

## Attorney Fee Application FAQs for Mecklenburg County Appointed Counsel

**Q: “What type of fee applications are handled by the Attorney Fee Coordinator (AFC)?”**

A: Only Non-Capital Criminal District and Superior Court Attorney Fee Applications are processed by the AFC. Attorneys should not submit civil, special proceedings or juvenile fee applications to the AFC. The latter fee applications should instead be submitted to the Civil or Juvenile Clerk’s Office for processing.

**Q: “What form should be used and where can I find the most updated version?”**

A: The most recent version of the fee application form should be used and is available at <http://www.aoc.state.nc.us/www/ids/>.

**Q: “What do I need to fill out on the fee application prior to submitting to the Judge?”**

A: A general rule to follow is, no sections on the fee application should be left blank. The attorney must provide:

- Designation of District or Superior Court Division
- File Number(s)
- Indigent Name and Address
- 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, if unable to obtain it from client )
- Most Serious Criminal Charge, Disposition and Judgment
- Disposition Date (if a final fee application)
- Beginning and Ending Date Fee Requested (required on all applications)
- Prior Total Fees and Expenses from Interim Fee Applications (if applicable)
- Total Time Claimed (time in court, time waiting and time out of court)
- Attorney Expenses and Receipts if Expenses Exceed \$25
- Attorney Name, Address and Tax Identification Number
- Attorney Signature and Date
- Itemized Time Sheet

**Q: “What if I do not know my client’s social security number?”**

A: Indicating a SSN is imperative for the state to recoup attorney fees and expenses. If you are unable to obtain the SSN from the client, you may obtain it from the Appointment of Counsel form completed by the courtroom clerk or from searching ACIS. If all reasonable efforts have been exhausted to obtain the SSN, you must still complete this section by checking the box “has no social security number” or writing “unknown”. This section can not be left blank or it will be mailed back to the attorney.

**Q: “Do I need to submit a receipt for all of my expenses?”**

A: Only for total expenses that exceed \$25.

**Q: “Can I bill for travel time from my office to the courthouse in the travel expenses section of the fee application or add it in with my time out of court hours?”**

A: 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.

**Q: “Can I bill for time spent preparing or filling out my fee application?”**

A: Any time spent preparing attorney fee applications for submission is not billable and will be returned to be revised.

**Q: “What do I need to submit to the Judge for my fee application to be processed by the Attorney Fee Coordinator?”**

A: You need to submit the original fee application, complete and accurate, along with a copy of the original to the Judge. You will need to attach a detailed timesheet to one copy of your fee application. If you have claimed expenses that exceed \$25 you will also need to attach receipts that indicate the expenses you are claiming.

**Q: “Why do I have to submit two copies?”**

A: The original fee application is filed at the Courthouse in the Criminal Clerk’s Office and the copy is mailed to the Office of Indigent Defense Services (IDS) for payment. If attorneys need a copy of the fee application for their records, they may request the file be pulled in the Clerk’s Office and make a copy of the original.

**Q: “Where do I submit my fee applications?”**

A: Attorneys should submit all Non-Capital Criminal Attorney Fee Applications to the Judge in court. If this is not possible, fee applications can be placed in the appropriate Judge’s mailbox located on Level 9 of the courthouse.

**Q: “Can I submit my fee application to the Attorney Fee Coordinator or the fee application bin in the Clerk’s Office on Level 2 of the courthouse?”**

A: Non-Capital Criminal Attorney Fee Applications should be submitted to the appropriate Judge for signature and approval. In accordance with IDS guidelines, after the total hours and amounts are approved by the Judge, fee applications will be forwarded by the Judge directly to the Clerk of Superior Court’s Office for the Attorney Fee Coordinator to process. Only fee applications that have been returned to the attorney for corrections to be made should be placed in the fee application bin in the Clerk’s Office or submitted to the AFC by an attorney.

**Q: “What happens if I submit a fee application that is inaccurate or has missing information?”**

A: Fee applications will not be mailed back to the attorney for corrections to be made. Fee applications requiring attorney revisions will be placed in the “Fee Application 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 fee application has been corrected, attorneys can submit the revised fee application to the Clerk’s Office “Fee Application Bin” on Level 2 of the courthouse for the Attorney Fee Coordinator to process.

**Q: “What happens if I have an old fee application to submit and one year has passed since the disposition date?”**

A: Fee applications are to be submitted as promptly as possible, local rule states within 120 days. If the application is submitted after the IDS one-year deadline, the attorney may be eligible to complete a waiver form (<http://www.aoc.state.nc.us/www/ids/>) and submit it to the AFC with fee application attached. It is then at the discretion of IDS whether payment is permissible.

**Q: “When are fee applications mailed to IDS for payment once I submit it?”**

A: Once the Judge forwards the fee application to the AFC, if complete and accurate, it is processed within 1-2 weeks. Applications are mailed to the Office of Indigent Defense Services two to four times a week depending on the amount received.

**Q: “Can I mail my fee application to the Office of Indigent Defense Services myself?”**

A: No, any fee application mailed directly to IDS from the attorney will be mailed back by IDS to the Attorney Fee Coordinator for submission, delaying payment.

**Q: “Is there a way for me to track my fee application once I submit it to the Judge for signature and approval?”**

A: If you have not received payment after four weeks of submitting your completed fee application, you can contact the Attorney Fee Coordinator to determine the status of your fee application. The Attorney Fee Coordinator will be able to determine when your fee application was processed and mailed to IDS for payment. You must contact IDS to determine if payment has been processed or the status of payment.

**Q: “What do I do if I have not been paid on a fee application and neither IDS nor the Attorney Fee Coordinator has any record of it?”**

A: You may check with the Judge to see if it has been signed yet or you may resubmit your fee application to the Judge. If you are resubmitting, please indicate this by writing “resubmit” above the file number on your fee application. Once approved by the Judge, the AFC will then resubmit this copy to the Office of Indigent Defense Services for payment.

**Q: How do I contact the Attorney Fee Coordinator or the Office of Indigent Defense Services?”**

A: Attorney Fee Coordinator  
832 East 4<sup>th</sup> Street, Ste. 4420  
Charlotte, NC 28202  
704-686-0266

Office of Indigent Defense Services

Nancy Johnson  
1-919-789-3671

**Q: “Where can I find additional information about attorney fee applications?”**

A: You can find additional information on the below websites:

<http://www.aoc.state.nc.us/www/ids/Rules%20&%20Procedures/Fee%20and%20Expense%20Policies/Atty%20Fee%20policies,%20non-capital.pdf>

<http://www.nccourts.org/Courts/CRS/Policies/LocalRules/Documents/1487.pdf>

<http://www.nccourts.org/Courts/CRS/Policies/LocalRules/Documents/1488.pdf>

<http://www.aoc.state.nc.us/www/ids/>