

## **Billing Rules and Procedures**

Updated June 2018

The felony criminal practice roster is divided into three classifications. Effective December 1, 2014 the Court approves the attorney classifications as follows:

**LEVEL A:** Level A attorneys are eligible to receive appointments for any felony offense with a penalty of up to life or any term of years. Generally, that equates to Murder, A, and B Class felonies. Level A attorneys are eligible to request appointments to Level B and Level C cases, and bill at the level of that case.

**LEVEL B:** In general, Level B offenses will be felony cases with a penalty up to 15 years maximum, generally Felony Class D & C crimes. Level B attorneys are eligible to request appointment to Level C cases and bill at the C Level.

**LEVEL C:** Level C attorneys are eligible to receive appointments for any felony carrying a maximum of 5 years or less, generally Felony Class E – H.

- Vouchers forms are located on the Eaton County website and can be found under: Courts → Eaton County Courts Home Page → Court Appointed Attorney Vouchers.
- Vouchers should be **typed** (not hand written). To avoid delays in processing, vouchers should be filled out completely, including: date, invoice number, vendor #, etc...
- Completed vouchers should be attached to an email and forwarded to either:  
Amy Etzel: [aetzel@eatoncounty.org](mailto:aetzel@eatoncounty.org) or Beryl Frenger: [bfrenger@eatoncounty.org](mailto:bfrenger@eatoncounty.org)
- Only 1 voucher should be submitted per email.

**Eligibility:**

To be eligible to be on the felony criminal rosters, attorneys must be a member in good standing with the Michigan State Bar Association and must have their residence or principal office within Eaton County.

**Representation:**

Counsel must personally appear for and represent the defendant at each stage of the case through sentencing. Withdrawal and substitution of counsel will be granted by the District Court Judge assigned to the case while at the District Court level and by the Circuit Court Judge assigned to the case while at the Circuit Court level. If new counsel is retained, the stipulation must indicate that retained counsel is replacing court-appointed counsel.

Temporary substitution of counsel for a specific event requires approval of the assigned District Court Judge at the District Court level or the assigned Circuit Court Judge at that Circuit Court level.

**Fee Schedule:**

The fee schedules for A, B, and C Level vouchers are approved by the Judges of the 56<sup>th</sup> Circuit Court and are effective for appointments made on or after December 1, 2014. Voucher levels are selected based on original charges in a case. A case charged as habitual, would NOT change the voucher to a higher level.

**Submission of voucher:**

Counsel shall submit vouchers promptly at the conclusion of the case – within 45 days. The case is considered concluded upon sentencing, acquittal, scheduling of a delayed sentence, or assignment of YTA status. Vouchers submitted prior to the conclusion of the case must provide explanation. Vouchers received after the 15<sup>th</sup> of the month may not allow sufficient time for processing and payment the following month.

- Following the fiscal year end (September 30<sup>th</sup>), vouchers should be separated, however still submitted upon completion of the case. One voucher should include all fees prior to October 1<sup>st</sup> and a second voucher should include all fees beginning October 1<sup>st</sup> and after. In this instance, both vouchers can be submitted within the same email. Upon the fiscal years closing, counsel will be notified when the separating of vouchers is no longer required.

**Multiple Cases:**

The fee schedules implement the policy of payment by service level. Counsel will be paid for representing a qualified defendant notwithstanding the number of cases involved. The basic fee will be paid for all cases when subsequent appointments are made during the pendency of the first case. Multiple cases handled together at the same appearance will generate one event fee, using the highest paying fee for the events held.

**Extraordinary Expenses/Costs:**

Counsel must have the *prior approval* of the assigned judge or Chief Judge for any requested extraordinary expenses/costs. If an *ex parte* motion for reimbursement or for extraordinary expenses is filed, it must specify the reasons why the advance costs are necessary or why the request is extraordinary. A copy of the motion and order or verification of approval must accompany the voucher at the time of submission for payment.

**Basic Fee:**

This is a one-time payment which includes conference with the client, witnesses, and office preparation. It varies upon whether the client was in or out of jail at the time of the appointment.

For occasions when retained counsel has been made on a case prior to appointed counsel's first appearance, counsel will be paid at a rate of ½ the basic fee. When instances occur and retained counsel is made shortly after the first court appearance, approval for reimbursement of the full basic fee will be determined by the court on a case by case approach.

**Required Voucher/Computed Amounts:**

Counsel shall submit requests for payment on a voucher form approved and supplied by the court. Vouchers must be submitted in the format specified by the court and counsel should be prepared to submit electronically. Payment rates are to be billed and the fee computed at the applicable case type rate at each stage of the proceedings. If two or more events are held at the same court appearance, for the same defendant, counsel will be paid only one event fee, using the highest paying fee for the events held. NOTE: counsel is limited to billing 1 Probable Cause Conference (PCC) and 1 Preliminary Examination (PE). Any adjournment of a PCC or PE will be billed as a Hearing Adjourned. Counsel is limited to billing for 1 Circuit Court Status Conference (SC), unless approved in advance by the presiding Circuit Judge. Generally, an adjourned SC will be billed as a Hearing Adjourned. Billings for hourly rates, when authorized, shall include a detailed breakdown of hours, to the nearest 1/10 of an hour.

**Arraignment:**

Counsel will not be paid for arraignment in District Court or Circuit Court or for long distance telephone calls. Counsel is required to file a written waiver of arraignment for Circuit Court arraignments unless the defendant intends to enter a plea at arraignment.

**Probable Cause Conference (PCC) and Preliminary Examination (PE):**

Only one PCC and one PE may be billed for each case. An adjourned PCC or PE is billed at the rate for an Adjourned Hearing.

**Hearing Adjourned:**

Counsel will be reimbursed for hearing adjournments when an appearance is made in court.

**Motions:**

Counsel will be reimbursed for Motions other than those at the time of trial or PE. An adjourned motion hearing is billed at the rate of an Adjourned Hearing. Ordinarily, instances when preparation of a motion for HYTA, 7411, or 769.4a probation is made; this hearing often coincides with the sentencing hearing. In these instances, counsel will only be paid for the sentencing hearing.

**Service of Process/Witness Fees:**

Reimbursements for service of process or witness fees shall be paid as extraordinary expenses, but unlike expert witnesses, do not require advance approval.

**Probation/Bond Violations/PPO Violations:**

Counsel shall be reimbursed for probation violations at a flat fee of \$100.00 for representation. Bond Violations and PPO Violations shall be reimbursable at a flat fee per case and vary according to voucher level. An adjourned Probation/Bond Violation/PPO Violation hearing is billed at the rate of an adjourned hearing when an appearance is made in court.

**Mileage:**

Mileage is not normally reimbursed, unless under extraordinary circumstances and only upon prior approval by the assigned judge or Chief Judge.

**Trial Preparation:**

Counsel must receive the *prior approval* of the assigned judge or Chief Judge for any requested trial preparation fees on A level vouchers or when a trial is not held. An explanation of services must accompany this request.

**Review of Body Camera Video:**

Reimbursement for the reviewing of body camera video will be based on submissions made in quarter hour increments. The rate of reimbursement is \$50 per hour. Billing submitted over 5 hours must receive *prior approval* of the assigned judge or Chief Judge.