

**APPELLATE CONTRACT
Attorney Payment Request**

Appeals Case Number: _____

Superior Court Case Number: _____

Defendant: _____

Date of Appointment: _____

Name: _____

Pima Attorney No: _____

Address: _____

City: _____ State _____ Zip: _____

Phone _____ Fax _____

DOC case? Yes No

FEES

EXPENSES

APPELLATE FEE (\$50/hr presumptive cap of \$2,000) _____

Photocopies \$ _____

*Opening Brief \$ _____

Phone Calls \$ _____

*Reply Brief/Notice of not filing \$ _____

Other \$ _____

RULE 32 FEE (\$50/hr presumptive cap of \$1,000) \$ _____

\$ _____

HOURS OVER 24/40 r-32/Appeal (\$50/hr) \$ _____

Total Expenses \$ _____

WITHDRAWAL (\$50 hr.) \$ _____

OTHER: (e.g. Petition for Review) \$ _____

Total Fees \$ _____

TOTAL FEES & EXP \$ _____

I, Jeffrey Handler, Clerk of the Court of Appeals, Division Two, certify that the above-named attorney has:

____ Filed the Opening Brief. \$ _____

____ Filed a Reply Brief or Notice that one would not be filed. \$ _____

____ Filed a Petition for Additional Compensation and, by this Court's Order dated _____ (copy attached), is to be paid the following amount: \$ _____

____ Counsel has withdrawn from the appeal by this Court's Order dated _____ (copy attached) and is to be paid the following amount: \$ _____

____ OTHER: (e.g. Petition for Review) \$ _____

TOTAL FEES APPROVED \$ _____

Dated: _____ Signed _____

The statements in the above schedule are true. No compensation for the services described has been received. An accurate itemization of the time and expenses is attached.

Attorney Signature

Date

For OCAC use only

Approved: _____ Date: _____

Appellate Contract PROCEDURES FOR REIMBURSEMENT OF FEES AND EXPENSES

Withdrawals:

Attorney must submit to the Clerk of the Court of Appeals an original plus one (1) copy of a Payment Request, an Affidavit of all time spent on the case, and back-up documentation for reimbursement of any expenses. Rule 32 claims must be submitted to Office of Court-Appointed Counsel (OCAC) along with affidavit of all time spent on the case and back-up documentation for reimbursement of any expenses.

Compensation shall be \$50 per hour,

Appellate Compensation: \$50/hr with a presumptive cap of \$2,000

Upon filing of the Opening Brief, attorney must submit to the Clerk of the Court of Appeals an original plus one (1) copy of Payment Request with back-up documentation detailing hours worked.

Upon filing of the Reply Brief or a Notice that one will not be filed, attorney must submit to the Clerk of the Court of Appeals an original plus (1) copy of Payment Request with back-up documentation detailing hours worked and previous payment history (i.e. 07/07/04 - 08/02/05 \$925).

Rule 32 Compensation: \$50/hr with a presumptive cap of \$1,000

Attorney must submit Payment Request directly to OCAC with itemization of time spent on the case and back-up documentation for reimbursement of any expenses.

Compensation for Additional Hours:

If the time necessary to effectively represent an indigent exceeds 40 hours for an appeal, the attorney may submit to the Court of Appeals an original and three (3) copies of his/her Petition for Additional Compensation and Supporting Affidavit of all time spent on the appeal along with the original and one (1) copy of the Payment Request and back-up documentation for reimbursement of any expenses. If time necessary to effectively represent an indigent exceeds 20 hours for an appellate Rule 32, application may be made to Superior Court assigned judge or OCAC for approval to charge in excess of the presumptive cap.

GUIDELINES FOR REIMBURSABLE EXPENSES

1. All expenses for which reimbursement is sought must be detailed in the Payment Request for Interim Payment, Final Payment, Withdrawal or Compensation of Additional Hours. Documentation for all expenses must be accompanied by a receipt or notarized affidavit detailing the expense incurred, i.e., phone bills, etc. Normal business costs are not reimbursable expenses, i.e. office supplies, etc. Payment Requests for expenses only may or may not be reimbursed, at the County's option.
2. Copies: Limited to 10 cents a page; number of pages must be specified.
3. Travel/Mileage/Parking: Attorney will be compensated at the rate of \$.365 cents (or current County rate) per mile for approved travel beyond a 50 mile radius from the Court of Appeals. Parking fees are not reimbursable.
4. Transcription: Limited to \$2.00 per page and must have prior approval of OCAC. Attorney must complete the Transcriber/Court Reporter Request Form and submit to OCAC. Transcriber must specify how many pages were transcribed and attach the first and last transcribed page to bill. The appellate attorney and Rule 32 attorney should share the transcript whenever possible in order to spare the County the expense of paying for another transcript.
5. Extraordinary expenses: EXPENSES OTHER THAN THOSE SPECIFIED ABOVE WILL NOT BE REIMBURSED UNLESS AUTHORIZED IN ADVANCE BY OCAC OR AN ORDER OF THE COURT OF APPEALS. This includes investigators, paralegals, transcripts, Westlaw and expert witnesses.

PROCESSING PAYMENT REQUESTS

Appellate Payment Requests: The Court of Appeals will review and approve the Fees and forward the Payment Request to OCAC. OCAC will review and approve expenses and send the bill to Pima County Finance for Payment.

Payment Requests for Additional Compensation (e.g. Additional attorney time, Petition for Review): The Court of Appeals will review the Petition and prepare an order for Pima County to pay the amount decided. The Clerk of the Court of Appeals will complete the Payment Request in accordance with said Order and forward it to OCAC. OCAC will review all expenses, sign and forward the Payment Request to Pima County Finance for payment.

RULE 32 Payment Requests: Will be submitted directly to OCAC for processing payment.

If there are any inaccuracies on the Payment Request, or if documentation is not attached, delays in processing the payment will occur. The paperwork may be referred back to the Court of Appeals for clarification, or the attorney will be called directly.

Remit Appeals Payment Requests to the Court of Appeals. Remit Post-Conviction Payment Requests to OCAC. Questions regarding FEES should be directed to the Court of Appeals (628-6954). Questions regarding EXPENSES should be directed to OCAC (243-4465).