

RESOLUTION APPROVING AMENDMENT TO RESOLUTION 2020-294 FOR ASSIGNED COUNSEL FEES FOR CRIMINAL WORK FOR INDIGENT DEFENDANTS, ASHTABULA COUNTY

WHEREAS, On January 12, 1976 the Board of Ashtabula County Commissioners adopted a resolution to pay assigned counsel for criminal work for indigent defendants in Ashtabula County; and

WHEREAS, Subsequently, said Board did amend this resolution on January 27, 1986 by Resolution No. 86-102, on December 18, 1995 by Resolution No. 95-1688; on May 23, 1996 by Resolution No. 96-667 and on October 4, 2005 by Resolution No. 2005-801; on August 23, 2016 by Resolution No. 2016-2017; on September 20, 2016 by Resolution No. 2016-241; on August 8, 2017 by Resolution No. 2017-225; on April 17, 2018 by Resolution No. 2018-123; on July 23, 2019 by Resolution No. 2019-256 and on September 29, 2020 by Resolution 2020-294; and

WHEREAS, the Resolution needs to be amended to update language to be compliant and follow reimbursement rates with Standards and Guidelines as set by the State Public Defenders Office and to include Appendixes that will be updated when laws or fees change without the need for an amendment to the resolution, to-wit:

1. Timely Submission:

a. All fee schedules must be submitted to the Commissioners' Office along with all requested documentation no later than 30 days after the disposal date and /or in pending cases 30 days from the last date of service as well as the current and correct Fee form, (see APPENDIX A). If the necessary documentation is not received within the 30-day time frame, it will be considered late and the County will not be reimbursed by the State of Ohio. Any amounts not reimbursed by the State of Ohio for the reasons listed above will be deducted from amounts payable to the Assigned Counsel.

b. Necessary documentation includes: completed Assigned Counsel form- (including signatures of all interested parties and printed name of Judge), the most recent Affidavit of Indigency form- (must be signed by either the Applicant, Applicant's Authorized Representative or the Judge. If the Judge is signing on behalf of the Applicant a reason must be given.), all forms pertaining to the case, (i.e., Judgement Entry Order, if case is over maximum fees allowed or a Juvenile Proceeding) and any incurred expenses with copies of receipts or invoices attached.

c. When an attorney withdraws or is removed from a case, the fee schedule must be submitted to the Commissioner's Office along with all the required documentation no later the 30 days after the date the attorney withdrew or was removed.

d. Any and all submissions for payment made 30 days after the case closing date shall not be reimbursed by the County. All decisions are final.

2. General Provisions:

Reimbursement to the Assigned Counsel will be based on the most serious offense with which the defendant is charged. This must be clearly marked on the Assigned Counsel form when submitted. There will need to be (1) copy of the Assigned Counsel Form included with the original form and submitted to the Ashtabula County Commissioners for processing. If a copy of the original form is not attached, the original Assigned Counsel form will be returned, resulting in a delay of processing, possibly leading to the Assigned Counsel Form not being reimbursed.

3. Trial Level Proceedings:

a. Reimbursement for representation and guilty or no contest pleas will be made based on the maximum rate of \$50.00 per hour for out-of-court services and \$60.00 per hour for in-court services.

b. Representation in trial level cases involving a death penalty specification will be made based on the maximum rate of \$140.00 per hour for both in-court and out-of-court services, as set by Capital Fee Council – see R.C. 120.33(D) on the State of Ohio Public Defender’s website opd.ohio.gov.

c. Please see APPENDIX B for the list of Offense/Proceedings and Fee Maximums.

4. Juvenile Proceedings:

a. Reimbursement for representation of juvenile proceedings will be made based on the maximum rate of \$50.00 per hour for out-of-court services and \$60.00 for in-court services.

b. Representation in juvenile proceedings that involve a death penalty specification will be made based on the maximum rate of \$140.00 per hour for both in-court and out-of-court services, as set by Capital Fee Council – see R.C. 120.33(D) on the State of Ohio Public Defender’s website opd.ohio.gov.

c. Reimbursement will not be made for the cost of providing Court Appointed Special Advocates (CASA) or non-attorneys as guardian ad litem.

d. Please see APPENDIX C for the list of Offense/Proceedings and Fee Maximums.

5. Appellate Level Proceedings:

a. Reimbursement for representation in appellate level proceedings not involving a death sentence shall be made on the maximum rate of \$50.00 per hour for out-of-court services and \$60.00 for in-court services.

b. Representation in appellate level proceedings involving a death penalty specification will be made based on the maximum rate of \$140.00 per hour for both in-court and out-of-court services, as set by Capital Fee Council – see R.C. 120.33(D) on the State of Ohio Public Defender’s website opd.ohio.gov.

c. Please see APPENDIX D for the list of Offense/Proceedings and Fee Maximums.

6. Post-Conviction and Habeas Corpus Proceedings:

a. Reimbursement for post-conviction and state habeas corpus proceedings not involving a death sentence will be made based on the maximum rate of \$50.00 per hour for out-of-court services and \$60.00 for in-court services.

b. Representation in post-conviction and state habeas corpus proceedings involving a death penalty specification will be made based on the maximum rate of \$140.00 per hour for both in-court and out-of-court services, as set by Capital Fee Council – see R.C. 120.33(D) on the State of Ohio Public Defender’s website opd.ohio.gov.

c. Please see APPENDIX E for the list of Offense/Proceedings and Fee Maximums.

7. Extraordinary Fees:

Cases eligible for extraordinary fees are cases which, because of extraordinarily complex issues, multiple offenses, lengthy trials, or other reasons, warrant compensation at a rate which exceeds the maximums established above. In such cases, the county will authorize such fees only under the following conditions:

a. Such extraordinary fees must be clearly documented in the appropriate sections on the Motion, Entry and Certification Form.

b. The Judge presiding over the case must indicate approval of the extraordinary fees by checking the appropriate box on the Motion, Entry and Certification form attaching a Judgement Entry certifying the appropriateness of such fees and the amount of such fees to be paid.

8. Expenses:

Ashtabula County will reimburse certain expenses reasonably related and necessary to the defense of an indigent client pursuant to Ohio Revised Code Section 120.04(B)(10). These expenses include travel, expert services, and certain other miscellaneous expenses.

a. Expenses must be approved by the appointing court.

b. The Board of Commissioners will follow the reimbursement rate for transcripts as set by the amount outlined in the State Public Defenders Office Standards and Guidelines: **The maximum amount subject to reimbursement for the original transcript is \$6.00 per page, and \$0.10 per page for a paper copy. Reimbursement will not be provided for electronic copies of transcripts.**

c. All expenses must be itemized on the proper form. Expenses which exceed \$1.00 must be accompanied by a receipt, except for road tolls, bus, boat, ferry and subway service.

d. Please see expense reimbursement as subject to the rules outlined in APPENDIX F.

WHEREAS, all other terms and conditions outlined in the resolution remain unchanged and in effect; and

NOW, THEREFORE, BE IT RESOLVED, By the Board of Commissioners of Ashtabula County, Ohio, that the above amendment is hereby adopted, as outlined above; and

BE IT FURTHER RESOLVED, that said resolution supersedes and nullifies any previous resolution setting forth such fees and regulation of same; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution be forwarded to the Office of the Ohio Public Defender, all courts within Ashtabula County, the Ashtabula County Bar Association, and the Ashtabula County Public Defender.

**ASHTABULA COUNTY COMMISSIONERS
CERTIFICATION PAGE**

Resolution No. 2025-67

January 28, 2025

**RESOLUTION APPROVING AMENDMENT TO RESOLUTION 2020-294 FOR
ASSIGNED COUNSEL FEES FOR CRIMINAL WORK FOR INDIGENT
DEFENDANTS, ASHTABULA COUNTY**

Upon the motion of Casey R. Kozlowski, seconded by Kathryn L. Whittington.

VOTE:

J.P. Ducro IV

Aye

Casey R. Kozlowski

Aye

Kathryn L. Whittington

Aye

CERTIFICATE OF CLERK

IT IS HEREBY CERTIFIED that the foregoing is a true and correct transcript of a resolution acted upon and duly passed by the Board of County Commissioners of Ashtabula County, Ohio, on the date noted above.



Lisa Hawkins, Clerk of the Board
Board of County Commissioners
Ashtabula County, Ohio