

The General Division Judges of the Montgomery County Common Pleas Court now **require additional information** on the Application for Payment of Motion, Entry and Certification for appointed counsel fees when the attorney is requesting extraordinary fees.

If an attorney is requesting payment that is outside the approved Court maximums (see "Exhibit A" attached) for extraordinary fees, then in addition to the Motion, Entry and Certification Application, the attorney must include a written request for payment of extraordinary fees and a breakdown of the extraordinary fees (see "Extraordinary Fee Request" form attached) prior to judicial approval.

If you have any questions or concerns, please feel free to contact Duncan Thomas at 225-6068.

MONTGOMERY COUNTY, OHIO
ASSIGNED COUNSEL FEE SCHEDULE AND REQUIREMENTS
JANUARY 1, 2000

- 1) All counsel eligible for payment under this schedule shall be appointed by a Judge of the court having jurisdiction over the matter for which representation is being requested. Said appointment shall be entered by a signed journal entry and recorded on the court docket.
- 2) No reimbursement shall be made if counsel fails to submit an Attorney's Fee Certification to the County within thirty (30) days after final disposition of the case for which reimbursement is requested.
- 3) Reimbursement for services shall be as follows:
 - a) A flat rate of up to \$400.00 per felony cases for:
 - i) Arraignment
 - ii) Prosecutor Pretrial
 - iii) Initial Client Interview
 - iv) Scheduling Conference
 - v) Final Disposition
 - vi) All telephone calls related to the above
 - vii) All appearances for continuances of any of the above
 - viii) All basic legal research and review of the nature of charge, routine criminal procedures, the information packet, etc.
 - b) An hourly rate of \$50.00 (out-of-court) and \$60.00 (in-court) for:
 - i) Special research and writing
 - ii) Field investigation
 - iii) Other court hearings and trials
 - iv) Other court and witnesses conferences
 - c) Reimbursement for representation in appellate level proceeding not involving a death sentence shall be made based on the maximum rate of \$50.00 per hour for out-of-court and \$60.00 per hour for in-court services. Reimbursement for representation of appellate level proceedings involving a death sentence will be made on the maximum rate of \$60.00 per hour for both out-of-court and in-court services.
 - d) The prescribed maximum fees permitted in appellate level proceedings are listed below. The rates apply to each level of appeal:

<i>Case Type</i>	<i>Amount</i>
Aggravated Murder (death sentence imposed)	\$12,500*
Aggravated Murder (sentence other than death)	\$5,000
Murder with Life Sentence/Repeal Violent Offender/Major Drug Offender/Sexually Violent Predator	\$3,000
Felonies (SB 2 and HB 1 Appeals)	\$1,500
Misdemeanors	\$1,000

**Ohio Supreme Court Rule 21 of the Rules of Superintendence for the courts of Ohio requires the appointment of two attorneys in capital cases. This fee is the maximum that will be paid on the combined bills of both attorneys appointed to the case.*

- e) The Judge hearing the case may approve extraordinary fees at a rate which exceeds maximums. Cases eligible for extraordinary fees are ones which, because of extraordinarily complex issues, multiple offenses, lengthy trials, or other reasons, warrant compensation at a rate which exceeds maximums established in the fee resolution of the Board of County Commissioners of Montgomery County, Ohio.

INSTRUCTIONS

- 1 The Judge hearing the case may approve extraordinary fees at a rate which exceeds the case type maximums.
- 2 Extraordinary fees can be requested due to complex issues, lengthy trials, or other reasons.
- 3 When an attorney is requesting extraordinary fees, he/she will submit the following:
 - a) Completed attorney pay packet;
 - b) Attachment for Extraordinary Fee Request with all hours worked that should be considered as extraordinary. This should include a brief explanation of why the costs are "extraordinary"
 - c) Letter or memo to Judge formally requesting that maximum fees permitted by case type be waived and that the Court authorize payment for another amount.
- 4 The request for payment (Attorney Pay Packet) will be sent to the Judge with all of the above and a Court Order for payment of extraordinary fees:
 - a) The Judge will make a determination on actual amounts to be paid.