

Appointed Attorney Fee Schedule – 52nd District Court

The Oakland County Indigent Defense Services Office (IDSO) is mindful of its responsibility to ensure that MIDC funds are spent in an appropriate manner. We also know that quick payment of attorney vouchers is important for attorneys' quality of life. Reviewing this document in detail will help attorneys minimize the most common billing errors. The more errors that are eliminated, the quicker the IDSO can process vouchers.

The Oakland County Indigent Defense Services Office (IDSO) uses an hourly payment system, in compliance with MIDC Standard 8, to compensate attorneys on all misdemeanor appointments. Arraignment attorneys are paid using a shift rate, which is designed to be equivalent to the Standard 8 hourly rate. Docket attorneys are also paid for their court time using a shift rate, while being paid hourly for their pre-court preparation.

Attorneys must submit their voucher within 30 days of their date of service for arraignment and docket attorney shifts, or within 30 days of final disposition (i.e., sentence, dismissal, bench warrant, attorney withdrawal, attorney retained out) for individual appointment cases. The IDSO understands that exigent circumstances can arise, however, there is no guarantee of payment on late vouchers.

Arraignment Attorney

The IDSO appoints an attorney every weekday, in each division of the 52nd District Court, to serve as the arraignment attorney. This attorney is expected to represent defendants on scheduled and walk-in arraignments and may occasionally be called upon to assist with other in-court representation in exigent circumstances. These rates apply to arraignment attorneys:

Half-Day (AM or PM)	\$405
Full-Day (AM and PM)	\$810

Attorneys **must** be aware of the following guidelines for arraignment assignments:

- The shift rate you are paid is designed to fully compensate you for the time you spend at court, regardless of how many or how few arraignments are conducted. For this reason, if you are called upon to assist with non-arraignment duties in exigent circumstances, you should not expect extra payment for doing so unless those duties require you to spend extra time outside of court, or over the lunch hour.
- You may not bill for other work while you are being paid for your arraignment shift. For example, if you have downtime during your shift and you choose to review discovery on an appointed case, you must **not** include that time in the itemization for that other case. You have already been paid for that time through your arraignment shift payment.

Treatment Court

Attorneys responsible for treatment court will not receive a set rate. You must itemize all the time you spend on pre-court preparation and time in court. You will be paid for the actual time spent at the rate of **\$135 per hour**.

Treatment court attorneys will not be “double paid.” For example, if you spend one hour in court you will be paid for one hour, regardless of whether you assisted with multiple different courts.

Daily Docket Attorney

The IDSO appoints a docket attorney for every misdemeanor criminal docket in each division of the 52nd District Court. The attorney will be paid a base rate of **\$405 per half-day docket**, which is designed to compensate the attorney for being in court for the entirety of their shift.

Attorneys who consistently leave court prior to the end of their scheduled shift, even if they have been told by the court that the docket is complete, are subject to having their base rate reduced in proportion to the amount of time actually spent in court. Emergencies can occur, and it is always possible that the court may need its assigned docket attorney for a matter even after believing the docket is “complete.”

The attorney is also expected to obtain and review discovery, and speak with the clients on their docket, prior to the docket day. Attorneys will itemize their time for all pre-court preparation and should refer to the explanation below regarding itemizations. Pre-court preparation is paid at the rate of **\$135 per hour**. All itemizations are reviewed for reasonableness and may be reduced accordingly.

If the Court cancels a scheduled docket with less than two business days’ notice, the assigned attorney will still be paid for any pre-court preparation they have itemized, along with a half of the base rate.

Individual Appointments

The IDSO may determine that a docket attorney should be appointed to continue on a specific case until the case is resolved. Docket attorneys will be appointed to remain on all cases that are set for trial. Docket attorneys will also be appointed to remain on any significantly complex cases.

The court has the ability to request that the IDSO continue the docket attorney on a case, and those requests are typically honored. Likewise, docket attorneys may, and should, request to be continued on a case if they believe it would be in the client’s best interest. If a docket attorney is continued on a case, their initial client interview is deemed to be the first contact they had with their client, even if that occurred prior to the assigned docket day.

Individual appointment cases must be itemized and are paid at the rate of **\$135 per hour**. All itemizations will be reviewed for reasonableness and itemized hours may be reduced if they are not reasonably necessary for the itemized event. Cases that span fiscal years will be paid at the hourly rate that was in

effect at the time of each itemized event. Attorneys should use the following guidelines when preparing an itemization:

- Attorneys **must** 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 or by a stand-in attorney. 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.

- You must not include any time on your itemization for which you were already paid. The most common example of this would be a case where you had court dates on which you were also the scheduled docket attorney. Since you have already been paid for that time through the docket attorney fee, you cannot also be paid for that same time through your individual appointment itemization.

Appeals

Pursuant to MCR 6.625(B), the IDSO will appoint an attorney for an indigent defendant who wishes to appeal their case to the Circuit Court, provided the defendant was sentenced to a term of incarceration (even if suspended). Appeals will be paid at the rate of **\$135/hour**. Attorneys must itemize their time in 1/10th hour increments and will only be paid for the reasonable time spent on the appeal, as determined by the Chief Attorney.