

RESOLUTION NO. 23-01108

In the matter of amending the rate of appointed)	County Commissioners' Office,
counsel reimbursement for capital representation)	Wood County, Ohio,
of indigent defendants pursuant to Section)	August 29, 2023
120.33(A)(3) of the Ohio Revised Code)	

WHEREAS, Wood County recognizes its responsibility under the laws of the State of Ohio and the United States of America to provide legal counsel for indigent individuals charged with loss of liberty offenses and other statutorily granted right of counsel proceedings in the Courts of Wood County; and

WHEREAS, in Ohio, funding of the Indigent Defense System is provided through the Ohio State Legislature and boards of county commissioners; and

WHEREAS, Wood County has a county public defender office and an appointed counsel system. Wood County courts appoint counsel to provide representation in indigent defense cases when there is an ethical conflict, multiple defendants, or other similar reason that representation cannot or is not provided by the Wood County Public Defender Office; and

WHEREAS, pursuant to Section 120.33(A)(3) of the Ohio Revised Code, to receive reimbursement from the Office of Ohio Public Defender (OPB), a board of county commissioners shall establish a schedule of fees for appointed counsel services by resolution and file said resolution with the OPB; and

WHEREAS, the Board of County Commissioners approved the Wood County Fee Schedule and Guidelines for Appointed Counsel Reimbursement by resolution 20-01606 on December 31, 2020 and amended resolution 21-00177 on February 9, 2021; and

WHEREAS, pursuant to Ohio Revised Code Section 120.33(D)(1) the Capital Case Attorney Fee Council conducted their annual review of appointed counsel reimbursement for capital representation of indigent defendants and has changed the rate for capital representation to \$140 per hour effective July 17, 2023; and

WHEREAS, the Board of Commissioners desires to amend its fee schedule to reflect the change in the rate for capital representation for indigent defendants to \$140 per hour as set by the Capital Case Attorney Fee Council; now, therefore be it

RESOLVED, by the Board of County Commissioners, Wood County, Ohio that the attached revised Wood County Fee Schedule and Guidelines for Appointed Counsel Reimbursement, with the amended rate of appointed counsel reimbursement for capital representation of indigent defendants pursuant to Section 120.33(A)(3) of the Ohio Revised Code, shall be adopted for use by the Courts of Wood County, the Ohio Sixth District Court of Appeals, and the Ohio Supreme Court; and be it further

RESOLVED, that all counsel eligible for payment under this schedule shall be appointed by a court

within Wood County and said appointment shall be entered by a signed journal entry recorded on the Court docket; and be it further

RESOLVED, that the effective date for the revised Wood County Fee Schedule and Guidelines for Appointed Counsel Reimbursement shall be July 17, 2023.

Commissioner Bowlus moved and Commissioner Herringshaw seconded the foregoing and the roll being called on its adoption, the vote resulted as follows:

DORIS I. HERRINGSHAW, Ed.D. yes DR. THEODORE H. BOWLUS yes CRAIG LAHOTE absent

Attest: Sandy A. Long
Clerk of said Board.

cc: File
Wood County Auditor
Wood County Common Pleas Court 1, 2, 4
Wood County Juvenile Court
Wood County Law Library
Brandy Hartman, Court Administration
Wood County Public Defender Commission
Wood County Bar Association
Bowling Green Municipal Court
Fostoria Municipal Court
Perrysburg Municipal Court
6th District Court of Appeals
Ohio Public Defender's Office

Wood County Fee Schedule and Guidelines for Appointed Counsel Reimbursement

A. Trial Level Proceedings

1. Reimbursement for representation in trial level cases not involving a death penalty specification will be made on the maximum rate of \$75.00 per hour for both in-court and out-of-court services.
2. Reimbursement for representation in trial level cases involving a death penalty specification will be made based on the maximum rate of \$140.00 per hour for both in-court and out-of-court services.
3. The prescribed maximum fees permitted in trial level proceedings are:

<u>Offense/Proceeding</u>	<u>Fee Maximum</u>
Aggravated murder (w/specs) per R.C. 2929.04(A) and R.C. 2941.14(B)	As set by Capital Fee Council – see R.C. 120.33(D). The Council has currently set a rate of \$140 with no fee maximum.
Aggravated murder (w/o specs)	\$15,000/1 attorney \$25,000/2 attorneys
Murder	\$10,000
Felony with possible life sentence/ repeat violent offender/major drug offender	\$10,000
Felony (degrees 1-2)	\$8,000
Felony (degree 3)	\$5,000
Felony (degrees 4-5)	\$3,500
Misdemeanor (degrees 1-4)	\$2,000
Misdemeanor OVI/BAC	\$2,500
Contempt of Court	\$500
Violation (Probation/Community Control)	\$750

Preliminary Hearings	\$300
Sex Offender Classification	\$750
Other	\$750

4. Reimbursement for guilty or no contest pleas will be made based on the maximum rate of \$75.00 per hour for both in-court and out-of-court services, up to the prescribed maximums for each classification.

B. Juvenile Proceedings

1. Reimbursement for representation in juvenile proceedings will be made based on the maximum rate of \$75.00 per hour for both in-court and out-of-court services.
2. Reimbursement will not be made for non-attorneys appointed as a guardian ad litem.
3. In abuse, dependency, and neglect cases, both the attorney and the guardian ad litem may bill up to the maximum fee allowed by the county for the initial dispositional hearing and each subsequent annual review hearing before the court.
4. The prescribed maximum fees permitted in juvenile level proceedings are:

<u>Offense/Proceeding</u>	<u>Fee Maximum</u>
Aggravated murder (w/specs) per R.C. 2929.04(A) and R.C. 2941.14(B)	As set by Capital Fee Council – see R.C. 120.33(D). The Council has currently set a rate of \$140 with no fee maximum.
Aggravated murder (w/o specs)	\$7,500/1 attorney \$12,500/2 attorneys
Murder	\$6,000
Felony adjudication (degrees 1-2)	\$5,000
Felony adjudication (degrees 3-5)	\$3,500
Misdemeanor OVI/BAC	\$2,500
Misdemeanor	\$2,000

Traffic	\$300
Objections	\$750
Unruly	\$1,000
Bindover – Mandatory	\$750/1 attorney \$1,200/2 attorneys
Bindover – Discretionary	\$2,000/1 attorney \$3,000/2 attorneys
Reverse Bindover Amenability	\$1,500
SYO	Adult degree + 50%/2 attorneys
SYO Invocation	\$2,000/1 attorney \$3,000/2 attorneys
Adult in Juvenile Court	\$1,500
Violation (Probation/Community Control)	\$750
Violation (Parole/Supervised Release)	\$750
VCO	\$750
ADN Initial Custody	\$1,500
ADN Annual After Custody	\$1,500
Permanent Custody	\$2,500
Contempt of Court	\$500
Purge Hearing	\$150
Sex Offender Classification/ Reclassification/Declassification	\$750
Expungement	\$300

Other	\$750
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C. Probate Proceedings

1. Reimbursement for representation in parental termination cases in probate court will be made based on the maximum rate of \$75.00 per hour for both in-court and out-of-court services.
2. The prescribed maximum fee permitted in parental termination cases in probate court is:

<u>Offense/Proceeding</u>	<u>Fee Maximum</u>
Parental Termination	\$2,500

D. Appellate Level Proceedings

1. Reimbursement for representation in appellate level proceedings not involving a death sentence shall be made based on a maximum rate of \$75.00 per hour for both in-court and out-of-court services.
2. Reimbursement for representation of appellate level proceedings involving a death sentence will be made based on the maximum rate of \$140.00 per hour for both out-of-court and in-court services.
3. The prescribed maximum fees permitted in appellate level proceedings are:

<u>Offense/Proceeding</u>	<u>Fee Maximum</u>
Death Sentence	As set by Capital Fee Council – see R.C. 120.33(D). The Council has currently set a rate of \$140 with no fee maximum.
Cumulative Minimum Sentence exceeds 25 years	\$8,000
Felony (degrees 1-2) Trial	\$5,000
Felony (degree 3) Trial	\$3,500
Felony (degrees 4-5) Trial	\$2,500
Misdemeanor Trial	\$2,000

Felony Plea	\$1,500
Misdemeanor Plea	\$1,000
ADN Permanent Custody	\$3,500
Unruly	\$1,000
Other	\$1,000
26(B) Murnahan Felony (degrees 1-2) Trial	\$3,000
26(B) Murnahan Felony (degree 3) Trial	\$2,000
26(B) Murnahan Felony (degrees 4-5) Trial	\$1,000
OSC Jurisdiction Memorandum	\$1,500

E. Post-conviction and Habeas Corpus Proceedings

1. Reimbursement for post-conviction and State habeas corpus proceedings not involving a death sentence will be made based on the maximum rate of \$75.00 per hour for both in-court and out-of-court services.
2. Reimbursement for representation in appellate level proceedings involving a death sentence will be made based on the maximum rate of \$140.00 per hour for both in-court and out-of-court services.
3. The prescribed maximum fees permitted in post-conviction and habeas corpus proceedings are:

<u>Offense/Proceeding</u>	<u>Fee Maximum</u>
Death Sentence	As set by Capital Fee Council – see R.C. 120.33(D). The Council has currently set a rate of \$140 with no fee maximum.
Felony (degrees 1-2)	\$4,000

(R.C. 2953.21 Petition/New Trial Mtn)

Felony (degree 3) (R.C. 2953.21 Petition/New Trial Mtn)	\$2,500
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Felony (degrees 4-5) (R.C. 2953.21 Petition/New Trial Mtn)	\$1,750
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Misdemeanor (60(B))	\$1,500
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Juvenile	\$2,500
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State Habeas	\$1,500
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Expungement	\$300
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Judicial Release	\$500
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Revocation	\$750
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Driving Privileges	\$150
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NGRI/Comp Review	\$750
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Jail Time Credit	\$300
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Resentencing	\$500
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Sex Offender Reclassification	\$750
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Withdrawal of Guilty Plea	\$1,000
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F. Extraordinary Fees

1. Cases eligible for extraordinary fees or extraordinary hourly rates or extraordinary number of attorneys are ones which, because of extraordinarily complex issues, multiple offenses, lengthy trials, or other reasons, warrant compensation/additional representation at a rate which exceeds the maximums established by a county or the Office of the Ohio Public Defender. Reimbursement to the county for extraordinary fees/hourly rates or number of attorneys is subject to the following requirements.

2. Wood County hereby provides for extraordinary fees/hourly rates/or number of attorneys in this fee resolution adopted pursuant to O.R.C. 120.33(A)(3).
3. Extraordinary fees must be clearly documented in the appropriate sections on the Motion, Entry, and Certification for Appointed Counsel Fees form.
4. The Judge hearing the case must indicate approval of the extraordinary fees by checking the "Extraordinary Fees Granted" box in the Judgment Entry section on the front of the form, and a copy of the journal entry approving the extraordinary fee must be attached.

G. Expenses

1. Wood County will provide reimbursement of certain expenses reasonably related and necessary to the defense of an indigent client. These expenses include travel, transcripts, expert services and certain other miscellaneous expenses.
2. Payment for eligible expenses shall be made when a motion is submitted to the court and approved by the judge and the amount thereof is determined to be reasonable by the judge. The invoice and copy of the entry is to be presented to the Court and the Court will arrange payment by using OPD form 209 or 205 accordingly or other form as directed by the Office of the Ohio Public Defender.
3. Payments may be made for other nominal, reasonable expenses (e.g., postage, copies, etc.) associated with representation of an indigent client and approved by the Court and should be submitted on the expense portion of the attorney log. All expenses over \$1.00 require a receipt. If individual items are under \$1.00 then the number of items and cost per item must be stated. Any mileage claimed must state the city destinations, to and from, and number of miles traveled. Generally, no mileage will be paid for attorneys traveling from adjacent counties to Wood County.

H. Amendments to the Fee Schedule

1. The Wood County Board of Commissioners may amend the fee schedule or guidelines at any time. Prior to the effective date of an amendment, the Clerk of the Board shall send a copy of the resolution amending the fee schedule and guidelines to the Office of the Ohio Public Defender and shall provide notice to all of the affected courts. Each Court shall send a copy of the resolution amending the fee schedule and guidelines to the appointed counsel.

I. Effective Date

1. The effective date of this Wood County Fee Schedule and Guidelines for Appointed Counsel Reimbursement is **July 17, 2023** and only invoices **submitted to the court** after this effective date will be eligible for the fees established herein.