

Gregory F. Singer
Administrative Judge

COURT OF COMMON PLEAS

Montgomery County Courts Building
General Division
41 North Perry Street
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937-225-4376
Email:
Gregory.Singer@montcourt.oh.gov

April 17, 2019

Re: Montgomery County Indigent Defendant Fee Schedule

Counselor:

You will find attached a resolution adopted by the Montgomery County Board of County Commissioners on April 9, 2019, approving a new fee schedule for the representation of indigent defendants in criminal cases. The new schedule is provided as Exhibit A to the resolution. It is effective May 1, 2019.

I am proud to say that the resolution was passed by the county commissioners upon the recommendation of the Montgomery County Court of Common Pleas, General Division. The judges of the court wish to thank you for your dedicated service on behalf of all indigent defendants in Montgomery County.

If you have questions regarding the new fee schedule, please contact Duncan Thomas, the court's Financial Supervisor, at 937-225-6068.

Sincerely,

A handwritten signature in blue ink, appearing to read "Gregory F. Singer".

Gregory F. Singer
Administrative Judge

RESOLUTION NO. 19-0459
APRIL 9, 2019

RESOLUTION AMENDING RESOLUTION 04-0579, PASSED ON MARCH 24, 2004, ESTABLISHING A NEW FEE SCHEDULE FOR THE REPRESENTATION OF INDIGENT DEFENDANTS IN CRIMINAL CASES EFFECTIVE MAY 1, 2019.

WHEREAS, the Board of County Commissioners of Montgomery County, Ohio, recognizes its responsibility under the laws of the State of Ohio and the United States of America to provide legal counsel for indigent individuals charged with serious offenses in the Courts of Montgomery County; and

WHEREAS, the Board of County Commissioners has chosen to use an assigned counsel system under the authority of the Ohio Revised Code Section 120.33 (c) and Section 2941.51 as one of two means to provide legal counsel for indigents in this County; and

WHEREAS, the Board of County Commissioners feels that the assigned counsel program provides a valuable service to indigent residents of this community requiring legal counsel; and

WHEREAS, the fee schedule contained in "Exhibit A" was recommended by the Common Pleas Court, General Division; and

WHEREAS, the fee schedule contained in "Exhibit A" is consistent with the fee schedule recommended by the Ohio Public Defender Commission.

NOW, THEREFORE, BE IT RESOLVED that the Resolution amending Resolution No. 89-1359, passed on July 11, 1989, Resolution No. 94-1053, passed on May 31, 1994, Resolution No. 96-467, passed on March 5, 1996, Resolution No. 96-1778, passed on August 20, 1996, Resolution No. 99-2272, passed on December 21, 1999, and Resolution No. 04-0579, passed on March 24, 2004, establishing a new fee schedule for the representation of indigent defendants in criminal cases under the assigned counsel program effective May 1, 2019, is hereby approved.

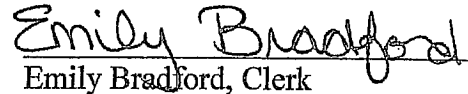
BE IT FURTHER RESOLVED that the Clerk of the Commission certify this resolution and make an imaged copy available on the Montgomery County, Ohio, website at <http://www.mcoho.org/>.

Ms. Dodge moved the adoption of the foregoing resolution. It was seconded by Mrs. Rice, and upon call of the roll the following vote resulted:

Ms. Dodge, aye; Mrs. Rice, aye; Mrs. Lieberman, aye: Carried.

I hereby certify that the foregoing is a true and correct copy of a resolution duly adopted by the Board of County Commissioners of Montgomery County, Ohio, the 9th day of April, 2019.

THE BOARD OF COUNTY COMMISSIONERS HEREBY FINDS AND DETERMINES THAT ALL FORMAL ACTIONS RELATIVE TO THE ADOPTION OF THIS RESOLUTION WERE TAKEN IN AN OPEN MEETING OF THIS BOARD OF COUNTY COMMISSIONERS, AND THAT ALL DELIBERATIONS OF THIS BOARD OF COUNTY COMMISSIONERS, AND OF ITS COMMITTEES, IF ANY WHICH RESULTED IN FORMAL ACTION, WERE TAKEN IN MEETINGS OPEN TO THE PUBLIC, IN FULL COMPLIANCE WITH APPLICABLE LEGAL REQUIREMENTS, INCLUDING SECTION 121.22 OF THE REVISED CODE.


Emily Bradford, Clerk
Board of County Commissioners
Montgomery County, Ohio

**MONTGOMERY COUNTY, OHIO
ASSIGNED COUNSEL FEE SCHEDULE AND REQUIREMENTS
MAY 1, 2019**

- I. 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.

- II. 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.
 - a. A flat rate of up to \$400.00 per felony case 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 basic legal research and review of the nature of charge, routine criminal procedures, the information packet, etc.

 - b. An hourly rate of \$75.00 (out-of-court) and \$75.00 (in-court) for:
 - i. Special research and writing
 - ii. Field Investigation
 - iii. Other Court Hearings and Trials
 - iv. Other Court Witnesses' Conferences

- c. Payment shall not exceed the following maximum amounts for the types of cases listed below:

<i>Case Type</i>	<i>Amount</i>
Aggravated Murder (w/ specs) as per O.R.C. 2929.04(A) and 2941.14(B)	\$125.00 per hour (no fee maximum)*
Aggravated Murder (w/o specs)	\$15,000 (1 attorney) \$25,000 (2 attorneys)
Murder	\$10,000
Felony with possible life sentence/repeat violent offender/major drug offender	\$10,000
Felonies (Degrees 1 – 2)	\$8,000
Felony (Degree 3)	\$5,000
Felonies (Degrees 4 – 5)	\$3,500
Misdemeanors (Degrees 1 – 4)	\$2,000
Parole, Probation, and all other proceedings not elsewhere classified	\$750
Contempt of Court	\$500

*Ohio Supreme Court Rule 20 of the Rules of Superintendence for the Courts of Ohio requires the appointment of two (2) attorneys in capital offense cases.

- d. The prescribed maximum fees permitted in post-conviction and State habeas corpus proceedings not including a death sentence are:

<i>Case Type</i>	<i>Amount</i>
Post-conviction proceedings with Evidentiary Hearing	\$1,500
Post-conviction proceeding without Evidentiary Hearing	\$750
Habeas Corpus with Evidentiary Hearing	\$1,500
Habeas Corpus without Evidentiary Hearing	\$750

- e. Reimbursement for post-conviction and State habeas corpus proceedings involving a death sentence shall be made based on the maximum rate of \$75.00 per hour for both out-of-court and in-court services.
- f. Reimbursement for representation in appellate level proceeding not involving a death sentence shall be made based on the maximum rate of \$75.00 per hour for out-of-court and in-court services. Reimbursement for representation of appellate level proceedings involving a death sentence will be made on the maximum rate of \$125.00 per hour for both out-of-court and in-court services.
- g. 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)	No Fee Maximum*
Cumulative Minimum Sentence Exceeds 25 Years	\$8,000
Felony (Degrees 1 – 2) Trial	\$5,000
Felony (Degree 3)	\$3,500
Felony (Degree 4 – 5) Trial	\$2,500
Misdemeanors	\$2,000

*Ohio Supreme Court Rule 21 of the Rules of Superintendence for the Courts of Ohio requires the appointment of two (2) attorneys in capital offense cases.

- h. 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 extraordinary 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.

WBL/tlh
2/12/2019