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STATE OF NORTH CAROLINA

FILED

IN THE GENERAL COURT OF JUSTICE

COUNTY OF MECKLENBURG

2010 JUL 15 PM 1:53

SUPERIOR AND DISTRICT COURT

MECKLENBURG COUNTY, C.S.C.
ADMINISTRATIVE ORDER


**SUBMISSION OF FEE PETITIONS BY COUNSEL IN
COURT-APPOINTED CASES**

The Administrative Orders of December 22, 2005 (05-R-1606) and August 11, 2008 Twenty-Sixth Judicial District Policies and Procedures Concerning Court Appointed Counsel (08-R-1188) regarding attorneys submitting fee petitions for court-appointed cases is amended and/or superseded by this Order of the Superior and District Courts, reviewed with the Indigency Committee and IDS, and hereby made a part of the Local Rules of Practice in the Criminal Courts Division of Mecklenburg County.

1. Barring exigent circumstances, Fee Petition forms shall be filled out completely and submitted immediately upon the conclusion of the case. The purpose of this requirement is to facilitate timely payment and to assure that, in all criminal cases and in civil cases in which the court intends to enter a civil judgment, the defendant or respondent is given notice of the claimed hours and an opportunity to be heard.
2. An itemized listing of hours shall be attached to every Fee Petition form submitted by attorneys on and after January 1, 2006. Inasmuch as Fee Petitions are public records, counsel should exercise care not to disclose work product or confidential information. Upon request and under appropriate circumstances the Court will consider placing these time sheets under seal.
3. Fee Petitions must be submitted for payment within 120 days after the date of final disposition.
4. The only in county travel time that is allowable to be charged on a Fee Petition is that for travel to and from Jail North to confer with a client or witness. Travel time to and from an attorney's office to the courthouse is not a billable item. IDS policy also prohibits the payment of transportation costs (i.e. mileage) when travel is in-county.
5. When a defendant fails to appear, assigned counsel/interpreter shall wait at least 45 days, but no more than 120 days, before submitting a fee petition.
6. For cases where interim fee petitions have been submitted, the total amount previously awarded should be indicated on the final Fee Petition.
7. IDS will not compensate an attorney for time spent preparing a fee application.
8. It is very important that attorney fee applications are filled out legibly, completely and accurately before submitting applications to a judge or to the Attorney Fee Coordinator. Every attempt should be made by counsel submitting a fee application to obtain a valid social security number from a client, and to record the same on the application.

9. Attorneys shall include with each attorney Fee Application an itemized billing record which provides sufficient details regarding counsel's services in the case to demonstrate that the claim for compensation is reasonable. At a minimum, the itemized billing record must reflect attorney time broken down according to date, description of services, and amount of time in hours and six minute increments.
10. Before accepting any appointed criminal cases, counsel should be familiar with the North Carolina Commission on Indigent Defense Services "Performance Guidelines for Indigent Defense Representation in Non-Capital Criminal Cases at the Trial Level" adopted November 12, 2004.

This the 15 day of July, 2010.



Richard D. Boner
Senior Resident Superior Court Judge



Lisa C. Bell
Chief District Court Judge