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2010 NOV 16 PM 2:45  
MECKLENBURG COUNTY, C.S.C.

BY \_\_\_\_\_

**TWENTY-SIXTH JUDICIAL DISTRICT**  
**POLICIES AND PROCEDURES CONCERNING**  
**COURT APPOINTED COUNSEL**

**(November 2010)**

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# **TWENTY-SIXTH JUDICIAL DISTRICT POLICIES AND PROCEDURES CONCERNING COURT APPOINTED COUNSEL**

**(November 2010)**

## **I. Purpose**

The purpose of these policies and procedures is to ensure the accuracy of Attorney Fee Applications along with the recoupment of attorney fees. The contents of this document are intended to be consistent with rules and regulations established by Indigent Defense Services (IDS) and the Administrative Offices of the Court (AOC). In the event a procedure or policy is found to be inconsistent with those rules, the rules and regulations of IDS and the AOC will prevail. Attorneys should consult "IDS Policies Governing Attorney Fee and Expense Applications in Non-Capital Criminal and Non-Criminal Cases at the Trial Level," available at [www.ncids.org](http://www.ncids.org).

The main subjects covered in this document are an explanation regarding the need for court appointed attorneys, guidelines for determining the assignment of appointed counsel, hourly rates and expenses, the duties and responsibilities of the Attorney Fee Coordinator, the process for submitting attorney fee applications, and the basis and procedures for recouping attorney fees.

## **II. Introduction**

In the 26th Judicial District, there is a Public Defender's Office, under IDS supervision, which provides legal representation to those persons eligible for appointed counsel at the state's expense. In accordance with IDS regulations, the Public Defender's Office may reassign cases to private defense counsel from an approved list of private attorneys. These attorneys are referred to as Panel attorneys. It is the duty of these Public Defenders and Panel Attorneys to provide legal services to individuals who are financially unable to obtain a private attorney on their own, in accordance 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. Counsel shall be familiar with those guidelines and the below policies and procedures before accepting any appointed criminal cases in the 26th Judicial District.

## **III. Attorney Fee Coordinator**

Under the direction of the Trial Court Administrator, the Attorney Fee Coordinator is charged with three main objectives: 1) Reviewing all attorney fee applications submitted by a Panel attorney before they are submitted for payment to IDS;

2) collaborating with Judges, Clerks, and others to improve recoupment of attorney fees in Mecklenburg County; and 3) upon request, reviewing affidavits of indigency to verify information provided by the person being charged.

#### **IV. Determining the Need for Court Appointed Attorneys**

An indigent person is one who is financially unable to secure legal representation by his or her own means. Whenever a person is determined to be indigent and entitled to counsel, it is the responsibility of the State under the federal and state constitutions to provide that person with counsel and the other necessary expenses of representation. A false material statement made by a person under oath or affirmation in regard to the question of his or her indigency constitutes a Class I felony.

Individuals requesting appointed counsel shall fill out the Affidavit of Indigency form (AOC-CR-226). Factors such as monthly income, monthly expenses, and assets and liabilities are taken into consideration when determining if a person is indigent and eligible to be represented by the Public Defender's Office or its agent.

Upon review of information provided on the form, the presiding judge may approve or deny appointed counsel. For every request of counsel, an Order of Assignment or Denial of Counsel (AOC-CR-224) form shall be signed by the Judge or Clerk and placed within the case file.

If at any stage in the proceeding a person previously determined to be indigent becomes financially able to secure legal representation and provide other necessary expenses of representation, they must inform the counsel appointed to them of that fact. When such occurs, Appointed Counsel must promptly inform the Court. The question of indigency may be determined or redetermined by the Court at any stage of the action or proceeding in which the person is entitled to counsel.

An indigent person is entitled to services of counsel in the following actions and legal proceedings:

- 1) Any case in which imprisonment, or a fine of five hundred dollars (\$500.00), or more, is likely to be adjudged.
- 2) A hearing on a petition for a writ of habeas corpus under Chapter 17 of the General Statutes.
- 3) A motion for appropriate relief under Chapter 15A of the General Statutes if the defendant has been convicted of a felony, has been fined five hundred dollars (\$500.00) or more, or has been sentenced to a term of imprisonment.
- 4) A hearing for revocation of probation.

- 5) A hearing in which extradition to another state is sought.
- 6) A proceeding for an inpatient involuntary commitment to a facility under Part 7 of Article 5 of Chapter 122C of the General Statutes, or a proceeding for commitment.
- 7) In any case of execution against the person under Chapter 1, Article 28 of the General Statutes, and in any civil arrest and bail proceeding under Chapter 1, Article 34, of the General Statutes.
- 8) In the case of a juvenile, a hearing as a result of which commitment to an institution or transfer to the superior court for trial on a felony charge is possible.
- 9) A hearing for revocation of parole at which the right to counsel is provided in accordance with the provisions of Chapter 148, Article 4, of the General Statutes.
- 10) Repealed by Session Laws 2203, c.13, s.2(a), effective April 17, 2003, and applicable to all petitions for sterilization pending and orders authorizing sterilization that have not been executed as of April 17, 2003.
- 11) A proceeding for the provision of protective services according to Chapter 8A, Article 6 of the General Statutes.
- 12) In the case of a juvenile alleged to be abused, neglected, or dependent under Subchapter I of Chapter 7B of the General Statutes.
- 13) A proceeding to find a person incompetent under Subchapter I of Chapter 35A of the General Statutes.
- 14) A proceeding to terminate parental rights where a guardian ad litem is appointed pursuant to G.S. 7B-1101.
- 15) An action brought pursuant to Article 11 of Chapter 7B of the General Statutes to terminate an indigent person's parental rights.
- 16) A proceeding involving consent for an abortion on an unemancipated minor pursuant to Article 1A, Part 2 of Chapter 90 of the General Statutes. G.S. 7A-450.1, 7A-450.2, and 7A-450.3 shall not apply to this proceeding.
- 17) A proceeding involving limitation on freedom of movement or access pursuant to G.S. 130A-475 or G.S. 130-145.

In each of the actions and proceedings mentioned above, entitlement to the services of counsel begins as soon as feasible after the defendant is taken into custody or service is made upon him of the charge, petition, notice or other initiating process.

If an indigent defendant is convicted or pleads guilty, the Court can order him or her to pay back the money spent on his or her defense. In juvenile proceedings, the Court also has discretionary authority to order a responsible person to pay back the money spent on legal representation.

#### **V. Waiver of Counsel**

An indigent person who has been informed of his or her right of representation by counsel at any in-court proceeding may, in writing and by filing the Waiver of Counsel form (AOC-CR-227), waive the right to representation by counsel in accordance with rules adopted by IDS. Any waiver of counsel shall be effective only if the court finds that at the time of waiver the indigent person acted with full awareness of his rights and of the consequences of the waiver.

The presiding judge may, if he/she finds it appropriate, change or modify the determination; and may set aside a waiver of counsel previously filed by the person involved.

#### **VI. Public Defenders and Private Panel Attorneys**

Public Defenders are full-time, state-paid attorneys whose sole function is to represent indigent defendants in criminal cases. The Senior Resident Superior Court Judge appoints the Public Defender for a term of four years. Attorneys in the Public Defender's Office handle misdemeanor and felony trials (including capital cases), probation violations, and represent defendants on motions for appropriate relief. The Public Defender also represents persons who are facing involuntary commitment for mental illness, alcohol problems and drug abuse. The professional services provided to the indigent person are the same as if counsel had been privately retained by the indigent person.

If it is deemed that a case poses a conflict of interest or to prevent an overload in case work, then the case will be assigned and handled by Panel Attorneys who are listed on a roster pre-approved by the local committee on indigent appointments to handle such cases.

## **VII. Rate of Pay for Panel Attorneys in Non-Capital and Non-Criminal Cases at the Trial Level<sup>1</sup>**

In all non-capital and non-criminal cases at the trial level, the Commission on Indigent Defense Services has established a standard rate. See IDS Rule 1.9(a) and “IDS Rules & Procedures, IDS Policies and Procedures, Private Attorney and Expert Fee and Expense Policies,” available at [www.ncids.org](http://www.ncids.org) for the current standard rate. Fees shall be set by the district court judge who hears the case for actions or proceedings finally determined in district court, and by the superior court judge who hears the case for actions or proceedings originating in superior court. In cases that are heard on appeal from district to superior court, fees may be set by the presiding district or superior court judge, provided that the defendant is given notice and an opportunity to be heard. With advance written approval by the IDS Director, districts may develop systems for compensating attorneys based on methods other than hours per case, such as per case fee schedules or per session rates.

## **VIII. Attorney Interim and Final Fees:**

**A. Interim Fees:** In exceptional cases, an attorney may submit an application for interim fees, which the Court may approve in its discretion. However, attorneys are encouraged not to file for interim fees as a regular billing practice; instead, interim fee applications should be filed only in cases involving a genuine hardship to the applicant.

**B. Final Fees:** For cases where interim fee petitions have been submitted, the total amount previously awarded should be indicated on the final fee application. Barring exigent circumstances, fee applications should be filled out completely and submitted immediately upon the conclusion of the case in order to facilitate timely payment and ensure 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. In no event will a fee application be accepted more than 120 days after the date of final disposition.

## **IX. Reimbursable Expenses**

**A. Prior Approval Not Required:** The following necessary expenses are reimbursable without prior approval from the Court. If exceptional circumstances warrant the expenditure of higher amounts, applicants should seek pre-approval from the Court before incurring the expenses.

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<sup>1</sup> In all potentially capital cases at the trial level, all direct appeals, and all capital post-conviction cases, attorneys submit their fee applications directly to the IDS Office to set a fee. These policies do not apply to those cases. If an attorney has been appointed in such a case, he or she should consult the applicable IDS billing policies, available at [www.ncids.org](http://www.ncids.org). For fee purposes, a trial-level case is considered “potentially capital” if it begins as a first-degree murder charge or charge of murder where the degree is undesignated, except when the defendant was under the age of 18 at the time of the offense.

1. **In-State Travel:**

- a) Mileage on Privately-Owned Vehicles: Mileage is reimbursed at the current state rate for out-of-county travel only. In county travel is not reimbursable. See "IDS Rules & Procedures, IDS Policies and Procedures, Private Attorney and Expert Fee and Expense Policies," available at [www.ncids.org](http://www.ncids.org) to learn the current mileage rate.
- b) Rental Vehicles: If a vehicle is rented for case-related travel, reimbursement will be for the lesser of the following:
- the cost of the rental vehicle plus gasoline; or
  - the mileage reimbursement you would have received if you had driven your personal vehicle. You must attach a receipt to be reimbursed for rental car expenses.
- c) Meals: Meals will only be reimbursed if there is an overnight stay; meals will then be reimbursed according to the current state authorized per diem, with one per diem per overnight stay. Receipts are not required. See "IDS Rules & Procedures, IDS Policies and Procedures, Private Attorney and Expert Fee and Expense Policies," available at [www.ncids.org](http://www.ncids.org) to learn the current per diem rate.
- d) Lodging: The actual cost of overnight lodging will be reimbursed, providing it does not exceed the current state authorized rate. See "IDS Rules & Procedures, IDS Policies and Procedures, Private Attorney and Expert Fee and Expense Policies," available at [www.ncids.org](http://www.ncids.org) for the current authorized rate. In addition, actual taxes incurred are reimbursable. A valid hotel receipt is required, and credit card receipts will not be accepted.
- e) Other: Any other travel related expenses (e.g., parking) must be supported by receipts. See "IDS Rules & Procedures, IDS Policies and Procedures, Private Attorney and Expert Fee and Expense Policies," available at [www.ncids.org](http://www.ncids.org) for the current reimbursable rate.

2. **Travel Time:**

In-county travel time is not reimbursable, with the exception of travel time 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 prohibits the payment of transportation costs (i.e. mileage) when travel is in-county.



3. **Long-Distance Telephone Calls:** The actual cost of case-related long-distance telephone calls will be reimbursed. The applicant must submit supporting phone bills. *See* "IDS Rules & Procedures, IDS Policies and Procedures, Private Attorney and Expert Fee and Expense Policies," available at [www.ncids.org](http://www.ncids.org).
4. **Photo-Copying:**
  - a) **Black and White Copies:**  
In-house copying costs are reimbursable at an established per page rate. The applicant must indicate the price charged per page. The actual cost of out-of-house copies is reimbursable with a receipt or documentation on the amount paid per page, at a rate not to exceed the established rate. *See* "IDS Rules & Procedures, IDS Policies and Procedures, Private Attorney and Expert Fee and Expense Policies," available at [www.ncids.org](http://www.ncids.org) for the current rate.
  - b) **Color Copies:**  
In-house color copying costs are reimbursable at a predetermined rate per page. The applicant must indicate the price charged per page. The actual cost of out-of-house color copies is reimbursable with a receipt or documentation on the amount paid per page, at a rate not to exceed the predetermined rate per page. *See* "IDS Rules & Procedures, IDS Policies and Procedures, Private Attorney and Expert Fee and Expense Policies," available at [www.ncids.org](http://www.ncids.org) for the rate.
5. **Computerized Legal Research:**  
The actual case-related costs of computerized legal research (e.g., Lexis-Nexis, Westlaw, Courtsearch, NC 123, DMV, and DOC searches, etc.) will be reimbursed only if receipts are provided. If actual costs are not incurred, an attorney will be compensated for his or her time according to the hourly rate, but will not be compensated any amount per search.
6. **Paralegal or Legal Assistant Time:**  
If approved by the Court, IDS will compensate an attorney as a reimbursable expense for the time of an in-house paralegal or legal assistant at an established per hour rate. *See* "IDS Rules & Procedures, IDS Policies and Procedures, Private Attorney and Expert Fee and Expense Policies," available at [www.ncids.org](http://www.ncids.org) for the current rate. The fee application must be accompanied by an itemized billing record setting forth the paralegal's or legal assistant's time. Paralegal or legal assistant services will only be reimbursed if they are directly related to a case file and will not be reimbursed if they involve routine administrative office tasks.

**7. Other Expenses:**

a) Miscellaneous:

For all "other expenses" that cumulatively exceed the set rate (e.g., postage, film purchased by the roll or in bulk, etc.) an applicant must submit receipts. See "IDS Rules & Procedures, IDS Policies and Procedures, Private Attorney and Expert Fee and Expense Policies," available at [www.ncids.org](http://www.ncids.org) for the current rate.

b) Overhead:

Normal overhead expenses, such as case notebooks, paper, push pins, etc., will not be reimbursed.

**B. Prior Approval Required:**

**1. Out-Of-State Travel**

Necessary expenses associated with out-of-state travel are reimbursable only with prior approval from the Court.

a) Travel Costs:

Reasonable and pre-approved travel costs will be reimbursed with receipts.

b) Meals:

Meals will only be reimbursed if there is an overnight stay; meals will then be reimbursed according to the current state authorized per diem, with one per diem per overnight stay. Receipts are not required. For all fee applications submitted on or after August 1, 2009, the out-of-state per diem can be found in "IDS Rules & Procedures, IDS Policies and Procedures, Private Attorney and Expert Fee and Expense Policies," available at [www.ncids.org](http://www.ncids.org).

c) Lodging:

The actual costs of overnight lodging will be reimbursed, not to exceed the current state authorized rate. See "IDS Rules & Procedures, IDS Policies and Procedures, Private Attorney and Expert Fee and Expense Policies," available at [www.ncids.org](http://www.ncids.org) for the current rate. In addition, actual taxes incurred are reimbursable. A valid hotel receipt is required, and credit card receipts will not be accepted.

**2. Transcript Production:**

If a Court authorizes funding for normal transcript production, the court reporter will be paid at the approved indigent rates published in the Court Reporter Handbook. See "IDS Rules & Procedures, IDS Policies and Procedures, Private Attorney and Expert Fee and Expense Policies," available at [www.ncids.org](http://www.ncids.org) to see the current per page rate. To get paid, the court reporter should complete AOC-A-42 and forward that form and the Court order to AOC Administrative Services Division. If an attorney needs an expedited transcript in an exceptional case, or to pay a court reporter an appearance fee in a hearing that would not normally be transcribed, the attorney has two options:

- a) Obtain a Court Order directing the court reporter to produce the transcript at the indigent rate in a specified period of time or to appear at the hearing.
- b) Apply to the Court for prior authorization to compensate the court reporter at a higher expedited rate or to allow funding for an appearance fee. Funding at a higher rate per page or for an appearance fee must be specifically authorized by the Court before the expense is incurred.

**C. Expert Services:**

**1. Prior Authorization Required:**

Prior authorization from a Court is required for the use of any expert services in any non-capital or non-criminal case. To obtain prior authorization, the attorney of record should file a motion with the Court.

**2. The Expert Fee and Expense Applications:**

After the expert has rendered his or her services, an itemized bill and any required receipts should be submitted, along with a copy of the Court order pre-approving expert funding, to the following address: IDS Financial Services, P.O. Box 2448, Raleigh, NC 27602.

**3. Lay Witness Fees:**

The IDS Office cannot compensate lay witnesses for their time or expenses because G.S. 7A-314(a)-(c) & (e) (1999 & 2000) were not modified by the IDS Act. Those provisions set statutory allowances for the time, mileage, lodging, and meals for lay witnesses, and leave statutory authority for lay witness reimbursement with the Clerk or Judge. If an attorney is seeking compensation for a lay witness in any category of case, he or she should complete AOC-CR-235 (Witness Attendance Certificate) and submit it to the Clerk or Judge as required by G.S. 7A-314.

**4. Foreign Language Interpreters:**

Foreign language interpreters are provided at Judicial Branch expense for indigent criminal defendants, witnesses for indigent criminal defendants, witnesses for the State, indigent respondents in involuntary commitment proceedings, and parties to juvenile, Chapter 50B domestic violence, and custody mediation proceedings. If an attorney needs the services of a foreign language interpreter in any category of case, they should contact the AOC Interpreting Services Program Manager at 919-890-1213. For out-of-court interpreters for the defense, attorneys should consult “IDS Rules & Procedures, IDS Policies and Procedures, Other Policies, Out-of-Court Foreign Language Interpreters and Translators” available at [www.ncids.org](http://www.ncids.org).

**5. Interpreters for Deaf Persons:**

Sign language interpreters are provided for access to court services and proceedings at the expense of the Judicial Branch in all civil and criminal court proceedings. An attorney requiring the services of a sign language interpreter should obtain prior authorization from the Court using AOC-G-107 (Motion, Appointment and Order Authorizing Payment of Interpreter). Questions regarding interpreting services can also be directed to the Community Support Coordinator in the TCA’s Office at 704-686-0268.

**X. Necessary Fee Application Information and Documentation**

It is very important that attorney fee applications are filled out legibly, completely and accurately before submitting applications to the Attorney Fee Coordinator. To seek compensation in any non-capital criminal or non-criminal case that is finally disposed at the trial level on or after August 1, 2006, the attorney or guardian ad litem must submit one of the following three fee application forms:

- AOC-CR-225 Non-Capital Criminal Case Trial Level Fee Application, Rev. 10/10
- AOC-J-411 Juvenile Delinquency Trial Level Fee Application, New 4/06
- AOC-G-200 Civil Case Trial Level Fee Application, Rev. 12/09

For non-capital criminal cases disposed on or after October 1, 2010, older versions of the CR-225 fee application will not be accepted and will be returned unpaid. Each application shall include the listed items below in order for payment to be processed or the application will be mailed back to the attorney for completion. The required information includes.

- 1) Designation of District or Superior Court Division
- 2) File Number(s)
- 3) Indigent Name and Address

- 4) Indigent Person's Social Security Number (or indication that the person does not have a social security number after reasonable efforts have been made to obtain the number from ACIS and other sources and if unable to obtain it from client)
- 5) Most Serious Criminal Charge, Disposition, and Judgment
- 6) Disposition Date (if a final fee application)
- 7) Beginning and Ending Date Fee Requested (required on all applications)
- 8) Prior Total Fees and Expenses Paid from Interim Fee Applications (if applicable)
- 9) Total Time Claimed (time in court, time waiting, and time out of court)
- 10) Attorney Name, Address, Telephone Number and Tax Identification Number
- 11) Attorney Signature and Date
- 12) Total Hours and Total Payment Amount Approved by the Court
- 13) Judge Signature and Date
- 14) Responsible Person's Social Security Number (if applicable)
- 15) Time Sheet (see Section XI)
- 16) All Miscellaneous Information (court time, expenses, etc.)

**Social Security Number:** G.S. 7A-455 states that, in all cases in which the entry of judgment is authorized under G.S. 7A-450.1 through G.S. 7A-450.4, the attorney, guardian ad litem, or public defender who rendered the services or incurred the expenses for which the judgment is to be entered shall obtain the social security number, if any, of each person against whom judgment is to be entered. This number, or certificate that the person has no social security number, shall be included in each fee application submitted by an assigned attorney, guardian ad litem, public defender, or appellate defender, and no order for payment entered upon an application that does not include the required social security number or certification shall be valid to authorize payment to the applicant from the Indigent Persons' Attorney Fee Fund. Each judgment docketed against any person under this section or under G.S. 7A-450.3 shall include the social security number, if any, of the judgment debtor. During the 2006 legislative session, the General Assembly amended G.S. 20-7(b2)(4) to allow the Division of Motor Vehicles to disclose social security numbers to IDS for the purpose of verifying the identity of taxpayers and enforcing a court order to pay for legal services rendered.

## **XI. General Billing Principles**

- Attorney time must be tracked and reported in hours and tenths of an hour (6 minute increments).
- Attorney time must be reported on fee applications in decimals, not minutes. (For example, if an attorney is claiming one and a half hours on a case, he or she should report that time as 1.50 hours, not 1.30 hours). See Appendix for conversion chart.

- Attorneys must report their total time claimed, as well as their total time broken down into time in court, time out of court, and time waiting. Time in court is time spent in a court proceeding before a presiding judge or clerk. Time out of court is time spent preparing the case, including negotiations with the prosecution or other opposing counsel, even if such activities take place at the courthouse.
- Time spent waiting in court is time during which the attorney must be present in court waiting for an appointed case to be called or heard, and the attorney is unable to use that time to conduct work on other cases.
- If an attorney seeks compensation for time spent waiting in court for multiple cases to be called or working on multiple cases simultaneously, the attorney's time must be prorated among each of the cases involved. IDS Rule 1.9(a)(1a).
- Attorney time spent preparing a fee application is not compensable.
- Absent exceptional circumstances that warrant personal delivery, attorney time and expenses associated with traveling to a court in another county for the sole purpose of hand-delivering or filing a document are not compensable.
- According to IDS Rules, fee applications must be submitted for payment within 12 months from the date of disposition. According to local court order, however, fee application forms shall be filled out completely and submitted immediately upon the conclusion of the case. Absent exigent circumstances, no fee application will be accepted more than 120 days after the date of final disposition. The purpose of this requirement is to facilitate timely payment.
- An itemized listing of hours shall be attached to every fee application submitted by attorneys. This timesheet should provide sufficient details regarding counsel's services in the case to demonstrate the claim for compensation is reasonable. Inasmuch as fee applications 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.

When a defendant fails to appear, assigned counsel shall wait at least 45 days, but no more than 12 months, before submitting a fee application.

## **XII. Applications Involving One Client with Multiple Cases:**

General Rule: If an attorney represents one client in multiple cases, and all of the cases are disposed of before the same Judge at the same time in the same court, the attorney should complete only one fee application for all of the cases.

Exception: If an attorney was appointed to handle multiple cases involving the same client, and one or more of the cases arose out of a different transaction, was assigned to counsel at a different time, and was dismissed by the prosecution on the same day as the unrelated cases but not as part of a plea agreement in the unrelated cases, the attorney may complete a separate fee application for the dismissed case that arose out of a different transaction.

File Numbers: If you are submitting one fee application for one client where there are multiple file numbers, you should report the lowest file number in the highest court in the box labeled "File No." and should report any other file numbers in the box labeled "Additional File Nos."

### Non-Capital Criminal Dispositions:

- In completing a fee application for one client with multiple cases, you should view all of the cases disposed of together as a unit when reporting the original charge and the most serious disposition.
- If the defendant pled guilty before trial to the most serious original charge, the most serious disposition should be reported as "Guilty Plea Before Trial: Most Serious Original Charge," regardless of the disposition of the less serious charges. Similarly, if the defendant was convicted at trial of the most serious original charge, the most serious disposition should be reported as "Trial: Guilty Most Serious Original Charge," regardless of the disposition of the less serious charges.
- If, on the other hand, the defendant pled guilty before trial to anything other than the most serious original charge, the most serious disposition should be reported as "Guilty Plea Before Trial: Other Offense." For example, if you represented a client on a Class B and Class E felony, and both were disposed of together, the highest original charge should be reported as a Class B felony. If the Class B felony was dismissed, but the client pled guilty before trial to the Class E felony as charged, the most serious disposition should be reported as "Guilty Plea Before Trial: Other Offense."

### **XIII. Instructions for Submitting Completed Attorney Fee Applications**

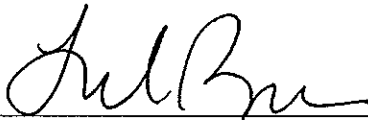
The following procedures will occur when processing all Non-Capital Criminal Case Trial Level Attorney Fee Applications being submitted to IDS for payment.

- 1) Counsel will submit Attorney Fee Applications to the Judge for review and approval. Court Appointed Attorneys are to provide the original application along with a copy of the original. Public Defenders are to submit the original application only, which is needed for recoupment purposes.
- 2) In accordance with IDS guidelines, after the total hours and amounts are approved, all fee applications will be forwarded by the Judge directly to the Clerk of Superior Court's Office for processing and will not be returned to the attorney. The Attorney Fee Coordinator will pick up all fee applications at the Clerk's Office. If a signed copy of the fee application is needed for the attorney's records, it shall be obtained from the Clerk's Office, once the fee application is filed.
  - a) The Coordinator will check each application for the items listed in Section X of this document, "*Necessary Information*" to ensure the application is complete and accurate. Applications missing the Judge's Signature, Date, Total Hours Approved, and Total Payment Amount will be given back to the Judge.
  - b) Fee applications missing any other information will not be mailed back to the attorney but instead will be placed in the "Fee Applications for Corrections" mailbox located on Level 9 of the courthouse. Attorneys should check this mailbox frequently to obtain fee applications that were submitted with inaccurate or incomplete information. Once the attorney has made revisions, fee applications shall be submitted to the Clerk's Office for the Attorney Fee Coordinator to process.
  - c) All Itemized Timesheets submitted by appointed counsel will be reviewed to ensure that the time and expenses claimed match the time and expenses claimed on the fee application itself.
  - d) District Court fee applications will be tracked for attorney fee recoupment.
  - e) Applications with Active Sentences will be held by the Clerk's Office for 14 days to allow time for an appeal. If there is an appeal, the application will be given to Bookkeeping for account management. If there is no appeal, the Clerk will give the application to Judgments for the records. Once completed, Judgments and Bookkeeping will give the fee application to the Clerk to be stamped and filed in District or Superior Court files.

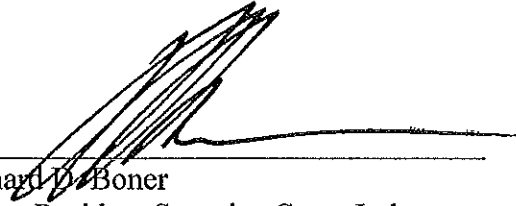


3) If the application has been completed accurately and the Attorney Fee Coordinator approves it for payment, the Coordinator will mail the copy of the fee application submitted by appointed counsel to IDS for payment. Appointed counsel fee applications are mailed two to four times a week for payment depending on the amount received. Processing time from the date the fee application is received (complete and accurate) to the date the fee application is mailed to IDS for payment is 1-2 weeks. The original appointed counsel fee application will be given to the Clerk to be file stamped and filed in the Criminal Clerks Office. Fee applications submitted by public defenders are filed in the Clerk's Office after reviewing and not mailed by the Attorney Fee Coordinator to IDS for payment.

Adopted this the 9<sup>th</sup> day of November, 2010.



\_\_\_\_\_  
Lisa C. Bell  
Chief District Court Judge



\_\_\_\_\_  
Richard D. Boner  
Senior Resident Superior Court Judge

## APPENDIX

### Minutes to Decimal Conversion Chart

Minutes	Decimal	Minutes	Decimal	Minutes	Decimal	Minutes	Decimal
1	= 0.02	16	= 0.27	31	= 0.52	46	= 0.77
2	= 0.03	17	= 0.28	32	= 0.53	47	= 0.78
3	= 0.05	18	= 0.3	33	= 0.55	48	= 0.8
4	= 0.07	19	= 0.32	34	= 0.57	49	= 0.82
5	= 0.08	20	= 0.33	35	= 0.58	50	= 0.83
6	= 0.1	21	= 0.35	36	= 0.6	51	= 0.85
7	= 0.12	22	= 0.37	37	= 0.62	52	= 0.87
8	= 0.13	23	= 0.38	38	= 0.63	53	= 0.88
9	= 0.15	24	= 0.4	39	= 0.65	54	= 0.9
10	= 0.17	25	= 0.42	40	= 0.67	55	= 0.92
11	= 0.18	26	= 0.43	41	= 0.68	56	= 0.93
12	= 0.2	27	= 0.45	42	= 0.7	57	= 0.95
13	= 0.22	28	= 0.47	43	= 0.72	58	= 0.97
14	= 0.23	29	= 0.48	44	= 0.73	59	= 0.98
15	= 0.25	30	= 0.5	45	= 0.75	60	= 1