

PIMA COUNTY GUIDELINES  
FOR PAYMENT

(Revised 03/12/09)

Unless otherwise provided for in the individual contracts for indigent defense, the following billing criteria will be applied to bills and requests for reimbursement for reasonable expenses incurred in the representation of indigent defendants received by OCAC after January 1, 2007:

OFFICE EXPENSES:

All overhead expenses, secretarial expenses, expenses for stationery or supplies, computer time (except for Westlaw or Lexis if prior specific approval has been obtained from OCAC, after which OCAC will reimburse for actual charges, not to exceed the amount authorized), preparation and review of fee bills and requests for extraordinary expenditures/ancillary expenses, clerical time for photocopying, opening files and calendaring dates, and other items that are a cost of doing business are not compensable. OCAC will not reimburse for facsimiles or cell phone calls.

BENCHMARKS FOR REASONABLENESS

The following is a list of benchmarks that have been adopted by OCAC for use in determining the reasonableness of time and expenses claimed for activities subject to reimbursement under contracts with Pima County. **Please note: these are not to be considered minimums or maximums.** If the time spent or expense incurred falls below the established benchmark for that activity, only the actual time or expense may be claimed. Reasonableness is determined on a case-by-case basis, and claims in excess of the benchmark amounts must be accompanied by an explanation for the deviation.

- Review of documents: 60 pages per hour (specify the number of pages)
- Preparation of boilerplate motions (no legal research), e.g., motion to seal, continue, or any other routine motion: .3 hours (18 minutes)
- Time claimed for leaving a voice message, if any, should not exceed .1 hours (6 minutes)

ITEMIZED BILLING

All bills related to a case will be reviewed by OCAC using the following general principles:

If requesting fee payment on an hourly basis, the documentation of each service or charge must be TYPED and should be sufficiently detailed to enable OCAC, or the Court, to assess the reasonableness of the time incurred. Hours must be reflected in "tenths" of an hour; minutes are not acceptable. EACH SERVICE RENDERED MUST BE LISTED INDIVIDUALLY, DESCRIBED WITH SPECIFICITY, AND HAVE THE TIME SPENT ATTRIBUTED TO IT.

The preferred format is as follows:

<u>Date of Service</u>	<u>Nature of Service</u>	<u>Hours</u>
01/03/07	TC to expert witness re: forensic report	.2
01/03/07	Mtg. w/ client re: plea bargain	1.3
01/03/07	Review Disclosure (x# of pp.)	.8
01/03/07	Research re: non-disclosure of material evidence	1.5
01/03/07	Ltr. to County Atty. re: plea	.4
01/06/07	Prepare opening statement	2.8
01/06/07	Prepare cross examination of Det. Smith	1.4

MITIGATION SPECIALIST EXPENSES - \$60.00 an hour on Death Penalty cases not to exceed 100 hours without prior approval of OCAC or, if denied by OCAC, Court approval. A copy of OCAC approval, or Court order along with a copy of the OCAC denial, must be submitted with all bills. Prior OCAC approval is needed for the services of a mitigation specialist on any other case type.

The attorney assigned to a case will select the mitigation specialist from the list of approved mitigation specialists. The mitigation specialist will submit billing through the attorney. The attorney will review the billing and certify that the hours billed by the mitigation specialist are reasonable and were expended in the defense of the assigned contract case. The attorney will forward the billing to OCAC for payment.

INVESTIGATOR EXPENSES - \$35.00 an hour, not to exceed the following hours without prior approval of OCAC or, if denied by OCAC, Court approval. A copy of the OCAC approval, or Court order along with a copy of the OCAC denial, must be submitted with all bills.

1. Misdemeanor	0 hours
2. Felony Group A / class 2, 3 and 4	8 hours
3. Felony Group A/ class 5 & 6	0 hours
4. Felony Group B (*)	20 hours
5. First Degree Murder	50 hours
6. Capital Murder	100 hours

**(\*)Group B** : Armed Robbery, Arson of an occupied structure, Attempted Murder, Second Degree Murder, Manslaughter, Negligent Homicide, Drive by shooting, Sexual offenses pursuant to Chapter 14, Title 13, involving child victims or multiple victims, and Dangerous crimes against children.

Except in extraordinary circumstances, the attorney is expected to attend all material witness interviews

The attorney assigned to a case will select the investigator from the list of approved investigators. The investigator will submit billing through the attorney. The attorney will review the billing and certify that the hours billed by the investigator are reasonable and were expended in the defense of the assigned contract case.

PARALEGAL EXPENSES - \$25.00 hr., with the prior approval of OCAC or, if denied by OCAC, Court approval. A copy of the OCAC approval, or Court order along with a copy of the OCAC denial, must be submitted with all bills.

Unless the attorney uses an employee as a paralegal, the attorney assigned to a case will select the paralegal from the approved list. If the attorney uses an employee as a paralegal, the employee shall be a suitably trained and skilled professional. The paralegal will submit billing through the attorney. The attorney will review the billing and certify that the hours billed by the paralegal are reasonable and were expended in the defense of the assigned contract case.

SUBMISSION OF INVESTIGATOR/PARALEGAL BILLS - A recap of all hours approved and billed must be included on each invoice.

The preferred format is as follows:

50.0 hours approved by OCAC (07/08/07)  
31.0 previously billed (08/15/07)  
12.2 previously billed (09/30/07)  
6.8 remaining  
25.0 new approval from OCAC (11/17/07)  
31.8 hours available  
4.1 used this bill (02/15/08)  
27.7 remaining

TRANSCRIPTION EXPENSES Requests for this service must be submitted by attorney to OCAC on the Transcriber/Court Reporter Request form. The attorney shall give a copy of the approval to the transcriber to attach to billing.

1. Standard Rate: \$2.00/page  
Rush Rate: \$3.50/page  
  
2. Spanish Transcription Rate: \$4.50/page  
Rush Rate: \$7.50/page

The transcriber will submit billing through the attorney. The attorney will review the billing and certify that the number of pages billed by the transcriber is accurate and was expended in the defense of the assigned contract case. .

TRANSCRIPTION FORMAT: pages must be double spaced, must have one-inch margins on all sides and be titled appropriately, "Q" and "A" or initials (e.g. JD for John Doe). This format must be adhered to and copies of the first and last transcribed pages of each transcript must be attached to all bills.

COURT REPORTER EXPENSES Requests for this service must be submitted by attorney to OCAC on the Transcriber/Court Reporter Request form. The attorney shall give a copy of the approval to the Court Reporter to attach to billing. The Court Reporter will bill OCAC directly.

## TRAVEL AND RELATED EXPENSES

Mileage in excess of the fifty-mile radius is reimbursable at the standard County rate of \$.405 per mile. All other travel must have the prior approval of OCAC, if denied by OCAC, Court approval. A copy of the OCAC approval, or Court order along with a copy of the OCAC denial must be submitted with all bills.

Except in extraordinary circumstances, air travel will be reimbursed not more than the coach rate. Expenses for lodging and transportation should be incurred in a prudent manner, as expenses for luxury hotels or special services are not reimbursable.

Many airlines, hotels and rental car companies offer discount fares. Attorney is expected to make every effort to obtain the lowest rate available.

Charges for food and the like will NOT be reimbursed by OCAC unless an authorized traveler is in travel status and away from home overnight. Travel expenses will be reimbursed pursuant to Pima County Administrative Procedure D.22-1 A. Per Diem and Computation located at <http://www.pima.gov/dmo/procedures/2201travel.pdf>.