

**RESOLUTION NO. 22-1745  
DECEMBER 06, 2022**

**RESOLUTION AMENDING RESOLUTION NO. 22-1610, PASSED ON NOVEMBER 1, 2022, ESTABLISHING A REVISED FEE SCHEDULE FOR THE LEGAL REPRESENTATION PROVIDED FOR INDIGENT DEFENDANTS IN CRIMINAL CASES AND ESTABLISHING A REVISED FEE SCHEDULE FOR THE LEGAL REPRESENTATION OF AN INDIGENT CHILD, INDIGENT PARENT, INDIGENT CUSTODIAN, OR OTHER INDIGENT PERSON IN LOCO PARENTIS.**

**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 or involved in certain other proceedings in the Courts of Montgomery County, Ohio; and

**WHEREAS**, the Board of County Commissioners has chosen to use an appointed counsel system under the authority R.C. 102.33 and to adopt a Schedule of Fees for those services pursuant to R.C. 120.33(A) and R.C. 2941.51; and

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

**WHEREAS**, the Schedule of Fees set forth in Exhibit A attached hereto is consistent with the Office of the Ohio Public Defender State Maximum Fee Schedule for Appointed Counsel Reimbursement, revised September 2021; and

**WHEREAS**, the Schedule of Fees set forth in Exhibit A attached hereto supersedes the schedule authorized by Resolution No. 22-1610; now therefore,

**NOW, THEREFORE, BE IT RESOLVED**, that pursuant to sections 120.33 and 2941.51 of the Revised Code, the attached Schedule of Fees for use by each of the divisions of the Montgomery County Common Pleas Court, the Montgomery County Municipal Courts, and the Second District Court of Appeals, which is consistent with the Office of the Ohio Public Defender State Maximum Fee Schedule for Appointed Counsel Reimbursement, revised September 2021, is hereby adopted.

**BE IT FURTHER RESOLVED**, that the payment of extraordinary fees due to complex issues, multiple offenses, lengthy trials, or other reasons, warranting compensation at a rate which exceeds the maximums established by this Resolution is hereby authorized upon proper application and approval as determined by each respective Court.

**BE IT FURTHER RESOLVED**, that the payment for expenses associated with providing representation shall be made when submitted on the appropriate required Ohio Public Defender form and approved by the respective Court.

**BE IT FURTHER RESOLVED**, that the effective date of this revised Schedule of Fees is January 1, 2023.

**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>.

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**CERTIFICATE**

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

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

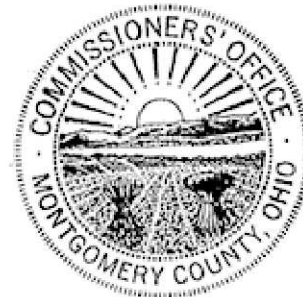
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I hereby certify that the foregoing is a true and correct copy of a resolution duly adopted by the Board of County Commissioners of Montgomery County, Ohio, on the 6th day of December, 2022.

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*

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



**EXHIBIT A**  
**SCHEDULE OF FEES**  
**TRIAL LEVEL, APPELLATE, JUVENILE, PROBATE, AND POST-CONVICTION**  
**PROCEEDINGS**

**A. Trial Level Proceedings**

1. Payment for appointed counsel representation in trial level cases not involving a death penalty specification will be made on the maximum rate of \$75.00 per hour for both in-court and out-of-court services.
2. Payment for appointed counsel representation in trial level cases involving a death penalty specification will be made on the maximum rate of \$125 per hour for both in-court and out-of-court services.
3. The prescribed maximum fees for appointed counsel permitted in trial level proceedings are:

<b>Offense / Proceeding</b>	<b>Fee Maximum</b>
Aggravated Murder (w/ specs) per R.C. 2929.04(A) and R.C. 2941.14(B)	As set by Capital Fee Council – see R.C. 120.33(D). The Council has currently set a rate of \$125 with no fee maximum.
Aggravated Murder (w/o specs)	\$15,000/ 1 attorney \$25,000/ 2 attorneys
Murder	\$10,000
Felony w/ possible life sentence/ repeat violent offender/major drug offender	\$10,000
Felony (degrees 1-2)	\$8,000
Felony (degree 3)	\$5,000
Felony (degrees 4-5)	\$3,500
Misdemeanor (degrees 1-4)	\$2,000
Misdemeanor OVI/BAC	\$2,500
Contempt of Court	\$500
Violation (Probation/Community Control)	\$750

Preliminary Hearings	\$300
Sex Offender Classification	\$750
Other	\$750

**B. Appellate Level Proceedings**

1. Payment for appointed counsel representation in appellate level proceedings not involving a death sentence shall be made based on the maximum rate of \$75.00 per hour for both in-court and out-of-court services.
2. Payment for appointed counsel representation in appellate level proceedings involving a death penalty specification will be made on the maximum rate of \$125 per hour for both in-court and out-of-court services.
3. The prescribed maximum fees for appointed counsel permitted in appellate level proceedings are:

<b>Offense / Proceeding</b>	<b>Fee Maximum</b>
Death Sentence	As set by Capital Fee Council – see R.C. 120.33(D). The Council has currently set a rate of \$125 with no fee maximum.
Cumulative Minimum Sentence exceeds 25 years	\$8,000
Felony (degrees 1-2) Trial	\$5,000
Felony (degree 3) Trial	\$3,500
Felony (degrees 4-5)	\$2,500
Misdemeanor Trial	\$2,000
Felony Plea	\$1,500
Misdemeanor Plea	\$1,000
ADN Permanent Custody	\$3,500
Probate	\$3,500
Unruly	\$1,000
Other	\$1,000
26(B) Murnahan Felony (degrees 1-2) Trial	\$3,000
26(B) Murnahan Felony (degree 3) Trial	\$2,000

26(B) Murnahan Felony (degrees 4-5) Trial	\$1,000
OSC Jurisdiction Memorandum	\$1,500

### **C. Juvenile Proceedings**

1. An hourly rate of \$75.00 per hour for Out-of-Court and any In-Court activity.
2. Request for fee reimbursement shall be made within thirty (30) days of the file-stamped date on the final dispositional entry. Requests for reimbursements made after thirty (30) days may be subject to a 50% fee reduction.
3. In cases involving dependency, neglect and/or abuse filed by Montgomery County Department of Job and Family Services, Children Services Division, appointed attorneys and attorney/guardian ad litem shall submit the attorney fee certificate to the Court within thirty (30) days of the file-stamped date on the final dispositional entry. After the original dispositional hearing, all attorney fee certificates for subsequent hearings before the Court must be submitted within thirty (30) days of said hearing.
4. Requests for extraordinary fees for payments of more than the maximum fee reimbursement will be considered for cases that have extraordinary and complex issues, lengthy trials, or other out-of-the-ordinary situations. Bills must be accompanied by a letter addressed to the assigned Judge explaining, in detail, the nature of the special circumstances to be considered.
5. Appointed counsel representing clients on multiple charges, co-defendants and/or siblings is entitled to one (1) fee when one (1) proceeding is held in Court. Only one (1) Motion, Entry and Certification form shall be filed, which lists all charges, co-defendants and/or siblings.
6. Transcript fees may be granted. Said transcript must be court ordered by the presiding judge/magistrate. These fees should be listed on the "Motion, Entry and Certification for Appointed Counsel Fees". However, they will not be charged against the attorney's maximum fee reimbursement.
7. Fees for expert witnesses may be granted. Said expert must be court ordered by the presiding judge/magistrate. These fees should be listed on the "Motion, Entry and Certification for Appointed Counsel Fees". However, they will not be charged against the attorney's maximum fee reimbursement.
8. Miscellaneous fees for such items as phone calls and photo copies may be granted.

<b>Offense / Proceeding</b>	<b>Fee Maximum</b>
All Juvenile Court Proceedings	\$1,200

**D. Probate Proceedings**

<b>Offense / Proceeding</b>	<b>Fee Maximum</b>
Termination of parental rights	\$2,500

**E. Postconviction and habeas corpus Proceedings**

1. Payment for appointed counsel representation in postconviction and State habeas corpus level proceedings not involving a death sentence shall be made based on the maximum rate of \$75.00 per hour for both in-court and out-of-court services.
2. Payment for appointed counsel representation in appellate level proceedings involving a death penalty specification will be made on the maximum rate of \$125 per hour for both in-court and out-of-court services.
3. The prescribed maximum fees for appointed counsel permitted in postconviction and habeas corpus level proceedings are:

<b>Offense / Proceeding</b>	<b>Fee Maximum</b>
Death Sentence	As set by Capital Fee Council – see R.C. 120.33(D). The Council has currently set a rate of \$125 with no fee maximum.
Felony (degrees 1-2) (R.C. 2953.21 Petition/New Trial Mtn) Trial	\$4,000
Felony (degree 3) (R.C. 2953.21 Petition/New Trial Mtn) Trial	\$2,500
Felony (degrees 4-5) (R.C. 2953.21 Petition/New Trial Mtn) Trial	\$1,750
Misdemeanor (60(B))	\$1,500
Juvenile	\$2,500
State Habeas	\$1,500
Expungement	\$300
Judicial Release	\$500
Revocation	\$750
Driving Privileges	\$150

NGRI/Comp Review	\$750
Jail Time Credit	\$300
Resentencing	\$500
Sex Offender Reclassification	\$750
Withdrawal of Guilty Plea	\$1,000