



Appointed Counsel Billing Guidelines

Indigent Defense Office
(520) 432-9800

October 25, 2022

COCHISE COUNTY
APPOINTED COUNSEL BILLING GUIDELINES

The billing criteria outlined below will be applied to work performed effective October 25, 2022. Cochise County reserves the right to amend these guidelines. Any such amendments shall become effective upon notice to Attorney.

1. General Expectations:

- a. The following guidelines are to inform the attorneys AND all other professionals performing indigent services for Cochise County of the County's expectations and provide direction in the submission of claims for payment.
- b. Consistent with these guidelines, the County expects all counsel receiving funds pursuant to a client's affidavit of indigency to exercise fiscal responsibility by using the most reasonable method to provide high quality legal and other services to indigent clients. Attorneys have an obligation to limit expenses to the greatest extent possible while still providing full and effective representation to the client.
- c. Whenever appropriate, without compromising the quality of the work, services should be performed by the least expensive, competent service provider capable of performing the work. Counsel is responsible for ensuring that all those providing services on the assigned case follow these billing guidelines.
- d. Attorneys are expected to use the least expensive form of duplication. Documents should be scanned and transferred as digital files as these methods are more cost effective. Likewise, attorneys must acquire and maintain the appropriate technology and skills to receive electronic files.
- e. The Indigent Defense Coordinator is committed to ensuring that all services and expenses charged to the County are necessary and reasonable for effective representation. To that end, bills submitted to IDC for payment are subject to review to ensure compliance with these guidelines. IDC may adjust, or deny, any claims that do not conform to these guidelines. If a downward adjustment is made, the provider will be notified of the adjustment and the reasons for the reduction.

2. Compensation Schedule as of October 25, 2022:

Case Type	Effective October 25, 2022	Cases Prior to October 24, 2022
Felony - First Degree Murder	\$75/hour	\$75/hour
Felony - Case Representation	\$1,000/case \$100/hour after 10 hours	\$900/case; \$60/hour after 25 hours
Felony - ERC case	\$500/ERC case	\$400/ERC case; \$60 hour after 6 hours
Probation Violation	\$400/case	\$400/case
Misdemeanor	\$200/case	\$200/case
Appeal	\$75/hour, all cases limit \$3000 without approval	\$50/hour
Rule 32	\$75/hour plea cap: \$1125, trial cap \$2250	\$50/hour
Juvenile Delinquency	\$500/case	\$350/case
Guardian Ad Litem	\$75/hour	\$50/hour
Domestic Orders	\$50/hour with cap of 5 hours	
Juvenile Dependency	1st year: \$1200/case	1st year: \$1200/case
	2+ years: \$500/year	2+ years: \$500/year
	Severance: \$500/case	Severance: \$500/case

3. Billable Time:

- a. Only actual time for any service may be billed. “Value billing” is not permitted. Attorneys may not claim time for previously prepared “boiler plate” documents; but may bill for the time expended in adapting the document for use in the new case.
- b. Attorneys may bill only for work that SUBSTANTIALLY ADVANCES the case toward conclusion, such as: court time, discovery review, consultation with client, interviewing witnesses, correspondence, legal research, and drafting pleadings. Billable time does not include, for example, time spent on multiple motions to continue where little or no work is performed between motions, or simple receipt and review of standard minute entries.
- c. Time spent on multiple cases that require overlapping services (such as research, attendance in court, jail visits, etc.) may not be billed in full to each case, but must be appropriately allocated among the cases, and may not exceed the actual time expended. Billings should indicate that time listed is the actual time to be apportioned to each case. If not indicated, IDC will assume that the billing is duplicative and split the time.
- d. Court time includes time spent in the courtroom, including both time spent engaged in the proceeding and time spent waiting. Time begins at the scheduled start time of the proceeding (or upon arrival to the courtroom, whichever is later) and ends at the conclusion of the proceeding. Time spent before or after the proceeding consulting with

the client or others must be billed as a separate task. An attorney may not bill for time required to prepare a second attorney to cover a hearing.

- e. The bill must contain a description of the work performed that is sufficiently detailed for IDC to adequately evaluate the reasonableness of the time and services claimed, without violating the canons of ethics or disclosing client confidences. Such descriptions should include the identity of persons involved in the interaction (phone call, email, meeting, interview) and general topics discussed; specific topics researched; type of documents reviewed, drafted or edited; and type of court proceeding attended.
- f. All time billed must indicate the individual who performed the task. An attorney may not claim as their own, work performed by another.
- g. Document review, as well as audio and video review, is billed at actual time. Documents reviewed should be identified, and the number of pages reviewed indicated. Audio and video reviewed should indicate the length and complexity of the recording. Counsel must, of course, review disclosure and other documents, but discretion must be exercised in determining the depth of review required to provide effective representation to the client. Excessive time spent on document/audio/video review is subject to audit, which will require access to, and review of, the subject materials.
- h. Attorneys may not bill for non-legal or secretarial tasks. Such tasks, considered overhead, include copying, filing, printing, preparing *routine* correspondence, emails, phone calls, letters or texts regarding scheduling, leaving voice-mails, maintaining office calendar, downloading electronic documents or files, notifying client of dates and times of court appearances or appointments with counsel, opening and closing files, time spent communicating with IDC regarding expense authorization or time spent preparing bills.
- i. Work performed by an attorney which is deemed to be paralegal work will be paid at the paralegal rate. This includes routine file organization and preparation of trial exhibits.
- j. An associate in the same firm may assist counsel on a court-appointed case. However, the aggregate hours expended by appointed counsel and others working on the case must be reasonable and not duplicative. Associates at a firm with a contract attorney may not have spent more aggregate time on a case than the attorney with the IDC contract. If appointed counsel wishes to use an attorney who is not a member of his or her firm, pre-authorization must be obtained.
- k. IDC reserves the right to review any bill submitted by Counsel for accuracy, reasonableness, and for excessive or unwarranted claims. In the event improvident payments were made to Counsel, such amounts shall be returned to IDC.
- l. Attorney bills that are unclear or for other reasons require excessive time to review may be rejected.

4. Travel:

- a. In lieu of mileage reimbursement, reasonable travel time to conduct a witness interview, a home visit, jail visit, or an investigation, may be billed. Round trip travel should be quantified separately. Include exact address for beginning and ending destination.
 - i. Example: “Round-trip travel to jail (1.0); 100 Colonia De Salud, Sierra Vista, AZ to 203 N Judd Dr, Bisbee AZ.”
- b. Authorization for travel outside a 50-mile radius of individual’s work office must be obtained from IDC in advance.
- c. An attorney or service provider whose office is located outside Cochise County may bill for travel to Cochise County beginning only upon entry into Cochise County as listed below, unless otherwise authorized by IDC.
 - Pima County line and Interstate 10 – Bisbee Superior Courthouse
 - Via Highway 80 – approximately 57.1 miles (1 hour 4 minutes)
 - Via Highway 90 – approximately 61.2 miles (1 hour 8 minutes)
 - Pima County line and Interstate 10 – Sierra Vista Superior
 - Via Highway 90 – approximately 39.6 miles (43 minutes)
 - Via Highway 80 and Charleston Road – approximately 49.6 miles (58 minutes)
 - Pima County line and Interstate 10 – Bisbee Jail
 - Via Highway 80 – approximately 60.8 miles (1 hour 8 minutes)
 - Via Highway 90 – approximately 64.8 miles (1 hour 11 minutes)

5. Billing:

- a. Counsel must maintain contemporaneous time and attendance records for all work performed on a case. Attorney may apply to IDC for additional fees (outside flat rate) if the attorney believes an assigned case is of a complex or protracted nature.
- b. A separate itemized invoice for each case paid at an hourly rate must be submitted monthly by email to IDC at IDCBilling@cochise.az.gov and must be accompanied by the appropriate billing expense payment submission in Defender by Karpel database.
- c. Time must be reported in tenths of an hour.
 - i. Except as provided below, discrete tasks must be described, and the time quantified separately. One task each day of less than .1 hours may be claimed at .1 hours if no other service is claimed for that day.

ii. Multiple tasks performed in a single day of less than .10 hours each must be aggregated, and no more than the total actual time expended on all tasks may be claimed. For example, document review, multiple short e-mails, and/or phone messages made or received, must be measured as a whole and billed accordingly. Longer emails or phone calls, are billed according to time expended, and must include a description of the content of the communication and the recipient. Multiple tasks in a single case, in a single day, totaling more than .1 hours may be reported in a block of time, but the time spent on each individual task must be indicated.

1. Example: “Research re: legality of vehicle search (1.2); telephone conference with CAO regarding plea (0.2); letter to client re: plea (0.2). Total: 1.4 hours.”
2. Example: Travel to home visit: (.6); visit with minors (1.3) round trip travel 34.7 miles: 1539 W. Elm, Sierra Vista to 601 N. Stone Bisbee or include an attachment via Google Maps showing miles.

- d. Attorney’s fees and expense reimbursements are due by the date specified by email from IDC. All work performed in that billing period must be reflected in the bill.
- e. All work performed in the fiscal year - July 1 through June 30 - must be billed no later than July 31st following the close of the fiscal year. Any bills received after July 31st for work performed in the prior fiscal year WILL BE DENIED. Work performed in July must be billed separately from work performed in June.
- f. If services rendered in a single case are less than \$250 for the month, the billing may be carried over to the next month; but may not be carried over to the next fiscal year. All work, however slight, must be billed by the end of the fiscal year.
- g. Pursuant to ARS §11-622(c) “The board of supervisors shall not pay any claim unless demand for payment is made within six months after the last item of the account accrues.” Therefore, requests for payment made six months after the last item of the account accrues will not be paid.
- h. Should billing irregularities persist, the attorney may be subject to suspension or termination of the contract.

6. Ancillary Services, Rates of Pay:

With prior IDC approval, the County will pay the attorney extraordinary expenses including, but not limited to, the costs of expert witnesses, investigators, extraordinary travel, transcripts for trial court purposes, including interview and deposition transcripts, translation and/or interpretation

expenses, clothing for defendant at trial, subpoena fees, process service fees, and any other costs associated with representation in court-appointed cases pursuant to A.R.S. §13-4013 and within County guidelines and rates.

- a. The request should include a completed ancillary service request form including an explanation for the need for the request, a description of the work, the hourly rate required, and the estimated number of hours and/or total fee required to complete the work. Any determination made by the IDC, if disputed by the attorney, will be subject to review by the Presiding Judge of Superior Court or a person designated by the Presiding Judge. If there is a dispute, the attorney shall file a motion for the requested expense and shall include a copy of IDC's denial of the request. A copy of the motion must be provided to IDC at the time of filing.
- b. Requests for payment of previously approved expert services must be submitted by the attorney to IDC after the attorney receives the bill from the expert and the attorney has reviewed the bill for accuracy. The expert SHOULD NOT send the bill to IDC directly. The expert bill should be submitted using the Ancillary Service Request Payment form and should have the Approval form and the expert's invoice attached.
- c. Investigator: on approval by IDC, an investigator will be paid an hourly rate of \$25 per hour, or \$30 per hour in a case in which a Spanish speaking investigator is required. 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 case. The billing should include a recap of total hours approved and all hours billed to date. The attorney must sign and submit the Ancillary Service Payment Request Form to IDC.
- d. Paralegal: on approval by IDC, a paralegal will be paid an hourly rate of \$45 per hour. 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 case. The billing should include a recap of total hours approved and all hours billed to date. The attorney must sign and submit the Ancillary Service Payment Request Form to IDC.
- e. Capital Mitigation Specialist: on approval by IDC, a mitigation specialist on a death penalty case will be paid an hourly rate of \$45. 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 case. The billing should include a recap of total hours approved and all hours billed to date. The attorney must sign and submit the Ancillary Service Payment Request Form to IDC.

- f. Court Reporters: With prior approval, IDC will reimburse for Court Reporter services at the IDC rate of:

Th rate of \$425 per day for nonemployee court reporters through Court Administration. Transcription services through Court Administration will be paid at the following rate:

Standard Rate: \$3.50/page (Juvenile Non-Appeal, Civil Appeal, Crim Non-Appeal)
\$4.00/page (Civil Non-Appeal)

Rush Rate: \$4.00/page (Juvenile Non-Appeal)
\$4.50/page (Crim Non-Appeal, Civil Non-Appeal)

- g. Transcriptions (excluding court reporter): requests for transcriptions should be submitted by the attorney to IDC using the approved form. Transcription services will be paid at the following rate:

Standard Rate: \$2.00/page (English)	Rush Rate: \$3.50/page (English)
\$4.50/page (Spanish)	\$6.00/page (Spanish)

If a request is made for preparation of a transcript for use at trial, the attorney must notify IDC immediately if the trial is either continued or vacated.

- h. Process Service: IDC will not compensate attorneys for employing a private process server. The Cochise County Sheriff's Office and the Sierra Vista Constable's Office will serve documents at no charge for court-appointed cases. If the attorney believes that extraordinary circumstances exist and it is necessary to employ a private process server, prior written approval must be obtained from IDC.
- i. Court Interpreters: Court Interpreter services are provided at no charge for in-court proceedings. If an interpreter is needed for out-of-court interviews/meetings for court-appointed cases, attorney must notify IDC prior to incurring the expense and obtain prior written approval for the court interpreter time and for translation if a transcript will be needed. Non-employee Spanish interpreter services shall be paid at the following rate:

Three hundred fifty dollars (\$350) for work of more than three hours beginning in the morning and continuing after a noon recess; two hundred fifty dollars (\$250) for work of three hours or less; and twenty dollars (\$20.00) per hour for work performed after 5:00 p.m. Travel and other expenses are included in these rates.

7. Expense Reimbursements:

- a. Reimbursable expenses include case specific costs incurred by an attorney while defending a client. Regular postage is not reimbursable. Major mailings of \$10.00 or more are reimbursable with itemized receipts.
- b. Copies are reimbursable at a rate of five cents (\$.05) per page. The use of electronic copies when possible is encouraged. Copy jobs in excess of 300 pages require IDC authorization.
- c. ALL color copying requests require approval by IDC and will be reimbursable at a rate of ten cents (\$.10) per page.
- d. Copies from Cochise County Superior Court and Justice Court are not reimbursable. IDC has agreements with these courts. Prior requests must be submitted to IDC. The copying will be facilitated through IDC.
- e. Receipts are required for all other reimbursable expenses (i.e. lodging, rental cars).

8. Non-reimbursable expenses:

- a. Costs associated with the operation of an office, such as office supplies and equipment, books and publications, computerized research plans, land and cellular telephone fees, and costs related to educational seminars are not reimbursable.
- b. In-town parking is not reimbursable.

9. Case Closings:

Case Closings must be updated in Defender by Karpel for each case within 60 days of the date the case is completed. Case Closing is done through Defender by Karpel website, <https://azgov.hostedbykarpel.com/DBKAZCochise>, dispositions must be entered under events tab based on the outcome of the case. Case closing procedures can be found on the Cochise County IDC website, <https://www.cochise.az.gov/391/Attorney-Billing>.

EXHIBIT A
MINIMUM QUALIFICATIONS

Attorney shall be an active member in good standing of the State Bar Association of Arizona. Attorney shall meet the following qualifications for each case type assigned:

Serious Offenses or Violent or Aggravated Felonies as Listed in A.R.S. § 13-706 – experienced and active in criminal law with not less than five (5) years criminal litigation experience; at least five (5) jury trials of serious complex cases tried to completion

Felony Cases – experienced and active in criminal law with not less than three (3) years criminal litigation experience; and lead or co-counsel in at least three (3) jury trials to verdict of any class of felony

Appeals and Rule 32 Cases – experienced in criminal law with not less than three (3) years criminal litigation or criminal appellate/post-conviction experience

Misdemeanor Cases – experienced and active in criminal law with not less than one (1) year criminal experience

Delinquency Cases – not less than three (3) years' experience in criminal law and/or juvenile law, familiar with dispositional alternatives, services available through the Court, DCS and community agencies

Dependency and Severance Cases – some experience with child welfare system, family law, mental health and/or guardianships, familiar with services available in the areas of mental health, substance abuse, domestic violence, education, job/vocation training; attorneys representing children must meet the requirements set out in Rule 40.1, Juvenile Court Rules of Procedure