

JUDGE MATTHEW L. REGER
JUDGE MARY "MOLLY" L. MACK
JUDGE JOEL M. KUHLMAN
courtofcommonpleas.co.wood.oh.us



BRANDY N. HARTMAN
COURT ADMINISTRATOR
419.354.9042
bhartman@woodcountyohio.gov

TO: APPOINTED COUNSEL IN THE GENERAL DIVISION OF THE WOOD COUNTY COMMON PLEAS COURT

FROM: WOOD COUNTY COMMON PLEAS COURT GENERAL DIVISION JUDGES

DATE: DECEMBER 15, 2021

RE: ANNUAL APPLICATION AND CERTIFICATION FOR APPOINTMENT AS ASSIGNED COUNSEL

The annual application and certification process for appointment of assigned counsel is currently underway. As a requirement of the Court, attorneys seeking appointed counsel assignments must complete the enclosed Application and Certification for Appointment as Assigned Counsel. Specific training and experience-based qualifications are outlined for attorneys being appointed. Charts summarizing these requirements accompany this memo.

In July of 2021 the Ohio Public Defender revised the Financial Disclosure Form which gets submitted to the Court along with the Appointed Counsel Fee Form for reimbursement. **Previous versions of this form will no longer be accepted for appointments made after January 1, 2022.** All updated forms and guidelines can be found on the Office of the Ohio Public Defender's website, opd.ohio.gov.

The Office of the Ohio Public Defender reimburses Wood County for a portion of appointed counsel costs. Wood County is required to submit the completed Motion, Entry, and Certification for Appointed Counsel Fees form to the Office of the Ohio Public Defender for reimbursement. In order to comply with the deadlines imposed on the County for requesting reimbursement, **completed counsel fee forms must be submitted to the Court no later than 20 days after the date in which the case was finally disposed of or terminated. Late submissions will result in a reduction of attorney fees.**

The Court will be compiling and maintaining a list from which all appointments are made. If you wish to be considered for appointment, please complete the Application and return it to the Court Administration Office.

Should you have any questions, please contact the Court Administration Office at 419-354-9042.

Sincerely,


Brandy N. Hartman, Court Administrator


Judge Matthew L. Reger


Judge Mary "Molly" L. Mack


Judge Joel M. Kuhlman

**APPLICATION MUST BE MADE ANNUALLY
IN ADDITION, IF YOUR QUALIFICATION STATUS CHANGES,
A NEW APPLICATION SHOULD ALSO BE MADE**

Application and Certification for Appointment as Assigned Counsel

(Attorney Qualifications pursuant to OAC 120-1-10)

Attorney Name: _____

Address: _____

Telephone # _____ Fax # _____

Email Address: _____

Supreme Court # _____ Date of Admission: _____

Multilingual _____ yes _____ no. If yes, language(s) spoken: _____

Please complete the sections for which you qualify and wish to receive appointment.

Please provide the following information if you would like to accept appointment to provide representation in **adult felony cases**:

Number of hours of CLE in criminal practice and procedure completed in the past two years	
Number of hours of CLE focused on OVI practice and procedure	
Number of years practicing in criminal law	
In the past six years, how many criminal jury trials have you handled: a. As lead counsel? b. As co-counsel?	a. _____ b. _____
In the past 10 years, how many: a. Criminal jury trials as lead counsel? b. Felony jury trials as lead counsel? c. Criminal jury trials as co-counsel? d. Felony jury trials of the 1st or 2nd degree as lead counsel? e. Felony jury trials of the 3rd degree as lead counsel? f. Felony jury trials of the 1st or 2nd degree as co-counsel?	a. _____ b. _____ c. _____ d. _____ e. _____ f. _____

Please provide the following information if you would like to accept appointment to provide representation in **capital cases**:

Do you meet the qualifications of the Supreme Court Rules for the Appointment of Counsel in Capital Cases (formerly Rule 20)?	
Does your name appear on the list of attorneys qualified to accept appointments in capital cases promulgated by the Commission on the Appointment of Counsel in Capital Cases (formerly the Rule 20 Commission)?	
Do you have a waiver of pre-qualification issued by the Commission on the Appointment of Counsel in Capital Cases (formerly the Rule 20 Commission)?	
Number of years of criminal litigation experience	
Have you previously served as lead counsel for the defense in the jury trial of a capital case?	
Number of capital case jury trials as co-counsel	
Number of murder or aggravated murder jury trials as lead counsel in past 10 years	
Number of 1st or 2nd degree aggravated felony jury trials as lead counsel in past five years	
Number of murder or aggravated murder jury trials as co-counsel in past 10 years	
In the past five years, how many: a. Felony jury trials of the 1st or 2nd degree as lead counsel? b. Felony jury trials or civil jury trials as lead or co-counsel?	a. _____ b. _____

Please provide the following information if you would like to accept appointment to provide representation in **adult appeals**:

Number of hours of CLE in criminal or appellate practice and procedure	
Have you successfully completed a clinical education program on appellate practice?	
Number of years licensed as an attorney	
Number of hours of CLE in the past two years in: a. Criminal practice and procedure b. Appellate practice	a. _____ b. _____
Number of years practicing in appellate law	
In the past six years, how many appeals* filed: a. In cases resolved by plea b. In cases resolved by trial	a. _____ b. _____
In the past 10 years, how many appeals* filed in cases resolved by trial?	

*A case in which an *Anders* brief was filed may not be counted as prior experience.

The Court reserves the right at any time, for appointment in sections where trial experience is necessary, to require you to provide a list of trial experience, including the county, court, defendant's name, case number, charge code and degree of the case, whether the case was a jury trial or bench trial, and whether you sat first chair (lead counsel) or second chair (co-counsel).

I certify the above information is true and correct and that I am qualified to accept appointments in the above requested sections. I understand that any appointment by the Court to represent indigent defendants in criminal cases in the Court of Common Pleas of Wood County, Ohio, will be at the rate of compensation as set forth in the schedule adopted by the Board of Wood County Commissioners for appointed counsel.

Attorney Signature

Date

Please return this completed form to:

Allison Huffine
Assistant Court Administrator
Wood County Common Pleas Court
1 Courthouse Square
Bowling Green, OH 43402
ahuffine@woodcountyohio.gov

Attorney Qualifications for County Reimbursement, Appeals - Adults

Pursuant to Ohio Administrative Code section 120-1-10, appointed counsel must meet these requirements in order to qualify for state reimbursement. The state public defender may refuse to reimburse the county for cases on which appointed counsel do not meet these requirements.

Adult cases	Training*	Experience**
Misdemeanors, 4th and 5th degree felonies	Minimum six hours CLE in criminal or appellate practice and procedure OR Successful completion of clinical education program focusing on appellate practice	In lieu of required training, at least one year of experience as an attorney
3rd degree felonies	Within two years prior to appointment, minimum 12 hours CLE in criminal practice and procedure, at least six of which must be in appellate practice	At least one year of experience as attorney practicing in appellate law AND Within six years preceding appointment, filed appeals in three cases resolved by plea OR one appeal of a case resolved by trial
1st and 2nd degree felonies	Within two years prior to appointment, minimum 12 hours CLE in criminal practice and procedure, at least six of which must be in appellate practice	At least two years of experience as attorney practicing in appellate law AND Within 10 years preceding appointment, filed appeals in three cases resolved by trial
Cumulative sentences of 25 years or more (whether eligible or ineligible for parole)	Within two years prior to appointment, minimum 12 hours CLE in criminal practice and procedure, at least six of which must be in appellate practice	At least five years of experience as an attorney practicing in appellate law AND Within 10 years preceding the appointment, filed appeals in five cases resolved by trial

*CLE hours must be certified by the Ohio Supreme Court commission on continuing legal education.

** A case in which an *Anders* brief was filed may not be counted as prior experience.

Attorney Qualifications for County Reimbursement, Felony Cases

Pursuant to Ohio Administrative Code section 120-1-10, appointed counsel must meet these requirements in order to qualify for state reimbursement. The state public defender may refuse to reimburse the county for cases on which appointed counsel do not meet these requirements.

Felony Experience		Training*	Experience
4th and 5th degree		Within two years prior to appointment, minimum 12 hours CLE in criminal practice and procedure	At least one year of experience in criminal law
3rd degree		Within two years prior to appointment, minimum 12 hours CLE in criminal practice and procedure	At least one year of experience in criminal law AND Within six years preceding appointment, experience as lead trial counsel in at least one criminal jury trial OR as co-counsel in at least two jury trials
1st and 2nd degree, aggravated murder without death penalty specifications, and murder		Within two years prior to appointment, minimum 12 hours CLE in criminal practice and procedure	At least three years of experience in criminal law AND Within 10 years preceding appointment, experience as lead trial counsel in two criminal jury trials, at least one of which involved felony charges OR as lead counsel in one felony jury trial and as co-counsel in two additional jury trials
Life-sentence cases**		Within two years prior to appointment, minimum 12 hours CLE in criminal practice and procedure	At least five years of experience in criminal law AND Within 10 years preceding appointment, experience as lead trial counsel in five felony jury trials, at least three of which involved felony charges of the 1st or 2nd degree OR as lead counsel in three jury trials, at least one of which was a 3rd degree felony and as co-counsel in five additional jury trials, at least three of which were 1st or 2nd degree felonies
Felony OVI		Within two years prior to appointment, minimum 12 hours CLE in criminal practice and procedure at least six of which must be focused on OVI practice and procedure	

*CLE hours must be certified by the Ohio Supreme Court commission on continuing legal education.

**Any case where the defendant is charged with any felony that carries a potential sentence of life imprisonment, whether eligible or ineligible for parole

Attorney Qualifications for County Reimbursement, Capital Cases

Pursuant to Ohio Administrative Code section 120-1-10, appointed counsel must meet these requirements in order to qualify for state reimbursement. The state public defender may refuse to reimburse the county for cases on which appointed counsel do not meet these requirements.

Death specification *	Training**	Experience
Lead trial counsel	<p>Must meet qualifications of Supreme Court Rules for Appointment of Counsel in Capital Cases (formerly Rule 20)</p> <p style="text-align: center;">AND</p> <p>Must appear on list of attorneys qualified to accept appointments in capital cases promulgated by the Commission on Appointment of Counsel in Capital Cases (formerly the Rule 20 Commission) OR must have a waiver of pre-qualification issued by the Commission on Appointment of Counsel in Capital Cases (formerly the Rule 20 Commission)</p>	<p>At least five years of criminal litigation experience</p> <p style="text-align: center;">AND</p> <p>Experience as lead counsel for the defense in jury trial of at least one capital case OR experience as co-counsel for the defense in jury trial of at least two capital cases</p> <p style="text-align: center;">AND</p> <p>Within 10 years preceding appointment, experience as lead counsel in jury trial of at least one murder or aggravated murder case OR within five years preceding appointment, experience as lead counsel in three aggravated or first or second degree felony jury trials</p>
Trial co-counsel	<p>Must meet qualifications of Supreme Court Rules for Appointment of Counsel in Capital Cases (formerly Rule 20)</p> <p style="text-align: center;">AND</p> <p>Must appear on list of attorneys qualified to accept appointments in capital cases promulgated by the Commission on Appointment of Counsel in Capital Cases (formerly the Rule 20 Commission) OR must have a waiver of pre-qualification issued by the Commission on Appointment of Counsel in Capital Cases (formerly the Rule 20 Commission)</p>	<p>At least three years of criminal litigation experience</p> <p style="text-align: center;">AND</p> <p>Within 10 years preceding appointment, experience as co-counsel in one murder or aggravated murder jury trial OR within five years preceding appointment, experience as lead counsel in one first or second degree felony jury trial OR within five years preceding appointment, experience as lead or co-counsel in at least two felony jury or civil jury trials</p>

*These requirements apply in any case in which a defendant is charged with aggravated murder with death penalty specifications, including cases in which the defendant is a juvenile or is otherwise precluded from being sentenced to death.

**CLE hours must be certified by the Ohio Supreme Court commission on continuing legal education.

FINANCIAL DISCLOSURE FORM

(\$25.00 application fee may be assessed—see notice on reverse side)

I. PERSONAL INFORMATION

Applicant's Legal Name		Applicant's Preferred Name and Pronoun		D.O.B.
Mailing Address			City	
State	Zip Code	Case No.	Phone	Cell Phone
SSN Last 4	Gender	Race (double-click to de-select)		
		<input type="checkbox"/> American Indian or Alaska Native <input type="checkbox"/> Asian <input type="checkbox"/> Black or African American <input type="checkbox"/> Native Hawaiian or Pacific Islander <input type="checkbox"/> Spanish or Latino <input type="checkbox"/> White <input type="checkbox"/> Other		

II. OTHER PERSONS LIVING IN HOUSEHOLD

Name 1)	D.O.B.	Relationship	Name 3)	D.O.B.	Relationship
2)			4)		

III. PRESUMPTIVE ELIGIBILITY

The appointment of counsel is presumed if the person represented meets any of the qualifications below. Please place an 'X'

Ohio Works First / TANF: ___ SSI: ___ SSD: ___ Medicaid: ___ Poverty Related Veterans' Benefits: ___ Food Stamps: ___

Refugee Settlement Benefits: ___ Incarcerated in state penitentiary: ___ Committed to a Public Mental Health Facility: ___

Other (please describe): _____ Juvenile: ___ (if juvenile, please continue at Section VIII)

IV. INCOME AND EMPLOYER

	Applicant	Spouse <small>(Do not include spouse's income if spouse is alleged victim)</small>	Total Income
Gross Monthly Employment Income	\$	\$	\$
Unemployment, Worker's Compensation, Child Support, Other Types of Income	\$	\$	\$
TOTAL INCOME			\$

Employer's Name: _____ Phone Number: () _____ - _____

Employer's Address: _____

V. LIQUID ASSETS

Type of Asset	Estimated Value
Checking, Savings, Money Market Accounts	\$
Stocks, Bonds, CDs	\$
Other Liquid Assets or Cash on Hand	\$
Total Liquid Assets	\$

VI. MONTHLY EXPENSES

Type of Expense	Amount	Type of Expense	Amount
Child Support Paid Out	\$	Telephone	\$
Child Care (if working only)	\$	Transportation / Fuel	\$
Insurance (medical, dental, auto, etc.)	\$	Taxes Withheld or Owed	\$
Medical / Dental Expenses or Associated Costs of Caring for Infirm Family Member	\$	Credit Card, Other Loans	\$
Rent / Mortgage	\$	Utilities (Gas, Electric, Water / Sewer, Trash)	\$
Food	\$	Other (Specify)	\$
EXPENSES	\$	EXPENSES	\$

VII. DETERMINATION OF INDIGENCY

If applicant's Total Income in Section IV is at or below 187.5% of the Federal Poverty Guidelines, counsel must be appointed.

For applicants whose Total Income in Section IV is above 125% of the Federal Poverty Guidelines, see recoupment notice in Section XI.

If applicant's Liquid Assets in Section V exceed figures provided in OAC 120-1-03, appointment of counsel may be denied if applicant can employ counsel using those liquid assets.

If applicant's Total Income falls above 187.5% of Federal Poverty Guidelines, but applicant is financially unable to employ counsel after paying monthly expenses in Section VI, counsel must be appointed.

VIII. \$25.00 APPLICATION FEE NOTICE

By submitting this Financial Disclosure Form, you will be assessed a non-refundable \$25.00 application fee unless waived or reduced by the court. If assessed, the fee is to be paid to the clerk of courts within 7 days of submitting this form to the entity that will make a determination regarding your indigency. No applicant may be denied counsel based upon failure or inability to pay this fee.

IX. APPLICANT CERTIFICATION

I, _____ (applicant or alleged delinquent child) state:

1. I am financially unable to retain private counsel without substantial hardship to me or my family.
2. I understand that I must inform the public defender or appointed attorney if my financial situation should change before the disposition of the case(s) for which representation is being provided.
3. I understand that if it is determined by the county or the court that legal representation should not have been provided, I may be required to reimburse the county for the costs of representation provided. Any action filed by the county to collect legal fees hereunder must be brought within two years from the last date legal representation was provided.
4. I understand that I am subject to criminal charges for providing false financial information in connection with this application for legal representation, pursuant to Ohio Revised Code sections 120.05 and 2921.13.
5. I hereby certify that the information I have provided on this financial disclosure form is true to the best of my knowledge.

Signature

Date

X. JUDGE CERTIFICATION

I hereby certify that the above-noted applicant is unable to fill out and/or sign this financial disclosure for the following reason: _____. I have determined that the party represented meets the criteria for receiving court-appointed counsel.

Judge's Signature

Date

XI. NOTICE OF RECOUPMENT

ORC. §120.03 allows for county recoupment programs. Any such program may not jeopardize the quality of defense provided or act to deny representation to qualified applicants. No payments, compensation, or in-kind services shall be required from an applicant or client whose income falls below 125% of the federal poverty guidelines. See OAC 120-1-05.

Through recoupment, an applicant or client may be required to pay for part of the cost of services rendered, if he or she can reasonably be expected to pay. See ORC §2941.51(D)

XII. JUVENILE'S PARENTS' INCOME* – FOR RECOUPMENT PURPOSES ONLY – NOT FOR APPOINTMENT OF COUNSEL

	Custodial Parents' Income (Do not include parents' income if parent or relative is alleged victim)	Total
Employment Income (Gross)	\$ _____	\$ _____
Unemployment, Workers Compensation, Child Support, Other Types of Income	\$ _____	\$ _____
	TOTAL INCOME	\$ _____

*Please complete Section VI on page 1 of this form if you would like the court to consider your monthly expenses when determining the amount of recoupment which you can reasonably be expected to pay.

MOTION, ENTRY, AND CERTIFICATION FOR APPOINTED COUNSEL FEES

In the _____ Court of _____, Ohio

Plaintiff: _____ Case No. _____

Appellate Case No. (if app.) _____

v.

Defendant/Party Represented _____

Capital Offense Case (check if Capital Offense case)

Guardian Ad Litem (check if appointed as GAL)

In re: _____ Judge: _____

MOTION FOR APPROVAL OF PAYMENT OF APPOINTED COUNSEL FEES AND EXPENSES

The undersigned having been appointed counsel for the party represented moves this Court for an order approving payment of fees and expenses as indicated in the itemized statement herein. I certify that I have received no compensation in connection with providing representation in this case other than that described in this motion or which has been approved by the Court in a previous motion, nor have any fees and expenses in this motion been duplicated on any other motion. I, or an attorney under my supervision, have performed all legal services itemized in this motion.

Periodic Billing (check if this is a periodic bill)

As attorney/guardian ad litem of record, I was appointed on _____, _____. This case terminated and/or was disposed of on _____, _____. I am submitting this application on _____, _____.

Name _____ Signature _____

Address _____
No. and Street City State Zip OSC Reg. No. _____

SUMMARY OF CHARGES, HOURS, EXPENSES, AND BILLING

OFFENSE/CHARGE/MATTER <i>List only the three most serious charges</i>	ORC/CITY CODE	DEGREE	DISPOSITION
1.)			
2.)			
3.)			

Grand Total Hours and Expenses

<input type="checkbox"/> Flat Fee	Hrs:In _____	X Rate _____	= \$ _____	Travel Expenses	\$ _____
Min Fee	Hrs:Out _____	X Rate _____	= \$ _____	All Other Expenses	\$ _____
				Counsel Fees	\$ _____
				Grand Total	\$ _____

JUDGMENT ENTRY

The Court finds that counsel performed the legal services set forth on the itemized statement on the reverse hereof, and that the fees and expenses set forth on this statement are reasonable, and are in accordance with the resolution of the Board of County Commissioners of _____ County, Ohio relating to payment of appointed counsel, that all rules and standards of the Ohio Public Defender Commission and State Public Defender have been met.

IT IS THEREFORE ORDERED that counsel fees and expenses be, and are hereby approved, in the amount of \$ _____. It is further ordered that the said amount be, and hereby is, certified by the Court to the County Auditor for payment.

Extraordinary fees granted (copy of journal entry attached) Fees at or below cap have been reduced/denied (copy of journal entry attached)

Judge _____
Signature _____ Date _____

CERTIFICATION

The County Auditor, in executing this certification, attests to the accuracy of the figures contained herein. A subsequent audit by the Ohio Public Defender Commission and/or Auditor of the State which reveals unallowable or excessive costs may result in future adjustments against reimbursement or repayment of audit exceptions to the Ohio Public Defender Commission.

County Number _____ Warrant Number _____ Warrant Date _____

County Auditor _____

RESOLUTION NO. 20-01606

In the matter of establishing fee schedule) County Commissioners' Office,
for appointed counsel reimbursement) Wood County, Ohio,
pursuant to Section 120.33(A)(3) of the) December 31, 2020
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, in the most recent state budget, the Ohio State Legislature made significant improvements to state funding of the Indigent Defense System; 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. The Board of County Commissioners desires to revise its fee schedule for appointed counsel services; 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 must establish a schedule of fees for appointed counsel services by resolution and file said resolution with the OPB; therefore, be it

RESOLVED, by the Board of County Commissioners, Wood County, Ohio that the attached Wood County Fee Schedule and Guidelines for Appointed Counsel Reimbursement 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 the Clerk of the Board of Commissioners shall promptly file a copy of this resolution and the attached Wood County Fee Schedule for Appointed Counsel Reimbursement with the Office of the Ohio Public Defender; 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 new Wood County Fee Schedule and Guidelines for Appointed Counsel Reimbursement shall be February 1, 2021.

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

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

Attest: Sandy A. Grogg
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
Mary Bodey, Court Administration
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 \$125.00 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 \$125 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 \$125 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

C. 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 \$125.00 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 \$125 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	\$3,000

(degrees 1-2) Trial	
26(B) Murnahan Felony (degree 3) Trial	\$2,000
26(B) Murnahan Felony (degrees 4-5) Trial	\$1,000
OSC Jurisdiction Memorandum	\$1,500

D. 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 \$125.00 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 \$125 with no fee maximum.
Felony (degrees 1-2) (R.C. 2953.21 Petition/New Trial Mtn)	\$4,000
Felony (degree 3) (R.C. 2953.21 Petition/New Trial Mtn)	\$2,500
Felony (degrees 4-5) (R.C. 2953.21 Petition/New Trial Mtn)	\$1,750
Misdemeanor (60(B))	\$1,500
Juvenile	\$2,500

State Habeas	\$1,500
Expungement	\$300
Judicial Release	\$500
Revocation	\$750
Driving Privileges	\$150
NGRI/Comp Review	\$750
Jail Time Credit	\$300
Resentencing	\$500
Sex Offender Reclassification	\$750
Withdrawal of Guilty Plea	\$1,000

E. 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.

F. 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.

G. 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.

H. Effective Date

1. The effective date of this Wood County Fee Schedule and Guidelines for Appointed Counsel Reimbursement is **February 1, 2021** and only invoices submitted to the court after this effective date will be eligible for the fees established herein.