

## **Appointed Attorney Fee Schedule – 52<sup>nd</sup> District Court**

*All vouchers must be submitted within 30 days of the service date (for house counsel/PD days), or within 30 days of the date that the case has been dismissed or the defendant has been sentenced or bench warranted (for individual appointments). The IDSO understands that exigent circumstances can arise, however, there is no guarantee of payment on late vouchers.*

### **Daily Rates**

*The IDSO appoints an attorney every weekday, in each division of the 52<sup>nd</sup> 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 the assigned house counsel in exigent circumstances. The IDSO also appoints defense attorneys for any specialty treatment courts in the 52<sup>nd</sup> District Court. These rates apply to arraignment attorneys and treatment court attorneys:*

Half-Day (AM or PM)	\$300
Full-Day (AM and PM)	\$600

*The IDSO appoints attorneys to serve as the “house counsel” or “public defender” for every misdemeanor criminal docket in each division of the 52<sup>nd</sup> District Court. The base fee provided to this attorney is designed to compensate the attorney for in-court time, with additional fees available for docket preparation and **pre-court** communication with the indigent defendants on the attorney’s docket. These rates apply to house counsel:*

Base rate - Half-Day (AM or PM)	\$300
Base rate - Full-Day (AM and PM)	\$600
Itemized docket preparation (e.g., obtaining discovery from the Prosecutor and reviewing it prior to the docket)	\$100 (total, not per case)
Documented pre-court communication with clients	\$100 (total, not per case)
Attempted pre-court communication – will be paid if the attorney certifies that they attempted to contact <u>all</u> defendants on their docket but were unsuccessful.	\$50 (total, not per case)

### **Individual Appointments**

*For some cases, the IDSO may determine that an attorney should be appointed to continue on the case until the case is resolved. For these “individual appointment” cases, the attorney is expected to conduct an initial client interview (ICI) within 72 hours of receiving the appointment if the client is in custody, and within a reasonable time before the next court date if the client is not in custody. The ICI will not be paid if it is conducted at the same time that the attorney is serving as house counsel. There is no ICI payment on probation violation cases. These rates apply to individual appointments.*

*Attorneys handling multiple cases for the same defendant will be paid the full amount for the first case and one-half for each other case. Exceptions will be made if the cases require court appearances on separate dates.*

*If individual appointment cases are scheduled for a date on which the appointed attorney is also serving as house counsel, the IDSO will reduce the “base rate” listed below by 50%, unless the attorney itemizes significant time spent outside of court communicating with the client and preparing the file which would warrant payment of the full base rate. The base rate is designed to compensate the attorney for all required court appearances, other than trial.*

Initial Client Interview (ICI) <i>(ICI that occurs during a jail visit is paid \$100, <u>not</u> \$175)</i>	\$100
Jail visits with proof (2 visit presumptive maximum)	\$75
Base Rate – attorney appointed prior to sentencing	\$300
Base rate – attorney appointed after sentencing (e.g., a VOP case)	\$100

### **Misdemeanor Trial Fees**

*Some cases will result in a trial or a contested probation violation hearing. In those cases, attorneys will be paid an hourly rate for all trial/hearing time and preparation time. This fee is in addition to the base rate listed above, however only actual trial/hearing and preparation time will be paid at the hourly rate. Attorneys must submit itemized invoices to track their time and must use 1/10<sup>th</sup> hour (i.e. 6 minute) increments of time.*

*Invoices which simply state a total amount of time spent on a case, or which itemize in anything other than 1/10<sup>th</sup> hour increments will be rejected. The hourly rate paid for trial time and trial preparation time on non-capital cases are limited by the following presumptive maximum hour amount. Attorneys who exceed this presumptive maximum amount may request extraordinary fees in appropriate cases.*

Trial/Hearing Time and Actual Preparation time for misdemeanors	15 hours at \$100/hour
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*The IDSO will also use this rate to pay attorneys who have filed a substantive motion to suppress evidence which results in an evidentiary hearing with actual testimony taken.*

### **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 \$100/hour. Attorneys must itemize their time in 1/10<sup>th</sup> hour increments and will only be paid for the reasonable time spent on the appeal, as determined by the Chief Attorney.*

### **Extraordinary Fees**

*Any request for extraordinary fees must be submitted to the IDSO in the form of a detailed voucher, along with the attorney’s explanation for why they believe such fees are warranted. Extraordinary fees are the exception, not the rule, and they will only be paid in limited circumstances. If the Chief Attorney of the IDSO finds extraordinary fees to be appropriate in a specific case, the presumptive payment to the requesting attorney will be calculated by multiplying the regular voucher amount by 1.5 and paying that amount to the attorney in lieu of the regular voucher amount. The Chief Attorney may make exceptions to this presumptive calculation, either higher or lower, if warranted by the specific facts of a case. If the Chief Attorney decides to grant more than 1.5 times the voucher amount, the amount to be paid shall not exceed the suggested payment amounts in MIDC Standard 8. If the Chief Attorney of the IDSO denies an attorney’s request for extraordinary fees, the denial may be appealed to the Criminal Assignment Committee.*