



## Cochise County Indigent Defense Coordinator

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www.cochise.az.gov

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# 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 will 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.

### **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.

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.

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.

Attorneys will not be compensated for work performed on a closed case unless the case has been re-assigned by IDC.

### **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.

### **RETAINED CASES**

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

### **LIABILITY INSURANCE**

Attorneys must maintain current liability insurance to receive court-appointed cases. 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. Attorneys must obtain written approval before incurring extraordinary expenses. IDC approval is required for contract cases; court approval is required for non-contract cases. Case closing report forms and flat fee payment request forms are located on the IDC website, [www.cochise.az.gov/IDC](http://www.cochise.az.gov/IDC), under the "Attorney Billing Forms" link.

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.

Billing for court-appointed cases must be submitted to IDC monthly, no later than the 15<sup>th</sup> day of the month following the provision of the service. If the 15<sup>th</sup> falls on a weekend or a holiday, billing is due on the next business day. Billing submitted after the 15<sup>th</sup> day of the month will be processed with the following month's billing.

Bills submitted by the 15<sup>th</sup> day of each month will be paid within 30 days of the date the completed billing is received by IDC. A detailed payment summary will be included with the monthly payment. Contact IDC immediately if there are errors in the monthly billing summary or the case list.

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.

A Case Closing Report must be submitted for each case when the case is completed. Attorneys will receive a pending case list with the monthly payment. If a closed case is shown on the pending case list, a closing report needs to be completed for that case.

### **HOURLY BILLING**

An itemized monthly invoice for each case paid at an hourly rate must be submitted by email to IDC at [IDCBilling@cochise.az.gov](mailto:IDCBilling@cochise.az.gov). A separate invoice must be submitted for each case. Each invoice 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**

A payment request form must be submitted for payment of flat fee cases. Complete all applicable information and carefully review each payment request for accuracy before selecting "Submit".

After submitting a payment request, 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, PTR, Juvenile Delinquency Cases**

A Case Closing Report/Flat Fee Payment Request must be submitted when the case is closed. For mileage reimbursement in flat fee felony cases, an itemized mileage statement must be submitted by email to [IDCBilling@cochise.az.gov](mailto: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 Dependency and Severance Cases**

A Dependency and Severance Case Payment Request must be submitted at the time the case is assigned. 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 motion can be uploaded through the payment request form, emailed to [IDCBilling@cochise.az.gov](mailto:IDCBilling@cochise.az.gov), or faxed to 520-432-8461.