



2015-2016 General Assembly

HOUSE BILL 1030: 2016 Appropriations Act, Sec. 19A.4: Uniform Fee Schedule for Indigent Defense Services Pilot Project

Committee:
Introduced by:
Analysis of: Sec. 19A.4 of S.L. 2016-94

Date: August 19, 2016
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OVERVIEW: *Sec. 19A.4 of S.L. 2016-94 directs the Administrative Office of the Courts, in conjunction with the Office of Indigent Defense Services and certain judicial districts, to develop and implement a pilot project to create a uniform fee schedule for the payment of attorney fees for the representation of indigent persons. It is the intent of the General Assembly that the fee schedule provides the necessary funding to cover the cost of legal representation for indigent persons in the participating judicial districts.*

This section became effective July 1, 2016.

BILL ANALYSIS:

Authorization. – Subsection (a) of this section directs the Administrative Office of the Courts (AOC), in conjunction with the Office of Indigent Defense Services and the chief district court judges of the judicial districts selected for the pilot to establish and implement a pilot project to create a uniform fee schedule for the payment of attorney fees for legal representation of indigent persons in district court. Provides that the purposes are to more adequately cover costs associated with representing indigent persons and create a standard to compare and evaluate attorney fees in certain actions in district court.

Sites. – Subsection (b) of this section authorizes AOC to select sites for the project as follows:

- Excluding Districts 10, 18, and 26, AOC shall select one or more counties in at least six judicial districts to implement the pilot project: two of these judicial districts must have small case-loads, two must have court case-loads, and two must have large case-loads.

Criteria. – Subsection (c) of this section provides that the following criteria shall be considered in developing a fee schedule:

1. The amount required to cover the full cost of providing adequate legal services and representation to indigent persons.
2. The procedure for and time-frame within which attorney fees shall be awarded.
3. A methodology that provides for review of the uniform fee schedule at least every biennium and that incorporates appropriate increases in the uniform fee schedule based on the information from the review.
4. Any other criteria deemed relevant by AOC.

Time Frame. – Subsection (d) of this section sets out the following time-frame for the development and implementation of the project:

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- Selection of judicial districts by February 1, 2017.
- Complete development of fee schedule by March 1, 2017.
- Begin implementation of pilot project by April 1, 2017.

Report. – Subsection (e) of this section requires AOC to report to the chairs of Justice and Public Safety Oversight Committee by May 1, 2017 regarding the selection of judicial districts and development of the fee schedule and by March 15, 2018 regarding the results of the project. Subsequent reports are required regarding the project every two years after the initial report.

EFFECTIVE DATE: This section became effective July 1, 2016.

** Nicole DuPre, Attorney for Bill Drafting, substantially contributed to this summary.*