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, September 29, 2020 by Resolution 2020-294 and on January 28, 2025 by Resolution No.2025-67; 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 form 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.**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.

d. 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 dates of service prior to November 29, 2026 and $165.00 per hour for dates of service on or after November 29, 2026 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 dates of service prior to November 29, 2026 and $165.00 per hour for dates of service on or after November 29, 2026 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 dates of service prior to November 29, 2026 and $165.00 per hour for dates of service on or after November 29, 2026 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 dates of service prior to November 29, 2026 and $165.00 per hour for dates of service on or after November 29, 2026 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; 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. 2026-468 **November 03, 2026**

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

VOTE:

Casey R. Kozlowski	**Aye**
Kathryn L. Whittington	**Aye**
J.P. Ducro IV	**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

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