

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control No. _____ Department or Agency: Office of Indigent Defense Services

Rule No. 355-9-1-.06

Rule Title: Billing Standards

X New _____ Amend _____ Repeal _____ Adopt by Reference _____

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? NO

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? YES

Is there another, less restrictive method of regulation available that could adequately protect the public? NO

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? NO

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? NO

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? YES

Does the proposed rule have an economic impact? NO

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of certifying officer M. M. M. M.

Date 9/16/15

(DATE FILED)
(STAMP)

DEPARTMENT OF FINANCE
Office of Indigent Defense Services

NOTICE OF INTENDED ACTION

AGENCY NAME: Department of Finance – Office of Indigent Defense Services

RULE NO. & TITLE:

- (1) 355-9-1-.04 – Time Limit for Submission of Attorney Fee Declarations to OIDS
- (2) 355-9-1-.05 – Dispute Resolution Process Regarding Attorney Fee Declaration
- (3) 355-9-1-.06 – Billing Standards

INTENDED ACTION: New Rules for OIDS

SUBSTANCE OF PROPOSED ACTION: The new rules (1) explain the statutory time limits for submission of fee declarations, (2) set out the process for dispute resolution regarding fee declarations, (3) set out the standards and requirements for billing submitted on fee declarations.

TIME, PLACE, MANNER OF PRESENTING VIEWS:

Views on this intended action may be presented by telephone to Mose Stuart at (334) 242-4516. Written views may be submitted to:

Mose Stuart
Department of Finance – Legal Division
Third Floor, State Capitol Building
Montgomery, Alabama 36130
By email: mose.stuart@finance.alabama.gov

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

Thursday, November 5, 2015

CONTACT PERSON AT AGENCY: Mose Stuart



Mose Stuart
Senior Associate Counsel

355-9-1-.06 Billing Standards.

(a) Time recorded on a fee itemization submitted with a fee declaration form shall be in increments of 0.10 hours (six minutes), as follows:

1 to 6 minutes – 0.1 hours
7 to 12 minutes – 0.2 hours
13 to 18 minutes – 0.3 hours
19 to 24 minutes – 0.4 hours
25 to 30 minutes – 0.5 hours
31 to 36 minutes – 0.6 hours
37 to 42 minutes – 0.7 hours
43 to 48 minutes – 0.8 hours
49 to 54 minutes – 0.9 hours
55 to 60 minutes – 1.0 hours

(b) Opening, closing, and final billing of a case file will be paid a maximum of 0.5 hours in total. Should the total time for the aforementioned activities exceed 0.5 hours due to circumstances beyond the control of the attorney or for other reason, the attorney may petition the director to approve payment of time in excess of 0.5 hours.

(c) Time spent by qualified law clerk or paralegal working at the direction of appointed counsel must be billed at the paralegal rate of \$20.00 per hour.

(d) An Attorney other than appointed counsel may bill at the statutory rate on the indigent matter provided that; (1) the attorney is working at the direction of appointed counsel; (2) the attorney's assistance was required by circumstances beyond the control of appointed counsel and (3) the name of the attorney must be noted on the fee declaration.

(e) In juvenile and youthful offender cases, names or any personally identifiable information of the child or parties to the matter must be redacted. Fee declarations containing this information, including uploaded supporting documents, will be denied and appointed counsel must re-file for payment.

(f) Non-overhead expenses in excess of \$300.00 must be approved by court order in advance of being incurred. To be reimbursed, appointed counsel must submit a fee declaration supported by copy of court order, invoices and receipts. Non-overhead expenses may be billed on an interim basis. All reimbursement will be in accordance with Alabama Law and The State of Alabama Fiscal Policy and Procedure.

Author: C. Roberts

Authority: Code of Ala. 1975, § 41-4-322(h).

History: Filed September 16, 2015