

### 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

<del>Ohio Public Defender Commission Reimbursement Rate</del>	100%	90-99%	80-89%	70-79%	60-69%	50-59%	<50%
<b>(a) Aggravated murder with specifications, Sections 2929.04(A) and 2941.14(B) of the Ohio Revised Code ("R.C.")</b>							
(1) Expenses - As approved by Court (Hourly Reimbursement Rate established by Supreme Court)							
<b>(b) Aggravated murder, R.C. §2903.01.</b>							
(1) Maximum per attorney	\$15,000	\$14,000	\$13,000	\$12,000	\$11,000	\$10,000	\$9,000
(2) Maximum per case (2 attorneys)	\$25,000	\$23,400	\$21,700	\$20,000	\$18,400	\$16,700	\$15,000
(3) Expenses - As approved by Court							
<b>(c) Murder, R.C. §2903.02.</b>							
(1) Maximum per case	\$10,000	\$9,400	\$8,700	\$8,000	\$7,400	\$6,700	\$6,000
(2) Expenses - As approved by Court							
<b>(d) Felonies</b>							
(1) Felony (Deg 1)	\$8,000	\$7,500	\$7,000	\$6,400	\$5,900	\$5,400	\$4,800
(2) Felony (Deg 2-3)	\$5,000	\$4,700	\$4,400	\$4,000	\$3,700	\$3,400	\$3,000
(3) Felony (Deg 4-5)	\$3,500	\$3,300	\$3,100	\$2,800	\$2,600	\$2,400	\$2,100
(4) Expenses - As approved by Court							
<b>(e) Misdemeanors</b>							
(1) Misdemeanor (Deg 1-4)	\$2,000	\$1,900	\$1,800	\$1,600	\$1,500	\$1,400	\$1,200
(2) Misdemeanor OVI/BAC	\$2,500	\$2,400	\$2,200	\$2,000	\$1,900	\$1,700	\$1,500
(3) Misdemeanor Unclassified	\$2,500	\$2,400	\$2,200	\$2,000	\$1,900	\$1,700	\$1,500
(4) Expenses - As approved by Court							
<b>(f) Other</b>							
(1) Probation/Community Control Violation	\$800	\$700	\$700	\$600	\$600	\$500	\$500
(2) Post-Conviction	\$800	\$700	\$700	\$600	\$600	\$500	\$500
(3) Sexual predator hearing	\$800	\$700	\$700	\$600	\$600	\$500	\$500
(4) Expenses - As approved by Court							
<b>(g) Appellate Representation</b>							
(1) Felony (Deg 1)	\$5,000	\$4,700	\$4,400	\$4,000	\$3,700	\$3,400	\$3,000
(2) Felony (Deg 2-3)	\$3,500	\$3,300	\$3,100	\$2,800	\$2,600	\$2,400	\$2,100
(3) Felony (Deg 4-5)	\$2,500	\$2,400	\$2,200	\$2,000	\$1,900	\$1,700	\$1,500
(4) Misdemeanor	\$2,000	\$1,900	\$1,800	\$1,600	\$1,500	\$1,400	\$1,200

(5) Juvenile Other	\$2,500	\$2,400	\$2,200	\$2,000	\$1,900	\$1,700	\$1,500
(6) Other	\$1,200	\$1,100	\$1,000	\$900	\$900	\$800	\$700
(7) Expenses - As approved by Court							

**(h) Juvenile Proceedings**

(1) Agg. Murder w/ specs	\$7,500	\$7,000	\$6,500	\$6,000	\$5,500	\$5,000	\$4,500
(2) Agg. Murder w/ specs (2 attorneys)	\$12,500	\$11,700	\$10,900	\$10,000	\$9,200	\$8,400	\$7,500
(3) Murder	\$6,000	\$5,600	\$5,200	\$4,800	\$4,400	\$4,000	\$3,600
(4) Felony (Deg 1-2)	\$5,000	\$4,700	\$4,400	\$4,000	\$3,700	\$3,400	\$3,000
(5) Felony (Deg 3-5)	\$3,500	\$3,300	\$3,100	\$2,800	\$2,600	\$2,400	\$2,100
(6) Misdemeanor (Deg 1-4)	\$2,000	\$1,900	\$1,800	\$1,600	\$1,500	\$1,400	\$1,200
(7) Misdemeanor OVI/BAC	\$2,500	\$2,400	\$2,200	\$2,000	\$1,900	\$1,700	\$1,500
(8) Bindover - Mandatory	\$800	\$700	\$700	\$600	\$600	\$500	\$500
(9) Bindover - Mandatory (2 attorneys)	\$1,200	\$1,200	\$1,100	\$1,000	\$900	\$800	\$800
(10) Bindover - Discretionary	\$2,000	\$1,900	\$1,800	\$1,600	\$1,500	\$1,400	\$1,200
(11) Bindover - Discretionary (2 attorneys)	\$3,000	\$2,800	\$2,600	\$2,400	\$2,200	\$2,000	\$1,800
(12) Other	\$2,000	\$1,900	\$1,800	\$1,600	\$1,500	\$1,400	\$1,200
(13) Contempt	\$500	\$500	\$500	\$400	\$400	\$400	\$300
(14) Guardian ad Litem fees – DN case	\$2,000	\$1,900	\$1,800	\$1,600	\$1,500	\$1,400	\$1,200
(15) Expenses - As approved by Court							

**(j) Domestic Relations Proceedings**

(1) Custody	\$2,500	\$2,400	\$2,200	\$2,000	\$1,900	\$1,700	\$1,500
(2) Contempt	\$500	\$500	\$500	\$400	\$400	\$400	\$300
(3) Expenses - As approved by Court							

**(j) Hourly Reimbursement Rates.**

(1) In court	\$75	\$70	\$65	\$60	\$55	\$50	\$45
(2) Out of court	\$75	\$70	\$65	\$60	\$55	\$50	\$45

**(k) Probate Proceedings**

(1) Adoption Proceedings	\$2,500
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(l) Payment of Fees. Payment and/or reimbursement for expenses associated with providing representation shall be made upon submission 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.

(m) Calculation of Fees. Payments for attorney fees for indigent defense will be calculated utilizing the charges for which the defendant was originally indicted. ~~Fees shall be calculated using the Effective Hourly Rates and Maximum Fees permitted under this section as determined by the Ohio Public Defender Commission Reimbursement Percentage. The Fiscal Officer shall establish the Effective Hourly Rates and Maximum Fees on July 1<sup>st</sup> to reflect the Effective Reimbursement Percentage, as approved by the Ohio Public Defender Commission, for the upcoming State Fiscal Year. The Executive may, from time to time, adjust the Effective Hourly Rates and Maximum Fees to reflect adjustments in the Effective Reimbursement Percentage as approved by the Ohio Public Defender Commission.~~

- (n) 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) 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 ~~sixty (60)~~ forty-five (45) days after termination of said case except upon approval of the Administrative Judge. ~~Late fees approved by the Administrative Judge under this section shall be reduced by the Effective Reimbursement Percentage from the Ohio Public Defender Commission at the time such request for payment is submitted to the County Fiscal Office.~~ All fees submitted more than (45) days after termination of said case and approved by the Administrative Judge under this section, shall be paid at 50% of the effective reimbursement rate by the County Fiscal Officer.
- (p) 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) 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, 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.