

Appointed Attorney Fee Schedule – 6th Circuit Court

The Oakland County Indigent Defense Services Office (IDSO) uses an event-based fee schedule to compensate appointed attorneys on felony cases. This system does not specifically pay for every individual event or appearance (e.g., pretrials, probable cause conferences) that an attorney may conduct on a felony case, but it is designed to provide attorneys with an overall payment that is fair and proportionate to the needs of most cases.

Vouchers may not be filed until final disposition of the case (sentence, dismissal, or bench warrant). All vouchers must be submitted within 30 days of that date (or sooner, if requested by the IDSO at the end of the fiscal year). The IDSO understands that exigent circumstances can arise, however, there is no guarantee of payment on late vouchers.

Arraignments

The IDSO appoints attorneys every day of the week to represent defendants incarcerated at the Oakland County Jail at their first appearance in court. The IDSO also appoints attorneys Monday through Friday to represent defendants who are being arraigned on a Circuit Court bench warrant. The fees listed below apply regardless of the number of defendants represented.

Jail Arraignments	Weekdays:	\$650
	Weekends:	\$700
	Holidays:	\$750
Bench Warrant Arraignments	\$250 per shift	

Jail Visits/Initial Interviews

Attorneys are expected to conduct an initial client interview (ICI) within three business days if the client is in custody, and within a reasonable time prior to the first court date if the client is not in custody. An ICI which takes place on the same date as the first post-arraignment court appearance will not be paid. An ICI which takes place during a jail visit is only reimbursed at the ICI rate, not the ICI + Jail Visit rate. An ICI fee will only be paid to the original appointed attorney. A separate ICI fee is not paid on Capital felonies (FC cases), as it is included in the attorney’s itemized hourly billing.

Initial Client Interview	\$100
Jail Visit (with proof)	\$75

The presumptive maximum number of jail visits that may be vouchered are as follows. The maximum is per defendant, not per case number, unless the cases are unrelated. For VOPs, the maximum is per defendant regardless of whether the underlying cases were related or unrelated. In cases where there is a reasonable need to exceed the presumptive maximum, the attorney should request extraordinary fees.

VOP	2
Non-Capital Felony (FH case)	6
Capital Felony (FC case)	No maximum – paid under the hourly rate for capital cases and not a separate \$75 payment.

Motions

Attorneys will be paid for motions which are filed and briefed in felony cases. This includes a contested motion filed by the prosecutor which requires the attorney to file a written response and brief. In no circumstances will attorneys be paid for an oral motion, or for a motion to withdraw as counsel, whether oral or written. There is no presumptive maximum limit on the number of motions that will be paid, however **the IDSO has the discretion to deny or reduce payment for any motion that does not appear to be reasonable and necessary or appears to be a simple boilerplate reproduction.**

Non-Capital Felony (FH case) Motions	\$220
Capital Felony (FC case) Motions	Included in attorney's hourly billing

If an evidentiary hearing is conducted as the result of a motion which is filed and briefed prior to sentencing or dismissal and testimony is taken (e.g., Walker Hearing), attorneys will be paid as follows:

Non-Capital Felony (FH case)	\$330/half-day
Capital Felony (FC case)	Included in attorney's hourly billing.

Capital Felony (FC) Appointment Fees

Attorneys handling capital felony cases will be paid at the MIDC Standard 8 rate of **\$120 per hour** for all of the time reasonably spent on the case. Attorney invoices will be reviewed for completeness and reasonableness. Attorneys must submit itemized invoices on capital cases and must use 1/10th hour (i.e. 6 minute) increments of time when billing for case actions. Invoices which simply state a total amount of time spent on a case, or which itemize in anything other than 1/10th hour increments will be rejected.

No other rates or event fees listed in this document apply to capital cases. All capital cases are paid based on the reasonable itemized hours spent by the attorney on the case.

In order to more accurately track attorney time and provide appropriate reimbursement, attorneys handling capital cases may turn in vouchers quarterly for the work conducted in that quarter, even if the case has not been completed.

The hourly rates paid on capital cases are limited by the following presumptive maximum hour amounts. Attorneys who exceed these presumptive maximum amounts may still request extraordinary fees in appropriate cases. Travel time is not normally reimbursable and should not be itemized in an attorney's invoice absent extraordinary circumstances.

First Degree Murder	120 Hours at \$120/hour
All other capital (FC) cases	75 hours at \$120/hour

Non-Capital Felony (FH) Appointment Fees

The following fees are designed to compensate attorneys for all the events that they are required to attend, from the initial appointment to the final disposition. Attorneys should also be mindful of the fees allowed for motions and jail visits listed above, which are payable in addition to these fees.

The IDSO assumes that attorneys may need to make two copies of discovery materials. This assumption is incorporated into the listed fees and is not reimbursable as an extra expense except in extraordinary circumstances. If a police department is attempting to charge attorneys for discovery materials (discs for example), attorneys may want to consider issuing a subpoena for the materials or getting a court order waiving any fees.

There are times when attorneys will receive a felony appointment but succeed in resolving the case at the District Court level. These fees apply to District Court dispositions:

Plea reduction in District Court (including sentence)	\$440
Dismissal in District Court without preliminary exam	\$330
Dismissal in District Court after preliminary exam held with testimony	\$550
Attorney retained out without notice (must have proof signed by District Court clerk, accessible here): retain-out-verif-notice-instruct.doc (oakgov.com)	\$100
Attorney appearance with bench warrant issued for defendant	\$100
Attorney permitted to withdraw in District Court	\$100

Most felony cases will not be resolved until after the case is bound over to Circuit Court. If a bench warrant is issued for the defendant after bindover, or if an attorney is permitted to withdraw from a case after bindover, the attorney will be paid a proportional amount based on the work completed to that point. In bench warrant cases, the attorney should expect to be re-appointed to the case if the defendant is arrested on the warrant within a reasonable time from the date the warrant was issued.

These fees apply to Circuit Court dispositions regardless of whether the defendant enters a plea, or the case is dismissed:

FH with preliminary exam <u>waived</u>	\$990
FH with preliminary exam <u>held</u>	\$1,320
FH with Habitual 4 th exam <u>waived</u>	\$1,320
FH with Habitual 4 th exam <u>held</u>	\$1,650

Non-Capital Felony (FH) Trial Fees

Some cases will result in a trial in the Circuit Court. Attorneys who handle a non-capital (FH case) trial will be paid an hourly rate for all trial time and trial preparation time. This fee is in addition to the base fee listed above, however only actual trial time and trial preparation time will be paid at the hourly rate. Attorneys must submit itemized invoices to track their time and must use 1/10th hour (i.e. 6 minute) increments of time.

Invoices which simply state a total amount of time spent on a case, or which itemize in anything other than 1/10th hour increments will be rejected. The hourly rate paid for trial time and trial preparation time on

non-capital cases are limited by the following presumptive maximum hour amount. Attorneys who exceed this presumptive maximum amount may request extraordinary fees in appropriate cases.

Trial Time and Actual Trial Preparation time for non-capital felonies (FH cases)	24 hours at \$110/hour
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Probation Violation (VOP) Appointments

The IDSO is responsible for appointing attorneys to represent defendants who are alleged to have violated their probation in the Circuit Court. Attorneys may voucher for 2 jail visits per defendant absent extraordinary circumstances. There is no ICI payment on VOPs. Payment for VOP appointments are as follows:

VOP resolved with plea and sentence, or dismissal	\$220
VOP hearing where testimony is taken	\$220 base rate, plus \$110/hour for time spent in a contested VOP hearing.
Attorney appearance with bench warrant issued for defendant	\$100
Review hearing (when attorney is required to attend)	\$110
Retained out without notice	\$100

Miscellaneous Fees

The following events may occur in some felony cases and are payable as follows:

Delayed sentence appearance (if a new attorney is appointed for delayed sentence, they will receive \$330 in recognition of the extra work required to prepare for the sentencing)	\$110
Review hearing (any court ordered review – including competency review – but <u>only</u> when the attorney is required to appear on the record. Probable cause conferences and pretrials are <u>not</u> review hearings).	\$110
Attendance at <u>full</u> PSI interview with probation officer	\$110
Attendance at corporeal lineup	\$110
Attendance at <u>full</u> polygraph interview	\$220
Remand to District Court after bindover (payable in addition to any applicable standard fee)	\$220
Preliminary exam held over multiple days (the first day of an exam is included in the regular event-based fee)	\$220/day
Competency hearing where <u>testimony</u> is taken	\$330
Restitution hearing	\$330

Multiple Cases

Attorneys handling multiple cases for the same defendant will be paid the full amount for the first case and one-half for each other case. Exceptions will be made if the cases require court appearances on separate dates.

Extraordinary Fees

Any request for extraordinary fees must be submitted to the IDSO in the form of a detailed voucher, along with the attorney’s explanation for why they believe such fees are warranted. Extraordinary fees are the exception, not the rule, and they will only be paid in limited circumstances. If the Chief Attorney of the IDSO finds extraordinary fees to be appropriate in a specific case, the presumptive payment to the requesting attorney will be calculated by multiplying the regular voucher amount by 1.5 and paying that amount to the attorney in lieu of the regular voucher amount. The Chief Attorney may make exceptions to this presumptive calculation, either higher or lower, if warranted by the specific facts of a case. If the Chief Attorney decides to grant more than 1.5 times the voucher amount, the amount to be paid shall not exceed the suggested payment amounts in MIDC Standard 8. If the Chief Attorney of the IDSO denies an attorney’s request for extraordinary fees, the denial may be appealed to the Criminal Assignment Committee.