



Cochise County Indigent Defense Coordinator

Public Programs...Personal Service
www.cochise.az.gov

AMY HUNLEY
Indigent Defense Administrator

IDC PROCEDURES FOR COURT-APPOINTED ATTORNEYS

IDC assigns counsel in all cases in which the court has made a determination of indigence and ordered that counsel be appointed. A defendant requesting court-appointed counsel must submit a written request to the court. If the request is granted, the court will then send IDC a referral for assignment of counsel. Attorneys may not be compensated by IDC for cases not assigned by Cochise County IDC.

APPEALS AND RULE 32 POST-CONVICTION RELIEF CASES

Each Appeal and Post-Conviction Relief case is considered a new assignment and must be referred to IDC for assignment of counsel after the Notice of Appeal or Post-Conviction Relief is filed.

FELONY ARRAIGNMENT COVERAGE

A designee of the Public Defender or Legal Defender will appear at arraignment for all court-appointed felony cases. The appointed attorney can always appear at arraignment if they believe it will advance their client's interest on any particular case.

DISMISSALS/WITHDRAWALS

When a case is dismissed the court-appointed attorney is relieved of further responsibility in the case. If a probation revocation or motion to resume prosecution is filed after a case has been resolved, the attorney must be reappointed to the case. Attorneys will not be compensated for work performed on a closed case unless the case has been re-assigned by IDC.

Court-appointed attorneys may file a motion to withdraw and order when a client has absconded and a bench warrant is issued. The order should not refer the case to IDC for reassignment of counsel. The court will refer the case to IDC for reassignment of counsel if and when the defendant is apprehended.

If an attorney must withdraw from a case due to a conflict of interest, a motion to withdraw and order referring the case to IDC for reassignment must be filed with the court. The withdrawing attorney must send a copy of the motion to withdraw and conformed order to IDC. It is the responsibility of the withdrawing attorney to provide the entire case file to the new attorney as soon as possible.

RETAINED CASES

IDC attorneys are not permitted to concurrently represent an IDC client in a privately retained case.

LIABILITY INSURANCE

Court-appointed attorneys must maintain current liability insurance. When the insurance policy is renewed, a new certificate must be provided to IDC.

BILLING PROCEDURES

Billing must be submitted to IDC in accordance with these procedures and any current Contract agreements or Superior Court Administrative Orders. A Case Closing Report must be submitted for each case within 60 days of the date the case is completed. Case Closing Report forms are located on the IDC website, www.cochise.az.gov/IDC, under the "Attorney Billing Forms" link.

Billing for court-appointed cases must be submitted to IDC monthly, no later than the 15th day of the month following the provision of the service. If the 15th falls on a weekend or a holiday, billing is due on the next business day. Bills submitted by the 15th day of each month will generally be paid within 30 days. Billing submitted after the 15th day of the month will be processed with the following month's billing. Pursuant to A.R.S. § 11-622(C), requests for payment made six months after the last item of the account accrues will not be paid.

IDC will be responsible for reviewing and verifying all billing and may consult with the Court and/or request that Attorney provide additional back-up documentation or explanation. Attorneys must obtain written approval before incurring extraordinary expenses. IDC approval is required for contract cases; court approval is required for non-contract cases. Requests for IDC approval may be made by email.

A detailed payment summary and a pending case list will be included with the monthly payment. Contact IDC immediately if there are errors in the monthly payment summary or the case list.

INVESTIGATORS AND EXPERTS

Attorneys must obtain written approval before employing the services of an investigator or expert witness. IDC approval is required for contract cases; court approval is required for non-contract cases. Copies of motions and orders filed with the Court are to be sent to IDC.

The request for an investigator must specify the total number of hours to be approved. Investigators will be paid \$25.00 per hour for investigative work performed prior to or during trial and \$15.00 per hour for assistance in court. IDC will not reimburse out-of-county investigators for travel time or expenses incurred traveling to Cochise County.

Expert witness fees vary depending on the field of expertise. The request must specify the expert's hourly rate and total estimated cost.

Investigators and experts shall submit their bills to the attorney, who shall review the bills, certify that they are reasonable and were incurred in the course of representation for an assigned case, and then forward them to IDC for payment.

PROCESS SERVICE

IDC will not compensate attorneys for employing a private process server. The Cochise County Sheriff's Office Civil Division 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.

COURT FEES

Fees for most services provided by the courts (filing fees, certified copies, issuance of subpoenas, etc.) are waived for court-appointed cases. Prior written approval from IDC must be obtained for reimbursement of any fee paid to a court for services provided in a court-appointed case.

COURT INTERPRETERS

Court Interpreter services are provided at no charge for in-court proceedings and out-of-court interviews/meetings for court-appointed cases; however, there is a fee for written translations.

TRANSCRIPTION SERVICES

Transcription services will be paid at the following rates with prior written approval from IDC.

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

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

MISCELLANEOUS EXPENSES

When applicable, and with prior approval as required by contract, expenses will be reimbursed as follows:

Copy Expenses: Not to exceed \$0.10/page

Mileage Reimbursement: In-County mileage reimbursement will be paid at the current IRS rate. IDC will not reimburse out-of-county attorneys for travel time or expenses incurred traveling to Cochise County.

Facsimile and Cell Phone Charges: No reimbursement

HOURLY BILLING

An itemized invoice for each case paid at an hourly rate must be submitted monthly by email to IDC at IDCBilling@cochise.az.gov. A separate invoice must be submitted for each case and must include the following information:

1. Attorney's Name
2. Client Name
3. IDC Number
4. Case Number
5. Date, brief description, amount of time or expense billed for each service provided
6. The total hours, fees, expenses and the total amount due

When requesting payment for hourly cases, each service or charge must be sufficiently detailed to enable IDC to assess the reasonableness of the time incurred. Hours must be reflected in tenths of an hour. Billing is to be apportioned for travel, mileage, court time, or any other services provided for multiple cases at one time. Back-up documentation (receipts, invoices for reimbursable expenses, IDC approval, or Court orders authorizing extraordinary expenses) must be submitted to IDC with the billing.

Attorney will not be compensated for any work performed by attorney of a non-legal nature that would ordinarily be performed by support personnel, including secretarial and clerical support work involved in preparing and transmitting documents, copying, organizing, filing or similar functions. All overhead expenses, secretarial expenses, expenses for stationery or supplies, computer time, preparation and review of billing, clerical time for photocopying, opening files and calendaring dates, and other items that are a cost of doing business are not compensable.

FLAT FEE CASES

Payment of flat fee cases will be made upon receipt of a Case Closing Report. The flat fee payment request is incorporated into the Case Closing Report for felony, misdemeanor, probation revocation and delinquency cases.

Case Closing Report forms are located on the IDC website, www.cochise.az.gov/IDC, under the "Attorney Billing Forms" link. Select the appropriate form, complete the requested information and select "Submit". You will receive an email confirmation for each Case Closing Report submitted.

Date Fields When completing the date fields, click on the calendar and select the date. Although the day does not appear in the form, it will be submitted with the day selected. (This can be verified in the email you receive after each form is submitted.)

After submitting a Case Closing Report, you will see the message, "Thank you, your submission has been received. Go back to the form". To complete another closing report/payment request, select "**Go back to the form**". **DO NOT USE THE BACK BUTTON (←) TO COMPLETE THE FORM FOR ANOTHER CASE.** Using the back button does not clear the form and may cause information from the previous form to be incorrectly submitted.

Flat Fee Misdemeanor, Felony, Probation Revocation (PTR), Juvenile Delinquency Cases

Payment is made upon completion of the case, upon receipt of a Case Closing Report. An itemized statement for mileage reimbursement in flat fee felony cases must be submitted by email to IDCBilling@cochise.az.gov. The statement must include the date(s) of travel, the place or city traveled to, the number of miles traveled, and the total miles.

Flat Fee Felony Cases Exceeding 25 Hours of Attorney Time

When 25 hours have been spent on a flat fee felony case, an itemized invoice shall be submitted to IDC for payment of the \$900 flat fee. All services provided thereafter will be billed at \$60 per hour, with invoices submitted monthly as set out in the Hourly Billing section.

Flat Fee Dependency and Severance Cases

Payment is made at the time of assignment, upon receipt of a Dependency and Severance Case Payment Request. If a severance motion is filed in a dependency case, a payment request form and a copy of the severance motion must be submitted to IDC for payment of the additional severance flat fee. The severance motion can be uploaded through the payment request form, emailed to IDCBilling@cochise.az.gov, or faxed to 520-432-8461.