



THE STATE OF FLORIDA
JUSTICE ADMINISTRATIVE COMMISSION

Post Office Box 1654 (32302)
227 North Bronough Street, Suite 2100
Tallahassee, Florida 32301



Alton L. "Rip" Colvin, Jr.
Executive Director

(850) 488-2415
Toll Free (866) 355-7902
FAX (850) 488-8944
Toll Free FAX (866) 355-7906

www.justiceadmin.org

COMMISSIONERS

Brad King, Chair
State Attorney
Diamond R. Litty
Public Defender
Jerry Hill
State Attorney
Nancy Daniels
Public Defender

June 19, 2013

Dear Capital Collateral Registry Attorney:

Pursuant to Ch. 2013-216, Laws of Florida (CS/CS/HB 7083), the contracting and payment of Capital Collateral Registry Attorneys will be transferred from the Department of Financial Services (DFS) to the Justice Administrative Commission (JAC) effective July 1, 2013. In order to continue making attorney fee and due process cost payments in existing and new cases, JAC has adopted a case specific agreement for these types of appointments, which will soon be posted on JAC's website at www.justiceadmin.org, under Agreement and Contracts. Unlike the JAC registry agreement, this agreement will be case specific and will remain in effect until the case reaches final resolution or the attorney is discharged. Attorneys with pending capital collateral appointments need to execute this agreement as soon as possible in order to receive any fees or costs through JAC. DFS will no longer be directly responsible for such payments as of July 1, 2013.

For attorneys who are currently appointed to a case or cases, or for attorneys newly appointed to a case, please contact Connie Ramos at connie.ramos@justiceadmin.org for information on signing JAC's Agreement for Attorney Services for Private Capital Collateral Counsel (JAC Agreement). An Order of Appointment and the Florida Supreme Court opinion affirming the sentence of death must be submitted along with the JAC Agreement in order to open the case for billing purposes.

Please be advised that payment requests that include entries for services provided prior to July 1, 2013 will be processed and audited by JAC according to DFS practices and procedures. However, payment requests for services provided on or after July 1, 2013 need to comply with the terms of the JAC Agreement and JAC's Policies and Procedures for Court-Appointed Counsel.

Furthermore, please be aware that as of July 1, 2013, the rates applicable for due process vendors such as court reporters, investigators, experts, etc., shall be those rates established by law and posted on JAC's website, at

http://www.justiceadmin.org/court_app_counsel/formsandrates.aspx.

Per the JAC Agreement, attorneys will now have the option of allowing due process vendors to enter into a contract with JAC and bill JAC directly without the need to seek reimbursement for these costs, although reimbursement will remain an option.

Under the terms of the JAC Agreement, non-billable items include, but are not limited to, the following:

1. Services performed by:
 - a.) support staff,
 - b.) paralegals,
 - c.) law clerks, and
 - d.) secretaries.
2. Time related to or in furtherance of billing, or time related to defending a disputed bill.
3. Time spent reviewing invoices of due process providers.
4. Time spent preparing motions for attorney's fees and costs, due process costs, and/or related expenses and time spent in hearing on said motions.
5. Activity not reasonably related to the merits of the underlying case. This includes time spent preparing routine documents such as notices of unavailability, calendaring hearings, setting depositions, and providing instructions to staff.
6. Office or administrative functions. This includes secretarial and administrative work performed by any person, including counsel assigned to the case. Even if counsel completes the work, administrative work cannot be billed.
7. Time spent defending against a bar complaint, 3.850 motion, or other grievance filed by the client.
8. Activity not reasonably related to the defense of the case.
9. Correspondence with JAC and conversations with JAC personnel.

Please note that unlike DFS, JAC will not pay for legal research services such as Westlaw or LexisNexis in relation to services rendered on or after July 1, 2013.

Additionally, any hourly statement from an attorney must comply with the requirements outlined in the JAC Agreement and JAC's Policies and Procedures. The hourly statement must be sufficiently detailed so that JAC can assess the reasonableness of the billing. Generic descriptions such as trial preparation, research, or prepare for hearing are usually insufficient. The attorney should include in the hourly statement the following information:

- Name and number of persons deposed/interviewed;

- Name or type of pleading or motion prepared;
- Type and number of pages of document reviewed;
- Length or duration of audio or recorded statements;
- Type or purpose of hearing attended;
- Legal issue(s) researched; and
- Detailed description of other activities performed.

Each entry in the billing must be in hours and tenths of an hour. An attorney cannot bill in quarter hour increments or in hours and minutes.

Lastly, please note that the Legislature has appropriated dedicated funds for payment of Capital Collateral attorney fees and costs; consequently, payment of such fees and costs will not impact the budgets of the Circuit Courts.

If you receive this email and no longer wish to be on the Capital Collateral Registry or are no longer eligible for the Registry due to judicial appointment, employment with either the Public Defender, Criminal Conflict Regional Counsel, or Capital Collateral Regional Counsel, or for any other reason, please contact Connie Ramos at connie.ramos@justiceadmin.org for removal from the Registry.

If you have any questions, please call me or Brad Bischoff, Assistant General Counsel, at (866) 355-7902.

Sincerely,



Ana Cristina Martinez
General Counsel