality representation to offenders charged with misdemeanors and traffic offenses.

(j) **Appeals** - To act as defense attorneys in an appeal whether appointed, contract counsel, or public defender, an attorney must meet the qualifications as determined by the person or entity responsible to appoint or select the attorney. In addition to the mandatory qualifications in (a), above, any appointment or selection should take into account the following factors:

1. The amount of appellate experience possessed by the attorney; and
2. The degree of familiarity with the Rules of Appellate Procedure, Rules of Professional Conduct and the current criminal practice and procedure in Alabama.

**Author:** C. Roberts

**Authority:** Code of Ala. 1975, § 41-4-322(h).

**History:** Filed September 16, 2015

State of Alabama Unified Judicial System  Form PFD-1 Rev. 12/2011	<b>PROFESSIONAL SERVICES FEE          DECLARATION</b>	<b>County          Code</b> — —	<b>Case Number</b> _____ <small>Jurisdiction Year Case# Suffix</small>
<b>Mark Appropriate Court:</b> <input type="checkbox"/> Circuit Court of _____ County <input type="checkbox"/> District Court of _____ County <input type="checkbox"/> Alabama Court of Criminal Appeals <input type="checkbox"/> Alabama Court of Civil Appeals <input type="checkbox"/> Supreme Court of Alabama		<b>Professional's Name (Please type or print)</b> _____ _____ Vendor Code _____	
<b>STYLE OF CASE:</b> _____ v. _____ <b>CHARGE:</b> _____ Companion case numbers: _____			
Type of professional services: <input type="checkbox"/> Expert <input type="checkbox"/> Investigator <input type="checkbox"/> Other (specify) _____  Services Rendered: Total Hours _____ x \$ _____ per hour = _____ Reimbursable Out-of-pocket Expenses: _____ = _____ Total Claim: _____			
The undersigned professional declares that the above claim is true and correct and represents the services actually rendered by him/her and the amount is due and payable. I further declare that the above claim is not a duplication of charges and expenses in any case (companion or otherwise).  _____ Signature Date  Mailing Address <i>(please type or print) (including city, state, and zip code)</i> _____ _____ _____  E-mail Address: _____ Telephone Number _____ Fax Number _____			
I, the undersigned attorney, hereby certify that the professional presenting this claim provided services in this matter and that said matter has been concluded. I am further of the opinion that this claim is reasonable based on the services provided.  _____ Attorney's Signature Date  _____ Attorney's Name (Please type or print)			
THIS FORM MUST CONTAIN ORIGINAL SIGNATURES OF THE PROFESSIONAL AND THE ATTORNEY. THIS FORM WITH ATTACHED COURT ORDER PRE-APPROVING THE PROFESSIONAL SERVICES, ORIGINAL INVOICE, AND RECIEPTS MUST BE SUBMITTED TO THE OFFICE OF INDIGENT DEFENSE SERVICES.			
<b>MAIL TO: Office of Indigent Defense Services, P.O. BOX 302602, Montgomery, Alabama 36130-2602.</b>			

Appendix 5

**INTERIM BILLING STATEMENT - Community Corrections**

In this case, I was appointed as defense counsel for an adult defendant. I was able to negotiate a settlement of the charges in this case that allowed the Defendant to either serve all or a split-sentence under the supervision of Tuscaloosa County Community Corrections.

In the event that the Defendant does not comply with all of the terms and conditions of Tuscaloosa County Community Corrections, the State will file a motion and the case will be set for further proceedings under this case number. As such, I am submitting an Interim Bill.

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Appendix 6

**INTERIM BILLING STATEMENT - Judge Roberts  
Guilty Plea/Payment Review**

In this case, I was appointed as defense counsel for an adult defendant in Judge Robert's court. The Defendant entered one or more guilty pleas and was placed on probation. The Defendant was also scheduled for monthly "payment review" dockets, which I am not expected or required to attend, so long as the Defendant makes payments in accordance with a schedule established by Judge Roberts.

In the event that the Defendant fails to make payments as directed at the "payment review" dockets, the matter will be set for a sanctions hearing under the original case number. I will be expected to attend that hearing(s).

As it is foreseeable that there may be further hearings under this case number if the Defendant fails to meet his financial obligations to the Court in full, I am submitting this as an Interim Bill.

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## **INTERIM BILLING STATEMENT – Consent Decree**

In this case, I was appointed to defend a child in a delinquency proceeding. It was resolved via Consent Decree, which does not involve an adjudication of delinquency, but does include an up to 6-month period of supervision by a Juvenile Probation Officer. If the child violates the terms of the Consent Decree while under JPO supervision, the original charge will be reinstated, without a new case number, and will proceed to trial or settlement.

I will have no involvement with this case while the child is under JPO supervision under the terms and conditions of the Consent Decree. Also, I will not be informed by the JPO when the child is released from the terms of the Consent Decree, which could be at the end of 6 months, or at any time prior thereto, if the JPO is so inclined.

As this matter may be reinstated if the child in this case fails to comply with the Consent Decree, I am submitting an Interim Bill.

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**INTERIM BILLING STATEMENT – GAL for Child Adjudicated  
Dependent and Placed in  
The Custody of DHR**

In this case, I was appointed as the GAL for a child in a dependency proceeding. The Court adjudicated the child dependent and placed custody with the Department of Human Resources (DHR). As such, I have explicit continuing statutory duties, including participation in annual permanency review hearings, ISPs, etc., all of which will be done under this same case number and extension.

This case is being submitted as an interim bill, after the initial adjudication of dependency. I will submit supplemental interim bills on an annual basis, after the permanency review hearing.

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Robert Bentley  
 Governor

Chris E. Roberts  
 Director

Bill Newton  
 Acting Director of Finance

**MEMORANDUM**

To: All Indigent Defense Attorneys

From: Chris E. Roberts *CR*  
 Director of Indigent Defense Services

Date: July 14, 2015

Re: To establish reasonable times allowances for certain standard billing entries

Pursuant to Act No. 2011-678, appointed counsel shall be entitled to receive for their services a fee to be certified by the trial court. The amount of the fee shall be based on the number of hours spent by the attorney in working on the case and shall be computed at the rate of seventy dollars (\$70) per hour for the time reasonably expended on the case. It has been determined by OIDS that reasonable maximum times should be established for certain standard procedures routinely occurring in cases. The maximum times are set out below and are derived from average billing practices of attorneys in regard to these specific activities.

Letter	.3 hour
Discovery Motion	.5 hour
Email to	.1 hour
Email from	.1 hour
Notice of Appearance	.5 hour
Motion to Continue	.5 hour
404(b) Request	.5 hour
Notice of Appointment	.1 hour
Motion to Withdraw	.5 hour
Preliminary Hearing Request	.5 hour
Calendar	.1 hour
Review Order	.3 hour
Open/Close/Bill File	.5 hour

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**Counsel may deviate above the listed maximum amounts when billing for these activities but such deviation should be accompanied by an explanation for the extra time. Said explanation shall be included in the electronic billing section related to the time entry.**