



# IDC

Indigent Defense Coordinator

[www.cochise.az.gov/IDC](http://www.cochise.az.gov/IDC)

## PROCEDURES FOR COURT-APPOINTED ATTORNEYS

### CASE ASSIGNMENTS

IDC assigns counsel in all cases in which the court has made a determination of indigence and ordered that counsel be appointed. If a defendant would like a court-appointed lawyer to represent them, the defendant 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.**

Each Appeal and Post-Conviction Relief case is considered as a new assignment and must be referred to IDC for assignment of counsel when 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. **Copies of motions to withdraw and conformed orders must be sent to IDC by the withdrawing attorney.** 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 of the 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.

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 held for payment 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.

Bills will be paid within 30 days of the date the completed billing is received by IDC.

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 will receive a detailed payment summary and a list of pending cases with each monthly payment. Attorneys should contact IDC immediately if there are errors in the monthly billing summary or the case list.

### **HOURLY BILLING**

When requesting payment for cases approved for an hourly rate, 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.

IDC will not reimburse costs for facsimiles or cell phone calls.

### **MISCELLANEOUS EXPENSES**

When applicable, 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.

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

Rush Rate with prior IDC approval: \$3.50/page (English)  
\$6.00/page (Spanish)

### **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 unusual circumstances exist and it is necessary to employ a private process server on a case, 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.

### **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 all requests for court approval must be sent to IDC.

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.

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. The request for an investigator must specify the total number of hours to be approved.

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

IDC will not reimburse out-of-county investigators or experts for travel time or expenses incurred traveling to Cochise County.

### **MONTHLY BILLING PROCESS**

The following steps are required to complete the monthly billing:

1. Electronically submit invoices, payment requests, and/or ATSS billing for each case;
2. Complete IDC Case Closing Reports and/or ATSS Closing Memos for all closed cases;
3. Submit IDC Monthly Billing Complete Notification form after all monthly invoices, payment requests, case closing reports, ATSS time and closing memos have been completed. The form is located under the "Attorney Billing Forms" link on the IDC website. ***Failure to submit this notification form will delay payment.***

## **NON-ATSS CASES (Cases Assigned After January 1, 2013)**

Billing for Non-ATSS cases must be submitted electronically to IDC. Case Closing Reports and Dependency and Severance Payment Requests are located on the IDC website under the "Attorney Billing Forms" link.

**Flat Fee Misdemeanor, Felony, PTR, Juvenile Delinquency Cases** These flat fee cases are paid when the case is completed and a Case Closing Report has been submitted. 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** Payment for flat fee dependency and severance cases is made upon receipt of the completed Dependency and Severance Payment Request. If an attorney is assigned a dependency case at the flat fee rate and the case develops into a severance case, additional compensation is made for the severance case. A payment request form is submitted to IDC for the additional severance flat fee, and a copy of the petition or motion for termination of parental rights must be provided to IDC. The petition/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.

**Hourly Cases (Contract and Non-Contract)** A separate monthly invoice for each case paid at an hourly rate must be submitted to IDC monthly by email to [IDCBilling@cochise.az.gov](mailto:IDCBilling@cochise.az.gov). Attorneys may use the billing program or format of their choice. Each invoice must include the following information:

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

**Case Closing Reports** A Case Closing Report must be submitted for each case after the attorney is relieved or the case is completed.

**Pending Case List** With each monthly payment, attorneys will receive a Pending Case List that contains open non-ATSS cases for which IDC has not received a Closing Report. A Closing Report needs to be completed for any cases on the list that should be closed.

## **ATSS CASES (Cases Assigned Prior To January 1, 2013)**

Billing for ATSS cases must be submitted to IDC through the Attorney Time Summary System (ATSS). The ATSS can be accessed through a link on the IDC website, and a Logon and Password is provided by IDC. For detailed ATSS instructions, select the "Help for IDC Attorneys" link in the upper right-hand corner of the ATSS home page.

ATSS billing is processed using a date range from the first day through the last day of each month. Attorneys must notify IDC to receive payment for unpaid charges billed outside of this date range.