



# POINTS OF INTEREST

## JAC'S NEWSLETTER FOR COURT-APPOINTED AND INDIGENT FOR COSTS ATTORNEYS AND DUE PROCESS VENDORS

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### A Word from JAC's Executive Director

Happy New Year from the Justice Administrative Commission (JAC)! I hope you find this latest edition of JAC's **Points of Interest** newsletter for Court-Appointed and Indigent for Costs attorneys and Due Process Vendors helpful and informative. Included is information about updates to *MyJAC* (JAC's case opening and billing portal); common issues with document submission; new billing procedures; and other important and useful information.



**Alton L. "Rip" Colvin, Jr.**

### Updates to *MyJAC*

JAC is implementing several improvements to *MyJAC* to assist attorneys and due process vendors (i.e., court reporters, interpreters, investigators, and expert witnesses) with submitting and resolving deficient invoices.

#### Attorneys Responses to Due Process Vendors' Audit Deficiency Notices

Starting February 1, 2024, attorneys will be able to respond and resolve certain Audit Deficiency Notices issued on due process vendor billings. Attorneys will be able to use the invoice's JAC Tracking Number (found on the Notice) to submit the following documents in response to an Audit Deficiency Notice:

1. Executed Court Orders Authorizing Due Process Services;
2. IFC Certification of Costs Documents;
3. Charging Documents;
4. Dependency Petitions;
5. Deposition Transcripts in response to a Notice of Transcript Review; and
6. Notices of Taking Deposition.



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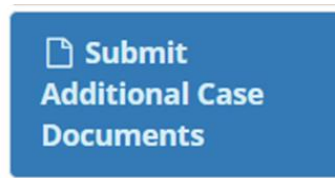
Attorneys will **not** be able to submit amended detailed hourly statements, contemporaneous records, or documents in response to an Audit Deficiency Notice requesting more information regarding certain dates. That information will still need to be provided by the due process vendor. In the event a Motion to Authorize Due Process Services is requested, the Motion needs to be provided via [pleadings@justiceadmin.org](mailto:pleadings@justiceadmin.org).

This improved system will be available for attorneys to submit documents directly to JAC for Audit Deficiency Notices **issued on billings already submitted to JAC**. This new upgrade is separate and distinct from the *MyJAC* section where attorneys can submit additional case documents. Please do not submit responses to Audit Deficiency Notices through the “Submit Additional Case Documents” option.

**Starting March 1, 2024, attorneys must submit responses to Audit Deficiency Notices and Notices of Transcript Review in this manner.** As of March 1, 2024, attorney responses to these Notices will no longer be accepted via email.

### **Attorney Submission of Additional Documents via *MyJAC***

Attorneys can now submit additional documents on open cases via *MyJAC*. To submit documents **not associated** with an existing billing with a JAC Tracking Number, click the below menu button on *MyJAC*.



Using this option, an attorney can now submit the following documents:

- Charging Documents
- Dependency and TPR Petitions
- Orders Authorizing Due Process Services (e.g., Investigator and Expert Orders)
- Orders Declaring the Defendant Indigent for Costs

**To avoid document rejection**, please **do not** submit the following documents using this option:

- Attorney Fees Orders
- Documents in response to an Audit Deficiency Notice
- Fee Waivers
- Orders of Appointment
- Disposition Documents
- Invoices for Payment



## Cases with Multiple Court-Appointed Attorneys

JAC has initiated new procedures for cases involving multiple attorneys appointed to represent the same defendant during the pendency of the case. The new procedures expedite the billing process for attorneys who open court-appointed cases and submit billings in a timely fashion.

Paragraph II(10) of the JAC Registry Contract provides that when a court-appointed attorney **fails to open a case** with JAC within 90 days of discharge or withdrawal, and a subsequent court-appointed attorney is appointed, represents the case to final disposition, and submits a billing, all prior attorneys who failed to open a case with JAC have contractually waived any right to a portion of the flat fee. Therefore, the subsequent court-appointed attorney who completes representation through final disposition and submits a billing for payment will receive the full flat fee without receiving a letter of objection from JAC.

However, when a court-appointed attorney **opens** a case with JAC, is discharged or withdraws before final disposition, and does not submit a billing for payment within 180 days of discharge or withdrawal, that attorney maintains a right to a portion of the flat fee. Later, when the subsequent court-appointed attorney who completes representation submits a billing for payment, JAC will issue a Letter of Objection to the billing attorney advising the billing attorney and the court that another court-appointed attorney may be entitled to a portion of the flat fee. Previously, JAC issued a Notice of Billing on Hold to the billing attorney and the attorney had to wait for all prior court-appointed attorney(s) to submit a billing or a fee waiver before proceeding. Under the new procedure, JAC will issue a Letter of Objection to the billing attorney so that the billing attorney can file a Motion for Attorney's Fees and set the matter before the court. The billing attorney will still need to provide notice of the hearing on the Motion to any attorneys who have not waived their right to attorney fees for the case as listed in the letter of objection.

## Prepaid Travel

In limited circumstances, JAC may prepay for airline tickets and hotel rooms for ordinary witnesses. The procedures for arranging prepayment of travel expenses are set forth in [JAC's Policies and Procedures](#) for Private Court-Appointed Counsel, Indigent for Costs Counsel, and Capital Collateral Private Court-Appointed Counsel, beginning on page 28. For further information see the section on prepaid travel in [JAC's Guide to Reimbursement for Travel Expenses](#).

JAC has updated the [Prepaid Travel form](#) to a more user-friendly format. This form must be fully completed and submitted via [pleadings@justiceadmin.org](mailto:pleadings@justiceadmin.org) along with the necessary supporting documentation for JAC to prepay any travel. Please know that prepayment of travel expenses is at JAC's discretion and is limited to ordinary witness travel. If you require assistance or have questions regarding prepaid travel, please contact JAC's Online Support Team at [onlinesupportteam@justiceadmin.org](mailto:onlinesupportteam@justiceadmin.org).



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## Document Submission

JAC often receives pleadings such as Charging Documents, Orders of Appointment, and Disposition documents that are illegible or incomplete. Any documents submitted to JAC must be legible and complete so JAC can audit any billings associated with those documents.

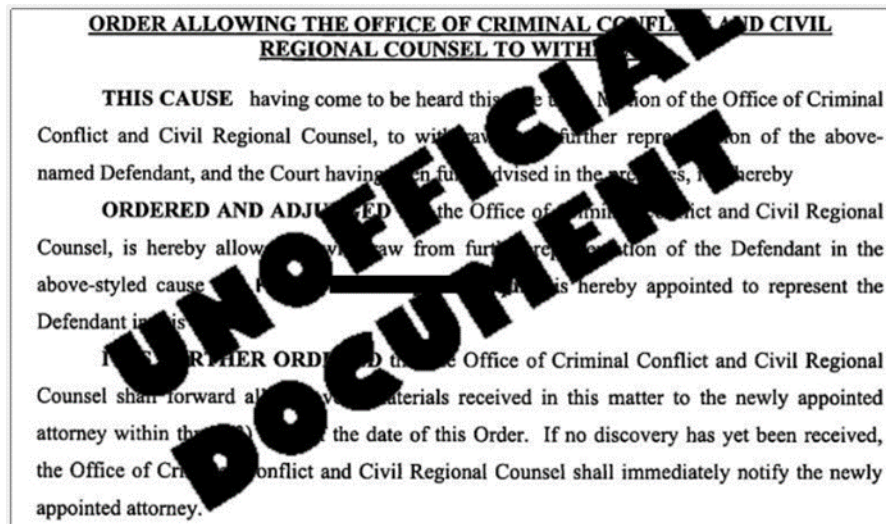
The following tips may be helpful in submitting documents to JAC:

- Do not submit scans made from the yellow (or other color) paper from triplicate carbon copies. These colored copies are often too light and illegible to scan properly. If it is necessary to scan a colored copy, make sure the scan is legible before submitting the document to JAC. JAC staff has noticed this issue in cases from Broward County.
- Ensure the disposition document accurately identifies the date of the hearing, adjudication status, the attorney's presence at the hearing, and sentencing information. If there are errors in the documents, please obtain corrected documents before submitting the billing to JAC.
- For criminal cases where the defendant is convicted, the disposition must address both **adjudication** and the **sentence**. A case has not reached a billable stage until the defendant has been sentenced.
- The Charging Document must reflect the current phase of the case. For example:
  - If the attorney is appointed to a Violation of Probation (VOP) case, submit the affidavit of Violation of Probation as the charging document.
  - If the attorney is appointed to an appellate case, submit the Notice of Appeal as the charging document.
  - If the attorney is appointed to postconviction proceedings, submit the Motion for Postconviction Relief as the charging document.
- Court minutes are acceptable as disposition documents only when the minutes identify all of the required information: defendant name and case number; adjudication status; attorney's presence at the hearing; sentencing information; and date of hearing.
- When submitting appellate briefs as a disposition document, ensure the brief includes a date, such as in the certification of service section or a filed copy with the electronic date stamp.
- For dismissals and nolle proseques, JAC needs sufficient information to establish the case has been dismissed. If no formal pleading has been filed, court minutes or docket entries clearly reflecting the dismissal are acceptable. If no documents are available, the attorney should prepare an order for the court to enter reflecting the current status of the case.

***Beginning February 1, 2024, JAC will be rejecting Orders of Appointment, Charging Documents, and Petitions which have "Unofficial Document" blocking the text in the document.*** It is the Attorney's responsibility to obtain documents that



are legible and do not have a watermark obscuring pertinent information that must be reviewed by JAC during the billing process. The following is an example of an unacceptable document:



JAC makes every effort to obtain sufficient documents through the statewide Comprehensive Case Information System (CCIS). However, not all cases or documents are available for JAC to view. In particular, for Miami-Dade County cases where court documents are not generally available online, please ensure that submitted documents are complete and include all required information. Ultimately, it is the attorney's responsibility to submit a complete billing packet, including complete and legible court documents necessary to support any billing.

## Dependency Title IV-E Billing Issues

A common reason for rejection of dependency billings involves errors on the Title IV-E Form. The following tips may help ensure a billing is not rejected:

- Ensure the first name and last name of the child are listed in the correct boxes. Transposition of the names is a common error.
- List the child's name **exactly** as it appears on the Dependency or TPR petition, unless there is a court order amending the case style. This includes correct placement of hyphens, apostrophes, or spaces in last names without hyphens. Do not include any suffixes such as "Jr." or "II."
- **Be sure to list all of (and only) the children associated with the client.** For a father, only include those children with whom he is alleged to be the legal or biological father.
- Ensure that the date of birth for the child is correct. Common mistakes include using the current year as the birth year instead of the correct year, or date digits being transposed such as "21" instead of "12."
- Ensure the hearing date reflects the most recent hearing, and the disposition



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document submitted with the billing supports the most recent hearing date. If an attorney is submitting one invoice for multiple year payments, the hearing date must be the most recent hearing date. If the attorney is submitting multiple invoices at the same time for multiple year payments, the hearing date must be the most recent hearing date for all of the billings.

- Ensure that the correct and most recent Petition is submitted to JAC. If the Petition is amended, the attorney is responsible for providing the amended Petition.
- Submit court documents or other state-issued documents to support the entry of a name or date of birth. If entering a name or date of birth that is different than what is listed on the Petition, please submit documentation with the billing verifying this information.

**JAC matches the Title IV-E Form with the Petition it has on file. While JAC attempts to verify entries by reviewing the docket on CCIS, not all dockets and documents are available for JAC to view.**

You can find additional information regarding Dependency and Title IV-E billings on JAC's website, including a [Dependency Case Opening and Title IV-E Form Guide](#).

## Regional Counsel Conflict Language

Payment for services in a criminal or civil case is contingent on the Office of the Public Defender (where authorized to provide representation) and the Office of Criminal Conflict and Civil Regional Counsel being allowed to withdraw due to a conflict or the court *sua sponte* finding a conflict per ss. 27.40 and 27.5303, F.S. There are four exceptions to the requirement of a finding of conflict:

- 1) Appointment to a child with special needs pursuant to s. 39.01305, F.S.;
- 2) Appointment to a child in a parental notice of abortion proceeding under s. 390.01114, F.S.;
- 3) Appointment to guardian advocacy proceedings for an adult with a developmental disability pursuant to s. 393.12, F.S. (effective January 5, 2024); and
- 4) Appointment to a respondent in guardianship proceedings pursuant to Ch. 744, F.S. (where indigency cannot be determined at the time of appointment or the respondent is not indigent).

These are the **only** four exceptions to the requirement that an Order of Appointment must include appropriate findings of conflict as required by ss. 27.40 and 27.5303, F.S. JAC will generally reject any Order of Appointment lacking necessary findings of conflict during the case opening process. Even if a case is accepted without the necessary conflict findings, a subsequent billing will be rejected unless JAC receives an amended Order of Appointment with the required findings.



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<https://www.surveymonkey.com/r/NCPC83>

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## Due Process Hourly Statements

Service descriptions on due process hourly statements submitted by investigators, mitigation specialists, and experts must be detailed enough for JAC to review the billings for compliance with contractual requirements. Below are suggestions for more detailed service descriptions. Please include:

- The specific name or type of document reviewed, stating “reviewed discovery” is insufficient;
- The page numbers of the documents reviewed;
- The length of audio and/or video reviewed;
- The length of written reports drafted or reviewed and the number of emails sent and reviewed;
- Witness names or initials when locating or doing background research on a witness;
- When completing background research, identify the media/tools used to complete the research;
- When billing in larger time increments, an explanation as to why a service took longer than expected; and
- When listing multiple services performed on a single date, break down the time spent for each service.

Following these tips will lessen the chances of receiving an Audit Deficiency Notice, a reduction in the billed time, or other delay in payment. You can find a more detailed example of acceptable and unacceptable service descriptions on JAC’s website in the [Investigator Billing Tool and Guide – Billing Entry Descriptions](#).

## New Attorney Welcome Guides

JAC developed Welcome Guides to provide a basic overview of what to expect as a new attorney with JAC after registering for a *MyJAC* account. The following guides will be provided to new Registry and Indigent for Costs (IFC) attorneys during the registration process:

- [Court-Appointed Registry Attorney Guide](#)
- [Indigent for Costs \(IFC\) Attorney Guide](#)