

113.09 FEES FOR LEGAL REPRESENTATION OF INDIGENT DEFENDANTS BY APPOINTED PRIVATE COUNSEL.

The legal service fees and expenses schedule for representation by appointed private counsel of indigent defendants charged with felonies in the General Division of the County of Summit in the Common Pleas Court, the Ninth District Court of Appeals, the Supreme Court of the State of Ohio and the Municipal Courts of Akron, Barberton and Stow, and of indigent defendants in proceedings in the Juvenile Division and in contempt proceedings in the Domestic Relations Division of the Common Pleas Court, is as follows:

Summit County Indigent Fee Schedule

Effective Hourly Rates and Maximum Fees by OPD Reimbursement Percentage

**(a) Trial Level Proceedings**

**(1) Reimbursement for representation in trial level cases not involving a death penalty specification will be made based on the maximum rate of \$75/hour for both in-court and out-of-court services,**

**(2) Reimbursement for representation in trial level cases involving a death penalty specification will be made based on the maximum rate of \$125/hour for both in-court and out-of-court services,**

**(3) The prescribed maximum fees permitted in trial level proceedings are:**

<b>(A) Aggravated murder with specifications, Section 2929.04(A) and 2941.14(B) of the Ohio Revised Code ("R.C.")</b>	<b>As set by Capital Fee Council – see R.C. 120.33(D).</b>
<b>(B) Aggravated murder, R.C. §2903.01</b>	<b>\$15,000/1 Attorney</b>
	<b>\$25,000/2 Attorneys</b>
<b>(C) Murder</b>	<b>\$10,000</b>
<b>(D) Felony with possible life sentence/repeat violent offender/major drug offender</b>	<b>\$10,000</b>
<b>(E) Felony (Degrees 1-2)</b>	<b>\$8,000</b>
<b>(F) Felony (Degree 3)</b>	<b>\$5,000</b>
<b>(G) Felony (Degrees 4-5)</b>	<b>\$2,000</b>
<b>(H) Misdemeanor (Degrees 1-4)</b>	<b>\$2,000</b>
	<b>\$2,500</b>

(I) Misdemeanor OVI/BAC	\$500
(J) Contempt of Court	\$750
(K) Violation (Probation/Community Control)	\$300
(L) Preliminary Hearings	\$750
(M) Sex Offender Classification	\$750
(N) Other	

~~(a) Aggravated murder with specifications, Section 2929.04(A) and 2941.14(B) of the Ohio Revised Code ("R.C.")~~

~~(1) Expenses - As approved by Court (Hourly Reimbursement Rate established by Supreme Court)~~

~~(b) Aggravated murder, R.C. §2903.01.~~

~~(1) Maximum per attorney~~

~~\$15,000~~

~~(2) Maximum per case (2 attorneys)~~

~~\$25,000~~

~~(3) Expenses - As approved by Court~~

~~(c) Murder, R.C. §2903.02.~~

~~(1) Maximum per case~~

~~\$10,000~~

~~(2) Expenses - As approved by Court~~

~~(d) Felonies~~

~~(1) Felony (Deg 1)~~

~~\$8,000~~

~~(2) Felony (Deg 2-3)~~

~~\$5,000~~

~~(3) Felony (Deg 4-5)~~

~~\$3,500~~

~~(4) Expenses - As approved by Court~~

**(e) Misdemeanors**

**(1) Misdemeanor (Deg 1-4)**

**\$2,000**

**(2) Misdemeanor OVI/BAC**

**\$2,500**

**(3) Misdemeanor Unclassified**

**\$2,500**

**(4) Expenses -- As approved by Court**

**(f) Other**

**(1) Probation/Community Control Violation**

**\$800**

**(2) Post-Conviction**

**\$800**

**(3) Sexual predator hearing**

**\$800**

**(4) Expenses - As approved by Court**

**(b) Juvenile Proceedings**

**(1) Reimbursement for representation in juvenile proceedings will be made based on the maximum rate of \$75.00 per hour for both in-court and out-of-court services.**

**(2) Reimbursement will not be made for non-attorneys appointed as a guardian ad litem.**

**(3) In abuse, dependency, and neglect cases, both the attorney and the guardian ad litem may bill up to the maximum fee allowed by the county for the initial disposition hearing and each subsequent annual review hearing before the court.**

**(4) The prescribed maximum fees permitted in juvenile level proceedings are:**

**(A) Aggravated murder with specifications, As set by Capital Fee Council - see Section 2929.04(A) and 2941.14(B) of the Ohio R.C. 120.33(D). Revised Code ("R.C.")**

**(B) Aggravated murder, R.C. §2903.01**

<b>(C) Murder</b>	<b>\$7,500/1 Attorney</b>
<b>(D) Felony (Degrees 1-2)</b>	<b>\$12,500/2 Attorneys</b>
<b>(E) Felony (Degrees 3-5)</b>	<b>\$6,000</b>
<b>(F) Misdemeanor OVI/BAC</b>	<b>\$5,000</b>
<b>(G) Misdemeanor</b>	<b>\$3,500</b>
<b>(H) Traffic</b>	<b>\$2,500</b>
<b>(I) Objections</b>	<b>\$2,000</b>
<b>(J) Unruly</b>	<b>\$300</b>
<b>(K) Bindover - Mandatory</b>	<b>\$750</b>
	<b>\$,000</b>
<b>(L) Bindover - Discretionary</b>	<b>\$750/1 Attorney</b>
	<b>\$1,200/2 Attorneys</b>
<b>(M) Reverse Bindover Amenability</b>	<b>\$2,000/1 Attorney</b>
<b>(N) SYO</b>	<b>\$3,000/2 Attorneys</b>
<b>(O) SYO Invocation</b>	<b>\$1,500</b>
	<b>Adult Degree + 50%/2 Attorneys</b>
<b>(P) Adult in Juvenile Court</b>	<b>\$2,000/1 Attorney</b>
<b>(Q) Violation (Probation/Community Control, Parol/Supervised Release)</b>	<b>\$3,000/2 Attorneys</b>
<b>(R) VCO</b>	<b>\$1,500</b>
<b>(S) ADN Initial Custody</b>	<b>\$750</b>
<b>(T) ADN Annual After Custody</b>	<b>\$1,500</b>
<b>(U) Permanent Custody</b>	<b>\$1,500</b>
<b>(V) Contempt of Court</b>	<b>\$2,500</b>
<b>(W) Purge Hearing</b>	<b>\$500</b>
<b>(X) Sex Offender Classification/Reclassification/Declassification</b>	<b>\$150</b>
<b>(Y) Expungement</b>	<b>\$750</b>
<b>(Z) Other</b>	<b>\$300</b>
	<b>\$750</b>

**(c) Probate Proceedings**



**(O) 26(B) Murnahan Felony (degrees 4-5) Trial \$1,000**

**(P) OSC Jurisdiction Memorandum \$1,500**

**~~(7) Expenses - As approved by Court~~**

**~~(h) Juvenile Proceedings~~**

**~~(1) Agg. Murder w/specs \$7,500~~**  
**~~(2) Agg. Murder w/specs (2 attorneys) \$12,500~~**  
**~~(3) Murder \$6,000~~**  
**~~(4) Felony (Deg 1-2) \$5,000~~**  
**~~(5) Felony (Deg 3-5) \$3,500~~**  
**~~(6) Misdemeanor (Deg 1-4) \$2,000~~**  
**~~(7) Misdemeanor OVI/BAC \$2,500~~**  
**~~(8) Bindover - Mandatory \$800~~**  
**~~(9) Bindover - Mandatory (2 attorneys) \$1,200~~**  
**~~(10) Bindover - Discretionary \$2,000~~**  
**~~(11) Bindover - Discretionary (2 attorneys) \$3,000~~**  
**~~(12) Other \$2,000~~**  
**~~(13) Contempt \$500~~**  
**~~(14) Guardian ad Litem fees - DN case \$2,000~~**  
**~~(15) Expenses - As approved by Court~~**

**~~(j) Domestic Relations Proceedings~~**

**~~(1) Custody \$2,500~~**  
**~~(2) Contempt \$500~~**  
**~~(3) Expenses - As approved by Court~~**

**(e) Postconviction and habeas corpus proceedings**

**1. Reimbursement for postconviction and State habeas corpus proceedings not involving a death sentence will be made based on the maximum rate of \$75.00 per hour for both in-court and out-of-court services.**

**2. Reimbursement for postconviction and State habeas corpus proceedings involving a death sentence will be made based on the maximum rate of \$125.00 per hour for both in-court and out-of-court services.**

**3. The prescribed maximum fees permitted in postconviction and habeas corpus proceedings are:**



~~(f)(1)~~—Payment of Fees.

**At such time that the Ohio Public Defender Commission makes available its planned on-line billing and case management system to Summit County, the County Executive may declare a “Go-Live” date by Executive Order.**

**Upon the date set by Executive Order, P-payment of fees and/or reimbursement for expenses associated with providing representation shall be made only upon submission through the Ohio Public Defender’s OPD On-line system. ~~of the Motion, Entry and Certification for Appointed Counsel Fees OPD-1026 and Affidavit of Indigency which has been approved by the assigned judge.~~ Requests for payment for providing representation to a defendant against charges for which the County has contracted for representation, pursuant to OAC 120-1-12, shall require the approval of the Summit County Public Defender Commission, pursuant to the terms of said contract.**

**All payments must be made by Electronic Funds Transfer, unless unusual circumstances necessitate payment by other means, at the discretion of the County Fiscal Officer.**

~~(m-g)~~ Calculation of Fees. Payments for attorney fees for indigent defense will be calculated utilizing the charges for which the defendant was originally indicted.

~~(n h)~~ Post Conviction Matters/Multiple Billing. Any attorney requesting fees for postconviction matters (judicial release, probation violation, etc.) or subsequent billing on an active case shall indicate so on the form OPD-1026 within the Summary of Charges, Hours, Expenses and Billing section. Attorneys shall clearly identify the type of post-conviction matter involved with the fees request within said section and utilize the date the assigned judge set forth a decision on the matter as the termination date.

~~(o i)~~ Reduction and Non-Payment of Late Requests for Payment. Fees will not be paid if the request for payment in Section 113.09(j) is submitted to the County Fiscal officer more than forty-five (45) days after termination of said case except upon approval of the Administrative Judge. All fees submitted more than (45) days after termination of said case and approved by the Administrative Judge under this section, **shall may** be paid at 50% of the effective reimbursement rate by the County Fiscal Officer.

~~(p j)~~ Additional Compensation in Excess of Maximum. Approval for additional compensation for felony or misdemeanor cases in excess of the maximum, as indicated, will only be made by the assigned judge in extraordinary cases. The additional fees paid are subject to the hourly rates of Section 113.09 (j).

~~(q k)~~ Random Audits. All requests for documentation for attorney fees shall be subject to random audits by the County Fiscal Office and the Department of Internal Auditing.

~~—(r)—Administrative Fee. At such time that the Ohio Public Defender Commission makes available its planned on-line billing and case management system to Summit County, the County Executive may declare a “Go-Live” date by Executive Order, at which time use of the system will be mandatory. Attorneys shall be afforded a one-hundred eighty (180) day grace period to begin using the system to submit billings.~~



**~~Upon the completion of such grace period, the County Fiscal Office shall begin charging a \$10 per hour-billed administrative fee for billings that are not submitted through the Ohio Public Defender's billing system.~~**

(Ord. 2006-035. Adopted 2-13-06; Ord. 2015-164. Adopted 4-27-15; Ord. 2020-371. Adopted 11-23-20; Ord. 2021-058. Adopted 3-15-21; Ord. 2022-249. Adopted 8-29-22.)