

## **Appointed Attorney Fee Schedule – 6<sup>th</sup> Circuit Court**

The Oakland County Indigent Defense Services Office (IDSO) uses an hourly payment system, in compliance with MIDC Standard 8, to compensate attorneys on all felony appointments. The only exceptions to the hourly payment system are the shift rates paid to arraignment attorneys, which are designed to be equivalent to the Standard 8 hourly rate.

**In most cases, attorneys are encouraged to not file a voucher until final disposition of the case (i.e., sentence, dismissal, bench warrant, attorney withdrawal, attorney retained out).** 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.

In cases where a delayed sentence is imposed, the attorney can and should submit their voucher after the initial sentencing date. The attorney should then submit a supplemental voucher for any work conducted at the delayed sentencing hearing.

In cases where a bench warrant is issued, attorneys should expect to be re-appointed to the case if the defendant is arrested on the warrant within six months of its issuance. If there is a longer period of time between warrant issuance and arrest, the attorney will be contacted to determine if they are able to accept the re-appointment. The attorney would then submit a supplemental voucher for any work done on the case after the defendant was arrested on the warrant.

In cases that are significantly complex, which in the attorney’s professional judgment may span an inordinate length of time, attorneys may submit quarterly vouchers. Attorneys should be diligent about ensuring that in these circumstances, they are only vouchering for work done during the applicable quarter.

### **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.

Attorneys accepting arraignment assignments should be mindful of the fact that they are being paid to be available for the entirety of the arraignment shift. Attorneys should **not** attempt to conduct other matters during their arraignment shift. If it is necessary to do so in exigent circumstances, attorneys must **not** include that work on any other payment itemization, as their time has already been paid through the arraignment fee.

Jail Arraignments	Weekdays:	\$720
	Weekends:	\$810
	Holidays:	\$900
Bench Warrant Arraignments	\$264 per shift	

## **Felony Appointments**

Every felony appointment, including probation violation cases and interlocutory appeals, will require the attorney to itemize the time they spent on the case in order to be paid. There are no longer **any** flat-fee payments for felony cases where the appointment was made on or after October 1, 2023. Cases where the appointment was made prior to October 1, 2023 will be paid using the FY23 fee schedule, however attorneys are always free to request extraordinary fees on those cases if they believe such fees would be appropriate.

Attorneys are required to keep an itemization of all work done on an appointed case and attach the itemization to their voucher submission. All itemizations will be reviewed for reasonableness and itemized hours may be reduced if they are not reasonably necessary for the itemized event. There is no cap on the number of hours that can be itemized, provided all hours were reasonably necessary for the needs of the case. Attorneys should use the following guidelines when preparing an itemization:

- Attorneys are **strongly encouraged** to use the standard itemization templates created by the IDSO, which are always available on our website, unless they already utilize a dedicated billing software for their legal practice. Handwritten itemizations will not be accepted.
- Use one-tenth (6 minute) hour increments, with the goal of getting as close as possible to itemizing your actual time spent. We have designed itemization templates that will automatically calculate your itemization once you input the number of minutes spent on each event.
- Some simple events will be presumed to take one-tenth (.1) of an hour unless the attorney itemizes actual time spent in excess of .1. Examples of such events are letters sent to a client, text messages with a client, etc.
- Attorneys **may not** itemize travel time absent extraordinary circumstances. Extraordinary circumstances would include having to conduct an in-person prison visit with a client outside of Oakland County.
- When vouchering multiple cases for the same defendant, please do your best to apportion the appropriate time to each case. If the cases have mostly similar court dates, jail visits, etc., we would expect the primary case to contain the largest portion of the itemization with the related case(s) containing fewer hours.
- When itemizing time spent in court, please keep in mind that you cannot itemize more time than is actually spent. For example, if you are in court for one hour on two separate cases, you must apportion that hour between the two cases. You cannot itemize one full hour for each case, because you did not actually spend two hours in court.
- All jail visits should be itemized with actual time. There is no longer a flat fee for jail visits.

## **Case-Related Expenses**

Hourly rates are designed to take into account the typical overhead costs of running a law practice.

Attorneys will be reimbursed for reasonable case-related expenses, such as FOIA requests for information that cannot be obtained through discovery, clothing purchases for defendants needing trial clothes, copying of significantly voluminous discovery, etc. De minimis copying costs should be considered part of the attorney’s overhead and not separately reimbursable.

Case related expenses that the attorney believes will exceed \$100 **must** be pre-authorized by the Chief Attorney of the IDSO.

## **Hourly Rates**

The following hourly rates are applicable to cases where the appointment was made on or after October 1, 2023:

<b>Case Type</b>	<b>Hourly Rate</b>
Interlocutory Appeals (Category 2, 3 and 4)	\$132
Interlocutory Appeals (Category 1)	\$144
Probation Violations (regardless of underlying category)	\$132
Low-Severity Felonies (Categories 3 and 4)	\$132
High-Severity Felonies (Category 2)	\$144
Any case where a Habitual 4 <sup>th</sup> with a <u>life max</u> is <u>actually filed</u>	\$144
Capital felonies (Category 1)	\$192