

## **Appointed Attorney Fee Schedule – 6<sup>th</sup> Circuit 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 and other causes of delay. The more errors that are eliminated, the quicker the IDSO can process vouchers.

### **Hourly Billing**

MIDC Standard 8 requires attorneys to submit itemized billing statements. Attorneys must submit time itemizations for every felony appointment, including probation violation cases and interlocutory appeals.

In cases that span multiple fiscal years, the attorney will be paid the hourly rate applicable to each fiscal year. All itemizations will be reviewed for reasonableness, and itemized time may be reduced if it is not reasonably necessary.

Aside from billing in increments of .1 (one-tenth of an hour, i.e., 6 minutes) attorneys should never engage in rounding. The goal of each voucher should be to get as close as possible to the actual time spent on the case. To be clear, do not round time to quarter-hour or half-hour. State the actual time. Itemizations exhibiting such rounding are subject to rejection.

The hourly rates for FY27 are as follows:

| <b>Case Type</b>                                                                                                  | <b>Hourly Rate</b> |
|-------------------------------------------------------------------------------------------------------------------|--------------------|
| Low-Severity Felonies (Categories 3 and 4)                                                                        | \$150              |
| High-Severity Felonies (Category 2)                                                                               | \$160              |
| Low-Severity Felony with a Habitual 4 <sup>th</sup> <u>life max</u> (Hab. must be in the court file) <sup>1</sup> | \$160              |
| Capital felonies (Category 1)                                                                                     | \$215              |
| Probation Violations                                                                                              | \$150              |
| Interlocutory Appeals (Category 2, 3 and 4)                                                                       | \$150              |
| Interlocutory Appeals (Category 1)                                                                                | \$160              |
| Adult Treatment Court                                                                                             | \$150              |

### **Form of Voucher Submission**

Attorneys must use the current voucher template found on the IDSO's website. Handwritten itemizations will be rejected. Scanned itemizations are also subject to rejection. Scanned itemizations delay our processing time. Uploading the original Excel file, in Excel format, is the best choice.

If an attorney uses dedicated billing software (Clio, Smokeball, etc.), the IDSO will accept itemizations generated from that software. However, the attorney **must** include all the information from the header in the IDSO's voucher template otherwise the voucher will be rejected.

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<sup>1</sup> It is very important that you check the "yes" box on your online voucher submission if there was a Hab. 4 Life filed. Otherwise, we may not recognize that you should be paid the higher rate. Do not check the box if the Hab. 4 was not a life max.

### **Accuracy of Voucher Submission**

Attorneys must provide all the information requested in the header of the voucher template (name, case number, etc.) and must complete it **accurately**. Any inaccurate information in this section will slow down the processing of the voucher. Any court dates listed on the voucher must be accurate. Our staff verifies the court dates. Significant delay is caused when an attorney lists incorrect court dates.

### **Multiple Cases for the Same Client (Related Cases)**

When an attorney has multiple cases for the same client, they will have a separate appointment ID for each case. The IDSO also prefers to have a separate voucher for each case, but attorneys can bill for all cases on one voucher if they are scrupulous about delineating the time spent on each case and inform us that all cases are included in one voucher.

Simultaneous time spent on multiple cases must be prorated or only billed once. For example, if an attorney spends an hour at a pretrial for three cases, the attorney can only bill one hour total for the pretrial—not three hours. The IDSO would prefer attorneys to be consistent in how they bill for simultaneous services. In other words, attorneys should pro rate all simultaneous services or only charge one case for all simultaneous services.

### **Minimizing Processing Delays**

Think about what questions a person who was new to your case would have about your time entries and try to resolve those questions. For example, if a service takes an unusual amount of time, you should provide some explanation.

| Event                                | Date       | Start Time | Stop Time | Total Minutes | Itemization |
|--------------------------------------|------------|------------|-----------|---------------|-------------|
| Reviewed Police Report (80 pages)    | 10/15/2026 | 9:00 am    | 10:00 am  | 60            | 1.0         |
| Reviewed Video (4 x 29 minutes each) | 10/15/2026 | 1:13 pm    | 2:00 pm   | 47            | 0.78        |
| Continued Reviewing Video            | 10/25/2026 | 2:15 pm    | 3:07 pm   | 52            | 0.87        |
| Reviewed PSIR w/ Client (40 pages)   | 1/27/2027  | 1:07 pm    | 2:30 pm   | 83            | 1.38        |

### **Prohibited Items**

Attorneys **may not** itemize work that was done by support staff or a stand-in attorney. **Only work actually done by the appointed attorney is compensable.** For example, if an attorney has another attorney cover a pretrial, the attorney cannot bill for the proceeding. Similarly, if an attorney's secretary prepares the attorney's appearance, the attorney cannot bill for the appearance.

Attorneys **may not** bill for travel time absent extraordinary circumstances. Extraordinary circumstances would include having to conduct an in-person prison visit with a client outside of Oakland County.

Attorneys **may not** bill for reviewing a notice to appear (NTA). An NTA is a 30-second document that the attorney should view as part of the normal cost of doing business. Please do not put this on your voucher.

Attorneys **may not** bill for receiving the appointment, opening the file, closing the file, or preparing/submitting the voucher. Attorneys may itemize services that are done after receiving the appointment such as requesting discovery, reviewing the complaint, and reviewing jury instructions.

### **Timing of Voucher Submission**

In most cases, attorneys will 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). While the IDSO understands that exigent circumstances can arise, there is no guarantee of payment on late vouchers.

- *Note on Delayed Sentences and Restitution Hearings*

In cases where a delayed sentence is imposed, the attorney must submit a voucher within 30 days of the court placing the defendant on the delayed sentence. The attorney will then submit a supplemental voucher for any work conducted at the delayed sentencing hearing. The same rule applies to restitution hearings if there is a significant gap between the sentence date and restitution hearing date.

- *Note on Bench Warrants*

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. In either case, the attorney should submit their first voucher within 30 days of the bench warrant's issuance. The attorney would then submit a supplemental voucher for any work done on the case after the defendant was arrested on the warrant.

- *Note on Interim Billing*

In cases that are significantly complex and the attorney's services span an inordinate length of time<sup>2</sup>, attorneys may submit quarterly vouchers. Please be diligent about ensuring that you are only vouchering for work done during the applicable quarter. **Do not wait 30 days to submit a periodic voucher.**

| Quarter | Service Date Range | Voucher Due Date                                                |
|---------|--------------------|-----------------------------------------------------------------|
| 1       | Oct. 1 – Dec. 31   | <b>January 15</b>                                               |
| 2       | Jan. 1 – Mar. 31   | <b>April 15</b>                                                 |
| 3       | Apr. 1 – Jun. 30   | <b>July 15</b>                                                  |
| 4       | Jul. 1 – Sep. 30   | <b>First Monday in October<br/>(due to fiscal year closing)</b> |

### **Itemization Tips**

When itemizing services, be careful about using vague descriptors, particularly if you are itemizing more than .1 for a service.

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. 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.

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<sup>2</sup> Theoretically, an attorney can submit a periodic voucher on any case. But given the logistics involved in submitting and processing a voucher, it will rarely make practical sense to do so unless the case spans a significant length of time.

Itemizations generated from billing software are subject to the same rules regarding the reduction of presumptive payment events, even if the billing software does not have a similar presumptive payments section.

Attorneys should not use one entry to “bundle” numerous services. For example, it is not proper to bill an hour for “request discovery, file appearance, and talk to client.” Instead, the time for each service should be accounted for individually, especially if there is client communication involved. (If the attorney is putting multiple .1 entries on one line, and specifically describing each service, this is acceptable).

The best and safest practice is for attorneys not to write any information in the itemization that would be considered attorney-client privileged information.

- *Note on Court Time*

When itemizing time spent in court, please keep in mind that you cannot bill for 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 charge 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 unless the attorney explains why arriving earlier was necessary. For example, an attorney arrived 30 minutes before a hearing to receive and review some documents from their client.

When itemizing court hearings, the attorney must note if the attorney appeared and the case was adjourned off the record. Adjournments occurring without the attorney’s having to appear are not compensable. Please indicate when a hearing is adjourned instead of just listing the hearing type.

Similarly, an attorney should note if they have spent significant time waiting for their case to be heard, and if they spent time before or after the hearing talking with their client.

When itemizing court time, you **must** include the start and end times. Here is an example of properly itemized court time:

| Event                                           | Date      | Start Time | Stop Time | Total Minutes | Itemization |
|-------------------------------------------------|-----------|------------|-----------|---------------|-------------|
| Pretrial (atty appeared, adj off record)        | 3/2/2026  | 8:30 am    | 9:48 am   | 78            | 1.3         |
| Pretrial and Plea (two hours waiting)           | 3/17/2026 | 8:30 am    | 10:44 am  | 134           | 2.23        |
| Sentencing (and 15 min discussion re: sentence) | 5/20/2026 | 8:30 am    | 9:18 am   | 48            | .8          |

- *Note on Motions and Filed Documents*

Customarily, motions to withdraw, modify bond, or adjourn require 30 minutes or less to prepare. If an attorney spends more than 30 minutes on one of these types of motions, they should explain why the additional time was necessary. This guidance relates to the drafting of the motion itself, not the time the attorney spends in court arguing the motion.

Similarly, other items requiring additional explanation include:

- Arraignments by mail exceeding 0.1
- Stipulation and orders exceeding 0.3
- Drafting an order exceeding 0.3
- Subpoena preparation exceeding 0.3
- Deviation requests exceeding 1.0

When in doubt, provide an explanation.

- *Note on Jail Visits*

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, so we do recommend that attorneys continue to save their jail visit verifications.

### **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.

| OCJ Weekday | OCJ Weekend | OCJ Holiday | Bench Warrants |
|-------------|-------------|-------------|----------------|
| \$810       | \$900       | \$960       | \$300          |

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.

### **Case-Related Expenses**

Hourly rates are designed to take into account the typical overhead costs of running a law practice. This means that the attorney should view their hourly rate as already covering normal expenses such as printing, postage, legal research, and iChat fees.

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.