

**Resolution authorizing an update to the schedule of fees for the legal representation provided for Indigent Defendants to align the rates and amounts with the State Maximum Fee Schedule for Appointed Counsel Reimbursement established by the Office of the Ohio Public Defender.
(Commissioners)**

WHEREAS, Franklin County recognizes its responsibility under the laws of the State of Ohio and the United States of America to provide legal counsel for indigent individuals charged with serious offenses in the Courts of Franklin County; and

WHEREAS, Franklin County has chosen to utilize an assigned counsel system under the authority of section 120.33 of the Revised Code, and to adopt a Schedule of Fees for these services pursuant to sections 120.33(A) and 2941.51 of the Revised Code; and

WHEREAS, the Office of the Ohio Public Defender has established a State Maximum Fee Schedule for Appointed Counsel Reimbursement, revised September 2021 for all assigned counsel fees; and

WHEREAS, the Board of Commissioners along with the Franklin County Common Pleas Court General Division, Domestic Relations Court/Juvenile Division, Probate Court, Municipal Court and the Tenth District Court of Appeals desire to align the Schedule of Fees to the amounts established by the Office of the Ohio Public Defender; and

WHEREAS, this Schedule of Fees supersedes those authorized by Resolution No. 596-01; now, therefore,

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS, FRANKLIN COUNTY, OHIO:

1. That pursuant to sections 120.33 and 2941.51 of the Revised Code, the attached Schedule of Fees for use by the Franklin County Common Pleas Court, General Division, Domestic Relations Court/Juvenile Division, Probate Court, Municipal Court, and the Tenth District Court of Appeals, which is based on the Office of the Ohio Public Defender State Maximum Fee Schedule for Appointed Counsel Reimbursement, revised September 2021 is hereby adopted.

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(Commissioners)**

2. That the payment of extraordinary fees due to complex issues, multiple offenses, lengthy trials, or other reasons, warranting compensation at a rate which exceeds the maximums established by a county or the OPD is hereby authorized upon proper application and approval as determined by each respective Court.
3. That the payment for expenses associated with providing representation shall be made when submitted on the attorney's fee certificate and approved by the respective Court. Expenses shall not exceed \$100 without prior Court approval. Expenses in excess of \$100 may be allowed only if approved by the judge in advance of incurring the expense and the amount thereof is determined to be reasonable by the judge.
4. The effective date of this new Schedule of Fees for Assigned Counsel is January 1, 2022, except for Probate Court which is effective upon passage of this resolution. Cases assigned on or after January 1, 2022 will be eligible for the fees established above, except for Probate Court which will be eligible for the fees established above upon passage of this resolution.

Prepared by: Gary Collins

SECTION II

STATE MAXIMUM FEE SCHEDULE FOR APPOINTED COUNSEL REIMBURSEMENT

A. General provisions

1. The Ohio Public Defender State Maximum Fee Schedule for Appointed Counsel Reimbursement contains the hourly rates and maximum amounts the OPD will reimburse counties for representation of indigent persons in criminal cases.
2. Pursuant to [R.C. 120.33\(A\)\(3\)](#), to receive reimbursement, a board of county commissioners must adopt a resolution to pay counsel appointed by the court, and must establish a fee schedule. The county is responsible for filing an up-to-date fee schedule with the OPD. Reimbursement will be based on the latest fee schedule filed with the OPD.
3. Reimbursement to the counties shall be based on the most serious offense with which the defendant is charged and will be made at up to 100 percent of either the State or county rate, whichever is lower. Reimbursement shall not exceed the established hourly or maximum rates unless otherwise provided for by statute.

B. Trial Level Proceedings

1. Reimbursement for representation in trial level cases not involving a death penalty specification will be made based on the maximum rate of \$75.00 per hour for both in-court and out-of-court services.
2. Reimbursement for representation in trial level cases involving a death penalty specification will be made based on the maximum rate of \$125.00 per hour for both in-court and out-of-court services.
3. The prescribed maximum fees permitted in trial level proceedings are:

<u>Offense/Proceeding</u>	<u>Fee Maximum</u>
Aggravated murder (w/specs) per R.C. 2929.04(A) and R.C. 2941.14(B)	As set by Capital Fee Council - see R.C. 120.33(D) . The Council has currently set a rate of \$125 with no fee maximum.
Aggravated murder (w/o specs)	\$15,000/1 attorney \$25,000/2 attorneys
Murder	\$10,000
Felony with possible life sentence/ repeat violent offender/major drug offender	\$10,000
Felony (degrees 1-2)	\$8,000
Felony (degree 3)	\$5,000
Felony (degrees 4-5)	\$3,500
Misdemeanor (degrees 1-4)	\$2,000

<u>Offense/Proceeding (cont'd)</u>	<u>Fee Maximum</u>
Misdemeanor OVI/BAC	\$2,500
Contempt of court	\$500
Violation (Probation/Community Control)	\$750
Preliminary Hearings	\$300
Sex Offender Classification	\$750
Other	\$750

C. Juvenile proceedings

1. Reimbursement for representation in juvenile proceedings will be made based on the maximum rate of \$75.00 per hour for both in-court and out-of-court services.
2. Reimbursement will not be made for non-attorneys appointed as a guardian ad litem.
3. In abuse, dependency, and neglect cases, both the attorney and the guardian ad litem may bill up to the maximum fee allowed by the county for the initial dispositional hearing and for each subsequent annual review hearing before the court.
4. The prescribed maximum fees (for appointed counsel and guardians ad litem) permitted in juvenile level proceedings as determined by the Franklin County Domestic and Juvenile Court are:

<u>Offense/Proceeding</u>	<u>Fee Maximum</u>
Aggravated murder (w/specs) per R.C. 2929.04(A) and R.C. 2941.14(B)	As set by Capital Fee Council - see R.C. 120.33(D) . The Council has currently set a rate of \$125 with no fee maximum.
Aggravated murder (w/o specs)	\$7,500/lead counsel \$5,000/co-counsel
Murder	\$6,000
Felony adjudication (degrees 1-2)	\$5,000
Felony adjudication (degrees 3-5)	\$3,500
Misdemeanor OVI/BAC	\$2,500
Misdemeanor	\$2,000
Traffic	\$300
Objections	\$750
Unruly	\$1,000

<u>Offense/Proceeding (cont'd)</u>	<u>Fee Maximum</u>
Bindover - Mandatory	\$750/lead counsel \$450/co-counsel
Bindover – Discretionary	\$2,000/lead counsel \$1,000/co-counsel
Reverse Bindover Amenability	\$1,500
SYO	Adult degree in General Division /lead counsel Adult degree in General Division x 50% /co-counsel
SYO Invocation	\$2,000/lead counsel \$1,000/co-counsel
Parent’s Right to Counsel (Delinquency)	\$1,500
Violation (Probation/Community Control)	\$750
Violation (Parole/Supervised Release)	\$750
VCO	\$750
ADN Initial Custody	\$1,500
ADN Annual After Custody	\$1,500
Permanent Custody	\$2,500
Contempt of court	\$1,000
Sex Offender Classification/ Reclassification/Declassification	\$750
Expungement	\$300
Private Custody (Guardian ad Litem)	\$1,000
Other	\$750
D. Probate proceedings	
Termination of parental rights	\$2,500
E. Appellate level proceedings	
1. Reimbursement for representation in appellate level proceedings not involving a death sentence shall be made based on the maximum rate of \$75.00 per hour for both in-court and out-of-court services.	

2. Reimbursement for representation in appellate level proceedings involving a death sentence will be made based on the maximum rate of \$125.00 per hour for both in-court and out-of-court services.
3. The prescribed maximum fees permitted in appellate level proceedings are:

<u>Offense/Proceeding</u>	<u>Fee Maximum</u>
Death Sentence	As set by Capital Fee Council - see R.C. 120.33(D) . The Council has currently set a rate of \$125 with no fee maximum.
Cumulative Minimum Sentence exceeds 25 years	\$8,000
Felony (degrees 1-2) Trial	\$5,000
Felony (degree 3) Trial	\$3,500
Felony (degrees 4-5) Trial	\$2,500
Misdemeanor Trial	\$2,000
Felony Plea	\$1,500
Misdemeanor Plea	\$1,000
ADN Permanent Custody	\$3,500
Probate	\$3,500
Unruly	\$1,000
Other	\$1,000
26(B) Murnahan Felony (degrees 1-2) Trial	\$3,000
26(B) Murnahan Felony (degree 3) Trial	\$2,000
26(B) Murnahan Felony (degrees 4-5) Trial	\$1,000
OSC Jurisdiction Memorandum	\$1,500

F. Postconviction and habeas corpus proceedings

1. Reimbursement for postconviction and State habeas corpus proceedings not involving a death sentence will be made based on the maximum rate of \$75.00 per hour for both in-court and out-of-court services.
2. Reimbursement for representation in appellate level proceedings involving a death sentence will be made based on the maximum rate of \$125.00 per hour for both in-court and out-of-court services.

3. The prescribed maximum fees permitted in postconviction and habeas corpus proceedings are:

<u>Offense/Proceeding</u>	<u>Fee Maximum</u>
Death Sentence	As set by Capital Fee Council - see R.C. 120.33(D) . The Council has currently set a rate of \$125 with no fee maximum.
Felony (degrees 1-2) (R.C. 2953.21 Petition/New Trial Mtn)	\$4,000
Felony (degree 3) (R.C. 2953.21 Petition/New Trial Mtn)	\$2,500
Felony (degrees 4-5) (R.C. 2953.21 Petition/New Trial Mtn)	\$1,750
Misdemeanor (60(B))	\$1,500
Juvenile	\$2,500
State Habeas	\$1,500
Expungement	\$300
Judicial Release	\$500
Revocation	\$750
Driving Privileges	\$150
NGRI/Comp Review	\$750
Jail Time Credit	\$300
Resentencing	\$500
Sex Offender Reclassification	\$750
Withdrawal of Guilty Plea	\$1,000

G. Amendments to the Fee Schedule

The OPD may amend this fee schedule at any time. Whenever the schedule is amended or revised, the OPD will give notice to the appropriate county offices including, but not limited to county commissioners, auditors, judges, and clerks of courts.