

## **Rule 8.09 Appointed Counsel Compensation**

### **(A) Billing and Payment Process**

Compensation for counsel appointed by the court to represent indigent defendants (“Appointed Counsel”) shall be permitted in accordance with the schedule of fees established and approved by the Montgomery County Board of County Commissioners for such purposes. The current fee schedule can be found at <https://www.montcourt.oh.gov/wp-content/uploads/2022/12/FeeResolution.pdf>. Appointed Counsel shall not be paid for services unless a request for payment is submitted in accordance with this Rule.

(1) *Ohio Public Defender Court Appointed Billing System.* An application for payment must be electronically submitted through the Ohio Public Defender’s Court Appointed Billing System (“CABS”).

(2) *Submission Deadline.* An application for payment must be submitted to CABS (i) no later than the last day of the month following the month in which the case was finally disposed of or terminated, or (ii) if an attorney withdraws or is removed from a case, no later than the last day of the month following the month in which the attorney withdrew or was removed from the case (in either event, the “Submission Deadline”). For example, if a case is terminated on February 5th of a given year and the attorney has not withdrawn or been removed from the case, the Submission Deadline for a complete application for payment is March 31st of that year. Failure to submit a complete application for payment by such deadline will result in the reduction or denial of compensation as set forth below.

- (a) Compensation shall be reduced by 25% when a complete application for payment is submitted up to 30 days after the Submission Deadline.
- (b) Compensation shall be reduced by 50% when a complete application for payment is submitted between 31 and 60 calendar days after the Submission Deadline.
- (c) Compensation shall be reduced by 75% when a complete application for payment is submitted between 61 and 90 calendar days after the Submission Deadline.
- (d) Compensation shall be denied when a complete application for payment is submitted more than 90 calendar days after the Submission Deadline.

### **(B) Extraordinary Fees**

The payment of extraordinary fees due to complex issues, multiple offenses, lengthy trials, or other reasons warranting compensation at a rate which exceeds the maximum fees established by the Montgomery County Board of County Commissioners may be permitted upon approval by the Assigned Judge. If appropriate, an attorney may request extraordinary fees electronically through CABS by uploading documentation supporting the request as part of the attorney’s application for payment.

**(C) Payment of Expenses**

All requests for payment of expenses, including expert expenses, must comply with the Office of the Ohio Public Defender’s Standards and Guidelines for Appointed Counsel Reimbursement. Appointed Counsel seeking reimbursement for expenses must provide receipts for all individual expenses in excess of \$1.00. The Assigned Judge’s prior approval is not required for expenses totaling less than \$100. Prior approval by the Assigned Judge is required before incurring total expenses that exceed \$100. All necessary receipts must be submitted through CABS.

**(D) Expert Witness Costs**

As set forth in Subsection (C) of this Rule, all expert witness expenses must be approved by the court prior to incurring such costs. The fees set forth below are the maximum amounts that will be authorized for specific expert expenses without additional court approval. All court orders approving expert expenses and the related invoice must be submitted through CABS.

1) Private Investigator	\$1,500
2) Expert Witness:	
a) Handwriting	\$500
b) Ballistics	\$1,000
c) Polygraph	\$1,000
d) DNA	\$1,500
e) Forensics	\$1,500
f) Computer Forensics/Cell Phone Analysis	\$2,500
g) Psychological (examination)	\$2,500
h) Medical	\$3,500
3) Other Expert Witness	\$1,500

**(E) Recordkeeping**

In accordance with the Office of the Ohio Public Defender’s Standards and Guidelines for Appointed Counsel Reimbursement, Appointed Counsel is required to prepare and maintain time records for each appointed case, showing the date of service, the nature of services rendered, and the hours worked. Appointed Counsel shall keep such records for a period of five years after the journalization of the termination entry of the case for which reimbursement was requested and shall provide such records to the court upon request.

**(F) Review of Compensation**

In accordance with the Rules of Superintendence, at least once every five years, the court shall review the compensation paid to Appointed Counsel to determine the compensation's adequacy and effect upon the availability of court appointments.

Amended, effective January 1, 2025, to conform to the Ohio Public Defender's Court Appointed Billing System.