

Rule 11: PLEADINGS AND MOTIONS BEFORE TRIAL: DEFENSES AND OBJECTIONS OR SERVICE AND FILING OF PLEADINGS AND OTHER PAPERS SUBSEQUENT TO ORIGINAL COMPLAINT

In compliance with Civil Rule 5 and Criminal Rule 12, filings will be accepted in three formats: In person at the Clerk of Courts; Facsimile; Electronic.

Rules previously applied shall remain in full force and effect.

1. In person filings and filings received by mail or delivery will continue under current procedures.
 - a. All filings to be presented during hours of operation of the Clerk of Courts.
 - b. Clerk of Court will immediately file documenting the exact date and date received.
 - c. Filer will be returned all copies supplied for filing and must provide service upon all parties unless requested and copies of service are provided to the Clerk of Courts, the Clerk of Courts will then serve filings upon parties by direct service or U.S. mail.
 - d. A courtesy copy must be presented to the Court by personal service or electronic mail to the Court Administrator.
 - e. Clerk of Courts will retain the original copy, scan the copy for electronic records, place the hard copy in the corresponding file, and provide the file to the Court.
 - f. Filing fees will be assessed to the case when applicable.

2. Facsimile Filing
 - a. Facsimile Filings are only accepted after the initial filing in the case.
 - b. Subpoenas will not be accepted as facsimile filings.
 - c. Filer will submit by facsimile the documents to be filed, not to exceed ten (10) pages in length.
 - d. Filings can be submitted at any time. Acceptance of facsimile filings will be between the hours 8:30 a.m. and 4:15 p.m. on business days. Filings submitted after 4:15 or on non-business days will be accepted the next business day in which the Clerk of Courts is operational.

- e. Clerk of Courts will retain the original faxed copy, scan the copy for electronic records, place the hard copy in the corresponding file, and provide the file to the Court.
- f. Filer is responsible for confirming submission and acceptance of the documents.
- g. Filer will be responsible for accessing the filed copy on-line and must provide service upon all parties.
- h. A courtesy copy must be presented to the Court by personal service or electronic mail to the Court Administrator.
- i. Filing fees will be assessed to the case when applicable.

3. Electronic Filing

- a. Electronic filings are only accepted after the initial filing in the case as to Criminal proceedings. Civil filings can be initiated by electronic filing.
- b. Subpoenas will not be accepted as electronic filings.
- c. Only persons registered through EFM will be permitted to electronically file.
- d. Persons new to the jurisdiction must contact the Clerk of Court prior to creating an account on the system. The Clerk of Courts must accept the registration before a person can electronically file.
- e. Filings can be submitted at any time. Acceptance of electronic filings will be between the hours 8:30 a.m. and 4:15 p.m. on business days. Filings submitted after 4:15 or on non-business days will be accepted the next business day in which the Clerk of Courts is operational.
- f. The Clerk of Courts can reject or accept a filing. A filing that is rejected will be returned to the filer with reasons for the rejection. The filer will be permitted to resubmit the filing. The final filing date will be determined by the acceptance of the filing by the Clerk of Courts.
- g. Clerk of Courts will maintain the electronic record of the filing, print, and place the hard copy in the corresponding file, and provide the file to the Court.
- h. Failure of the system resulting in failure of filing is not the responsibility of the Clerk of Courts, filer is responsible for confirming submission and

acceptance of the documents.

- i. A courtesy copy must be presented to the Court by personal service or electronic mail to the Court Administrator.
- j. Filing fees will be assessed to the case when applicable.
- k. A service fee (not associated with the Clerk of Courts) may apply.

RE: REVISED MAXIMUM FEE SCHEDULE FOR SERVICES OF ASSIGNED COUNSEL FOR INDIGENT PERSONS

Trial Level Proceedings

Reimbursement for representation in trial level cases not involving a death penalty specification shall be on the basis of \$75.00 per hour for time in Court and \$75.00 per hour for time out of Court.

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.

The prescribed maximum fees permitted in trial level proceedings are:

<u>Offense/Proceeding</u>	<u>Fee Maximum</u>
Aggravated murder (w/specs) per <u>R.C. 2929.04(A)</u> and <u>R.C. 2941.14(B)</u>	As set by Capital Fee Council – see <u>R.C. 120.33(D)</u> . 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)	\$1,000
Misdemeanor OVI/BAC	\$1,000
Violation (Probation/Community Control)	\$750
Preliminary Hearings	\$300

Juvenile proceedings:

Reimbursement for representation in juvenile proceedings shall be on the basis of \$75.00 per hour for time in Court and \$75.00 per hour for time out of Court.

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.

The prescribed maximum fees permitted in juvenile level proceedings are:

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Aggravated murder (w/specs) per <u>R.C. 2929.04(A)</u> and <u>R.C. 2941.14(B)</u>	As set by Capital Fee Council – see <u>R.C. 120.33(D)</u> . 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

Domestic Relations proceedings:

Reimbursement for representation in contempt proceedings shall be on the basis of \$75.00 per hour for time in Court and \$75.00 per hour for time out of Court.

Contempt of Court	\$500
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Reimbursement for guilty or no contest pleas shall be on the basis of \$75.00 per hour for time in Court and \$75.00 per hour for time out of Court up to the prescribed maximum amounts for each classification, or if selected by the board of commissioners, at a flat rate for non-homicide felonies, misdemeanors, and juvenile proceedings.

Additional payment shall be made for extra-ordinary cases when approved by Judge presiding in the case, because of extra-ordinarily complex issues, multiple offenses, multiple defendants, unusual number of pre-trial motion hearings, lengthy trials or other reasons.

Payment will be made for all expenses that in the discretion of the Court are reasonably related and necessary to the defense of an indigent client. These expenses include but are not limited to transcripts, expert advice and testimony, polygraph examinations, phone calls and photocopying. Payment for these expenses is limited by the following conditions:

The expenses for expert witnesses, polygraph examinations, investigators, non-expert regular witnesses and travel, food and lodging must have prior approval from the assigned Judge presiding over the proceeding.

Travel expenses may be paid subject to the following conditions:

Attorney fees for time spent in-transit and expenses for mileage and parking are reimbursable only when the attorney travels to a city outside of the city in which the attorney resides or maintains an office. Reimbursement will not be made for attorney fees and/or expenses incurred between the attorney's home and office, the attorney's home and a court in the same city, or the attorney's office and a court in the same city. Except as limited by this section, an attorney may bill for hours spent in-transit between a specified point or departure and destination. Once the destination has been reached, the attorney may not bill for hours spent at the destination as hours in-transit. Hours spent working on a case at a specified destination, however, may be billed accordingly.

Payment for travel by personal automobile shall be made at \$.67 per mile or at the current Ohio Public Defender rate.

All expenses submitted for reimbursement which exceed \$1.00, must be documented by proper receipts all of which shall be attached to the OPD 1026R (R95).

Should you have a Court approved expert on related expense, you must submit along with the OPD 1026R form, the Request for Court Paid Experts and/or Expenses form (OPD 209) which must include the payees tax ID number and W9.

No payment will be made for fees or costs incurred which are subject to waiver due to the indigency of the client.

An assigned counsel is entitled to one fee when one proceeding is held for a single defendant on charges or counts arising out of a single incident of criminal conduct or a series of related criminal incidents, providing for extra-ordinary fees. Request for fees under multiple case numbers must be submitted on one OPD 1026R

All cases involving multiple charges in which one fee is payable, the fee shall be set corresponding to the highest degree of offense charged.

All motion, entry and certification forms must be signed by the judge hearing the case for which the reimbursement request is being made. The Ohio Public Defender has discretion to allow the

signing of the form by the administrative judge for a particular case in the event the judge hearing the case is unavailable to sign, when the judge is a visiting judge, or for other acceptable reasons.

Completed OPD 1026R forms shall be submitted by counsel to the appropriate Court's designee not more than 30 days after disposition of the case.

Any matters not specifically addressed in this resolution shall be determined by the Administrative Judge of the Common Pleas Court in accordance with the current Ohio Public Defenders Standards and Guidelines and State Maximum Fee Schedule.

Adopted January 25, 2024

RE: REVISED MAXIMUM FEE SCHEDULE FOR SERVICES OF ASSIGNED COUNSEL FOR INDIGENT PERSONS

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