



IDC

Indigent Defense Coordinator

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. Appeals and Post-Conviction Relief matters must be referred to IDC for assignment of counsel after the filing of the Notice of Appeal or Post-Conviction Relief. **Attorneys will not be compensated by IDC for cases not assigned by Cochise County IDC.**

RETAINED CASES

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

Court-appointed attorneys should 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.

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

Copies of motions to withdraw and conformed orders must be sent to IDC by the withdrawing attorney.

FELONY ARRAIGNMENT COVERAGE

A designee of the Public or Legal Defender's office 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.

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 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. **Billing submitted after the 15th 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.

Billing must be submitted to IDC in accordance with these procedures, any current Contract agreements, and/or Superior Court Administrative Orders. IDC will be responsible for reviewing and verifying all bills and may consult with the Court and/or request that Attorney provide additional back-up documentation or explanation.

Attorneys will receive an IDC billing summary showing the total amount paid with each monthly payment. Attorneys should contact IDC immediately if there are errors in the monthly billing summary.

HOURLY BILLING

When requesting payment for cases approved for an hourly rate, the documentation of 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 (IDC approval or Court orders authorizing extraordinary expenses, receipts and/or invoices for reimbursable expenses) must be submitted to IDC with the monthly 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 bills and requests for extraordinary expenditures, 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.

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

MISCELLANEOUS EXPENSES

Unless otherwise specified, expenses will be reimbursed as follows:

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)

Copy Expenses Not to exceed \$0.10/page.

Mileage Reimbursement The Internal Revenue Service designated rate for computing deductible costs for business purposes in effect on July 1 of each fiscal year will apply to in-County mileage reimbursement.

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. Prior written approval from IDC is required for reimbursement of written translation fees.

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.

BILLING METHODS

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 website closing reports and/or ATSS closing memos for all closed cases;
3. Submit IDC Monthly Billing Notification form (located under "Attorney Billing Forms" link on the IDC website) after all monthly invoices, payment requests, case closing reports, ATSS time and closing memos have been completed. **Failure to submit this notification form will result in delayed payment.**

CASES ASSIGNED AFTER JANUARY 1, 2013

Billing for cases assigned after January 1, 2013, must be submitted electronically using payment request forms or monthly invoices. Payment Request and Case Closing Report forms are located on the IDC website under the "Attorney Billing Forms" link. Attorneys will receive an email copy of the submitted form.

Flat Fee Contract Cases Billing for flat fee Contract cases must be submitted to IDC on a completed Payment Request form with appropriate documentation.

Hourly Cases (Contract and Non-Contract) A separate invoice for each case paid at an hourly rate must be submitted to IDC monthly via email or fax. 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 closing report must be submitted for each case when the attorney is relieved and/or the case is completed.

Hourly Cases A Closing Report must be submitted after all billing has been submitted and the case is closed.

Flat Fee Dependency and Severance Cases A closing report must be completed when the attorney is relieved and/or the case is closed.

Flat Fee Misdemeanor, Felony, PTR, Juvenile Delinquency Cases The Closing Report is incorporated into the Payment Request.

Pending Case List A list of pending cases assigned after January 1, 2013, can be obtained by submitting a request to IDC.

CASES ASSIGNED PRIOR TO JANUARY 1, 2013

Billing for cases assigned prior to January 1, 2013, must be submitted to IDC through the Attorney Time Summary System (ATSS). The ATSS can be accessed through a link on the IDC website. A Logon and Password is provided by IDC. A list of pending IDC cases assigned prior to January 1, 2013 can be obtained using the Pending Case List link on 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.***

The following steps are required to complete monthly ATSS billing:

1. Enter billable hours and costs for each case
2. Complete ATSS case closing memos for all closed cases
3. E-mail Closed Case List to IDC after all closing memos have been completed

Entering Billable Hours and Costs

- a. Click on "Add/Update Hours" under Table of Contents on the ATSS Home Page.
- b. Enter the IDC number and click "Submit". The case name and previous billing information will appear. **Verify that the case name is correct—if not, check the IDC No. or call IDC. Correct IDC numbers must be used to insure proper payment.**
- c. Select "Click here to add hours" to enter the billing screen.
 - i. Travel Hours: Enter the total time spent for travel, if any. **This is not for billable time.** This is for statistical purposes only and will not be included in the billable time.
 - ii. Date: Enter the date of the billable item.
 - iii. Rate: The hourly rate is set by IDC. If the rate is incorrect, contact IDC before entering billable hours.
 - iv. Hours: Enter the billable time spent, reflected in tenths of an hour.
 - v. Costs: This field is for expenses (copies, postage, etc.) only. Enter the dollar amount of the billed expense.
 - vi. Flat Fee Cases: The Rate will be the flat fee amount. Make an entry for 1 hour using the date closed. The Description will be "case closed".
- d. After all billable items have been entered, select "Submit".
- e. Review the summary of charges entered during this session. If corrections are necessary, follow the instructions for editing unpaid items.

Editing Unpaid Items

Billing entries may be edited at any time before being approved for payment by IDC.

- a. Click on "Add/Update Hours" under Table of Contents on the ATSS Home Page.
- b. Enter the IDC number and click "Submit". **Verify that the case name is correct.**
- c. Select "Click here to update unpaid items".
- d. Make corrections as needed and click "Save".

ATSS Case Closing Memos

An ATSS closing memo must be completed for every closed case. Additional hours and expenses cannot be submitted after a case closing memo has been completed. Closing memos are located on the ATSS Home Page and on the last page of the Add/Update Hours section. The completed memo may be printed after it has been submitted to the database.

- a. Click on the applicable case closing memo link.
- b. Enter the IDC number and click "Next" to enter the closing memo form. **Verify that the case name is correct.** If not, check the IDC number or call IDC.
- c. Complete all applicable fields. Please note the following guidelines:
 - i. Date Closed: Enter the date the closing memo is completed.
 - ii. Disposition: Choose the disposition that most closely matches the disposition of the case.
 - iii. Total Attorney Hours: The ATSS automatically enters the actual hours billed by all attorneys assigned to the case.
 - iv. Warrant or failed diversion: If a client is referred to IDC after a case has been closed for failure to appear or diversion, the existing case will be re-opened using the same IDC number. Previously billed time is automatically added to the time billed after the case is reopened.
 - v. Withdrawal: The withdrawing attorney completes a closing form. The case will be reopened when the new attorney is assigned. Total time is the sum of all attorneys.
 - vi. Re-opened/Re-assigned Cases: When a case is closed after being re-opened and re-assigned to the same attorney, the ATSS closing memo fields must be updated with the current information.
- d. Click "Submit" at the bottom of the page. After the memo has been successfully completed, you will see the message, "**The record has been updated. Thank you.**"

Closed Case List

A closed case list must be sent to IDC when the monthly billing statements are submitted.

- a. After completing all closing memos, select the "Closed Case List" link on the ATSS Home page.
- b. Enter the date range of the closing dates for the cases closed during the current billing period and click "Submit". If no cases were closed, the list will be blank.
- c. Review the list of closed cases for accuracy; if correct, select the "Send Email to IDC" button.

Creating a Report of Billed Hours

A report of charges billed for one or more cases can be generated using the Hours Reports.

- a. Select the applicable report under Table of Contents.
 - i. Hours Report (Approved Items): Includes all submitted billable items that have been reviewed and approved by IDC.
 - ii. Hours Report (Unapproved Items): Includes all submitted billable items that have not been reviewed and approved by IDC.
 - iii. Hours Report (Approved & Unapproved Items): Includes all submitted billable items.
- b. Enter specific IDC number(s), OR leave blank to include all cases with billable items.
- c. Enter Start Date and End Date.
- d. Click "Submit".