

**RESOLUTION APPROVING AMENDMENT TO RESOLUTION 2025-67 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; 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 of Forms:**

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 (see Appendix F), 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.

**This Standard is subject to the following exceptions:**

- a. **Trial level** - If the attorney intends to file a notice of appeal, a motion for a new trial, a motion for shock probation, or a motion for judicial release, the Motion, Entry, and Certification for Appointed Counsel Fees form (OPD-1026R) is due within 30 days after the end of the month in which the last hearing indicated on the form was held, or entry filed.
- b. **Appellate level** - Each Motion, Entry, and Certification for Appointed Counsel Fees form (OPD- 1026R) submitted is due within 30 days after the end of the month in which either the oral argument was held or the appellate decision was issued, as indicated on the form.
- c. **Juvenile proceedings** - In abuse, dependency, and neglect cases, where more than one hearing is held over an extended period of time, the attorney may submit individual Motion, Entry, and Certification for Appointed Counsel Fees forms (OPD-1026R) for the initial dispositional hearing, each subsequent annual review hearing, and any semi-annual review hearing, and is entitled to fees and expenses. Each Motion, Entry, and Certification for Appointed Counsel Fees form (OPD-1026R) submitted is due within 30 days after the end of the month in which the latest hearing indicated on the form was held.

- d. **Attorney Withdraws or is removed from a case** – When an attorney either withdraws or is removed, the Motion, Entry, and Certification for Appointed Counsel Fees form (OPD-1026R) is due within 30 days from the end of the month in which the attorney withdrew or was removed from the case.
- e. Any and all submissions for payment received after the above indicated time frames shall not be reimbursed by the County.

## **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](http://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](http://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](http://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](http://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.

**APPENDIX A – Prescribed Forms**

<b>Activity/Case Type</b>	<b>Form</b>
All common pleas, municipal, appeals, juvenile, domestic relations, county courts, probate courts, and the Ohio Supreme Court	Motion, Entry, and Certification for Appointed Counsel Fees form (OPD-1026R) and Itemized Fee Statement Continuation sheet (OPD-1027R), if needed
Transcript expenses	Clerk's/Auditor's Transcript Fee for an Indigent Defendant form (OPD-E-205)
Experts' expenses	Request for Court-Paid Experts and/or Expenses form (OPD-209)
Financial disclosure	Financial Disclosure form (OPD-206R) (Required in all cases)
Assigned counsel	Monthly Assigned Counsel Summary Report

You may access the current Forms, as well as the current OPD Standards and Guidelines at the State of Ohio Public Defender's website:

[opd.ohio.gov](http://opd.ohio.gov) and clicking the Resources tab.

**APPENDIX B – Trial Level Proceedings**

<b>Offense/Proceeding</b>	<b>Fee Maximum</b>
Aggravated murder (w/capital specs) per R.C. 2929.04(A) and 2941.14(B)	As set by Capital Fee Council-see R.C. 120.33(D). The Council has currently set a rate of \$140 with no fee maximum.
Aggravated murder (w/o capital specs)	\$15,000 per attorney
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)	\$2,000
Misdemeanor OVI/BAC	\$2,500
Contempt of court	\$500
Violation (Probation/Community Control)	\$750
Preliminary Hearings/Felony in Municipal or County Court	\$300
Sex Offender Classification	\$750
Other	\$750
Expungement	\$300
Judicial Release	\$500
Revocation	\$750
Driving Privileges	\$150
NGRI/Comp Review	\$750
Jail Time Credit	\$300
Resentencing	\$500
Sex Offender Reclassification	\$750
Withdrawal of Guilty Plea	\$1,000

You may access the current list of Fees at the State of Ohio Public Defender's website: [opd.ohio.gov](http://opd.ohio.gov) and clicking on the Resources tab.

**APPENDIX C – Juvenile Level Proceedings**

<b>Offense/Proceeding</b>	<b>Fee Maximum</b>
Aggravated murder (w/ capital specs) per R.C. 2929.04(A)and 2941.14(B)	As set by Capital Fee Council-see R.C. 120.33(D). The Council has currently set a rate of \$140 with no fee maximum.
Aggravated murder (w/o capital specs)	\$7,500 per attorney
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
Bindover–Discretionary	\$2,000
Reverse Bindover Amenability	\$1,500
SYO	Adult Degree
SYO Invocation	\$2,000
Adult in Juvenile Court	\$1,500
Violation (Probation/Community Control)	\$750
Violation (Parole/Supervised Release)	\$750
Violation of Court Order	\$750
Abuse, Dependency and Neglect Initial Custody	\$1,500
Abuse, Dependency and Neglect Annual Review After Initial Custody	\$1,500
Permanent Custody	\$2,500
Contempt of court	\$500
Purge Hearing	\$150
Sex Offender Classification/Reclassification/Declassification	\$750
Expungement	\$300
Other	\$750

You may access the current list of Fees at the State of Ohio Public Defender’s website: [opd.ohio.gov](http://opd.ohio.gov) and clicking on the Resources tab.

**APPENDIX D – Appellate Level Proceedings**

<b>Offense/Proceeding</b>	<b>Fee Maximum</b>
Death Sentence	As set by Capital Fee Council-see R.C. 120.33(D). The Council has currently set a rate of \$140 with no fee maximum.
Cumulative Minimum Sentence exceeds 25 years	\$8,000
Felony (degrees 1-2) Trial	\$5,000
Felony (degree 3) Trial	\$3,500
Felony (degrees 4-5) Trial	\$2,500
Misdemeanor Trial	\$2,000
Felony Plea	\$1,500
Misdemeanor Plea	\$1,000
Abuse, Dependency and Neglect	\$3,500
Permanent Custody	\$3,500
Probate-Termination of parental rights	\$3,500
Unruly	\$1,000
Other	\$1,000

You may access the current list of Fees at the State of Ohio Public Defender's website: [opd.ohio.gov](http://opd.ohio.gov) and clicking on the Resources tab.

**APPENDIX E****Post Conviction Petitions & Habeas Corpus Proceedings**

<b>Activity/Case Type</b>	<b>Form</b>
Death Sentence	As set by Capital Fee Council-see R.C. 120.33(D). The Council has currently set a rate of \$140 with no fee maximum.
Felony (degrees 1-2)(R.C. 2953.21 Petition/ New Trial Mtn)	\$4,000
Felony (degree 3)(R.C. 2953.21 Petition/New Trial Mtn)	\$2,500
Felony (degrees 4-5)(R.C. 2953.21Petition/ New Trial Mtn)	\$1,750
Misdemeanor (60(B))	\$1,500
Juvenile	\$2,500
State Habeas	\$1,500

You may access the current Forms, as well as the current OPD Standards and Guidelines at the State of Ohio Public Defender's website:

[opd.ohio.gov](http://opd.ohio.gov) and clicking the Resources tab.

## APPENDIX F

### Transcripts

Transcript expenses for one original and one copy of a transcript are reimbursable subject to the following provisions:

Transcript expenses will be reimbursed only when the transcript is produced for use by defense counsel at trial, on appeal, or in post-conviction proceedings. Reimbursement will not be made if these costs are presented through the attorney's bill for services.

In order to qualify for reimbursement, transcript expenses must be itemized and submitted using Clerk's/ Auditor's Transcript Fee for an Indigent Defendant form (OPD- E- 205). Cost per page must be listed on the invoice.

A Financial Disclosure/Affidavit form must accompany the Clerk's/Auditor's Transcript Fee.

A Judgement Entry is included if applicable.

Is signed by the Judge and includes the Judge's printed name.

### Experts

Reimbursement for expert expenses shall be limited to those where the expert services provided meet all the following requirements:

The expert is used **only for the defense** of the accused or party represented.

The expert is an independent expert **answerable solely to defense counsel**, not to the court or prosecution.

Expert expenses must be submitted using the Request for Court-Paid Experts and Expenses form (OPD-209) and meet all of the following requirements:

- Either a receipt, or a copy of the expert's invoice or both must accompany the form. The number of hours worked, and the hourly rate charged must be included in the invoice.
- A Financial Disclosure/Affidavit form must accompany the Request for Court-Paid Experts.
- Is signed by the Judge and includes the Judge's printed name.

Reimbursement **will not** be provided where a defense request for an independent expert is granted by a court, but in the order granting the request the court orders that the report of the expert be submitted to the court. Where a court orders an expert's

report be submitted to the court, the expert is no longer answerable solely to defense counsel nor considered an independent expert for purposes of reimbursement.

During representation, defense counsel will often file motions for an expert evaluation of a defendant regarding competency or sanity. Those expert expenses are not subject to reimbursement except where, as detailed in section (a) above, the expert services are at the sole discretion of defense counsel. The following **are not** subject to reimbursement as the expert is per se not an independent expert serving at the discretion of defense counsel:

- Expert evaluations that are required by statute; or
- Expert evaluations where the court or prosecution decide which expert will be retained; or
- Expert evaluations where the court requires the expert to submit a copy of a report.
- that second companion case should be through an application for extraordinary fees.
- Proper documentation is required.

**Requests for reimbursement of expert expenses ordered for use by the court or the prosecution shall not be reimbursed.**

Examples:

A defendant is not fluent in the English language and the court orders a defense counsel only interpreter be present during all court proceedings. The interpreter that provides translation services during court proceedings is not a permissible expense to submit for indigent defense reimbursement—as that service is used by the court and the prosecution. However, a separate interpreter will, in most cases, be necessary for defense counsel to communicate with the defendant. The cost of the interpreter that is used only by defense counsel is a permissible expense to submit for reimbursement.

Defense counsel files a motion raising the defendant's competency. An evaluation ordered by the court to determine whether the defendant is competent to stand trial is not a permissible expense to submit for indigent defense reimbursement where the expert's report is ordered submitted to the court. It is only where an expert is answerable solely to defense counsel that an expert expense may be submitted for reimbursement.

### **Timely Submission**

All fee schedules must be submitted to the Commissioners' office along with all required documentation no later than 30 days after the disposal date.

Example: A case is disposed of by the Court on January 5, 2024; the request is due in our office (Commissioners) by February 6, 2024. The same will go for pending cases using the last service date on your forms.

Once the attorney has submitted a bill, no future bill in that case should have time listed which is prior to the date of the last entry of a prior bill.

**Please keep in mind this means received in date by the Commissioners' office. Periodic Billings**

All fee schedules must be submitted to the Commissioners' office along with all required documentation no later than 30 days after the last date of service on the case.

Example: A case is disposed of by the Court on January 5, 2024; the request is due in our office (Commissioners) by February 6, 2024.

**Certification for Appointed Counsel Fees**

When there is a gap between the last date in court and the disposed of date, there must be a **court entry** or **court docket** showing court action without a court appearance is needed to justify the apparent delay in billing. A magistrate order does not count for a time gap.

The form must be signed by the attorney.

The State does not reimburse for minor misdemeanors except in Juvenile Court.

The In-Court date is what the State looks at. The last day in court is presumed to be the disposition date. This is rebuttable if waiting for the court entry and a copy is attached or a copy of the docket is included. In periodic billing the last day in court is still presumed to be the disposition date or may be from the last time entry on the attorney log if there is no time gap and "periodic" is clearly checked on the form.

Delinquency or GAL is not acceptable as the charge. The state wants the underlying charge: theft, drug possession, abuse, neglect, etc.

Probation violations have their own cap; however, if they are run on the same billing as a "NEW" charge, OPD must know what the underlying charge is and what the "New" charge is. The caps are different, and when the State sees a PV without an explanation, that cap will be applied instead of the new charge cap which is usually higher. Please be sure "Underlying charge" is marked as such as is "new" charge when appropriate.

**Companion Case**

Is a case that is assigned to the same attorney with the same defendant and same judge in a relatively close time frame where much of the work is done simultaneously and “tracks through the court” at the same time is disposed of in a package deal with other cases.

These cases must appear on one bill.

Due to the overlapping of some of the work, two full caps do not apply. Extra money for that second companion case should be through an application for extraordinary fees.

Proper documentation is required.

**Necessary Documentation:**

Necessary Documentation includes:

- Completed Assigned Counsel form including front & back for all spaces that apply.
- Judge’s signature and **printed name**.
- The most recent Affidavit of Indigency form. This form must be signed by a Judge, the applicant or authorized person.
- All forms pertaining to the case (i.e. Judgment Entry Form, if case is over maximum fees allowed).

It is important that the heading be accurate. The party represented must be clearly stated and the financial affidavit has to match. When using a parent’s form be sure to note the change in the party represented if using that form for the child.

Please note once Assigned Counsel form is submitted to the State for reimbursement and we are notified that the case is over its allowable limit, the individual Attorney may be billed for the difference not received from the State. It will be the individual Attorney’s responsibility to keep track of the case they are working on.

In abuse/dependency/neglect cases, it is helpful to know the first disposition date after adjudication and which cap the attorney claims the billing is for and if an annual review is involved.

When submitting the forms to the Commissioner’s office:

- There should be one (1) copy of the signed original Assigned Counsel and/or Transcript/witness fee forms submitted for processing.
- Please clearly mark the duplicate with a written or copy stamp (Attorney’s please provide a copy with the original to the Clerk of Courts for a file copy stamp.)

**Any documentation received not meeting the following requirements will be**

**returned delaying the process of payment and may also result in the penalty of the deduction of the percentage not received by the state.**

**Please make every effort to adjust your local procedures so that you can be in full compliance with the new 30-day rule as well as all other requirements for proper processing.**

**REIMBURSEMENT**

Ashtabula County will only reimburse that percentage which it would be required to pay, minus state reimbursement.

**COURT APPOINTED BILLING SYSTEM-(CABS)**

As of March 01,2026, per the Ohio Public Defender's Office it is Mandatory that all Assigned Counsel must enter their Fee Bills into the CABS system to be considered for reimbursement. They are still able to print and submit the forms once they are entered as Ashtabula County has not been "onboarded to CABS.

**If there is a question, you may wish to call OPD Reimbursement prior to submission in order to get a preliminary opinion. 614-466-5394**

**ASHTABULA COUNTY COMMISSIONERS  
CERTIFICATION PAGE**

**Resolution No. 2026-163**

**March 24, 2026**

**RESOLUTION APPROVING AMENDMENT TO RESOLUTION 2025-67 FOR  
ASSIGNED COUNSEL FEES FOR CRIMINAL WORK FOR INDIGENT  
DEFENDANTS, ASHTABULA COUNTY**

**Upon the motion of Kathryn L. Whittington, seconded by J.P. Ducro IV.**


**VOTE:**

<b>Casey R. Kozlowski</b>	<b>Aye</b>
<b>Kathryn L. Whittington</b>	<b>Aye</b>
<b>J.P. Ducro IV</b>	<b>Aye</b>

**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.

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Crystal Sturgill, Clerk of the Board, *Acting*  
Board of County Commissioners  
Ashtabula County, Ohio