

## **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 is expected to submit a voucher after the initial sentencing date. The attorney should then submit a supplemental voucher for any work conducted at the delayed sentencing hearing. The same rule applies to post-sentencing issues like restitution hearings.

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:	\$750
	Weekends:	\$840
	Holidays:	\$900
Bench Warrant Arraignments		\$280 per shift

## **Felony Appointments**

Attorneys must submit time itemizations for every felony appointment, including probation violation cases and interlocutory appeals. In cases where the appointment was made prior to October 1, 2023, the attorney will be paid using the FY23 fee schedule unless the attorney submits a complete time itemization for the entire case. If the attorney does so, the attorney will be paid based on the hourly rates applicable to each fiscal year.

All itemizations will be reviewed for reasonableness and itemized hours may be reduced if they are not reasonably necessary for the itemized event. 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. Do not round time to other increments (e.g., quarter-hour, half-hour) unless the event actually took that amount of time. Itemizations rounding to other increments are subject to rejection.
- 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. In cases where the presumptive payment events are significantly numerous (typically over 20), the IDSO will reduce them by half and assign three minutes to each unless the attorney indicates that the events were significantly lengthy to warrant calculation at the full six-minute rate.
- Attorneys **may not** itemize work that was done by support staff. Only work done by the appointed attorney is compensable.
- 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.

- The IDSO is mindful of the fact that some attorneys may choose to arrive earlier than the scheduled start time for in-person hearings. In those situations, 15 minutes is the most time that an attorney is permitted to itemize for an early arrival.
- All jail visits should be itemized with actual time. Attorneys are no longer required to submit jail visit verifications with their voucher. The IDSO trusts that attorneys are accurately and honestly itemizing jail visits, no differently than any other itemized event. However, the IDSO reserves the right to request jail visit verifications at any time while processing a voucher and will do so on a random basis. Therefore, attorneys should still save all jail visit verifications in the event they need to provide them to the IDSO in the future. In light of this, any attorney who finds it preferable to continue to upload all jail visit verifications with their voucher is welcome to do so.

### **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, 2024. If the appointment was made prior to October 1, 2024, the hourly rate will be the rate that was in effect on the date the appointment was made:

<b>Case Type</b>	<b>Hourly Rate</b>
Low-Severity Felonies (Categories 3 and 4)	\$140
High-Severity Felonies (Category 2)	\$150
Low-Severity Felony with a Habitual 4 <sup>th</sup> <u>life max</u> (Hab. must be in the court file)	\$150
Capital felonies (Category 1)	\$200
Probation Violations (regardless of underlying category)	\$140
Interlocutory Appeals (Category 2, 3 and 4)	\$140
Interlocutory Appeals (Category 1)	\$150
Adult Treatment Court	\$140