

## Hourly Billing Court-Appointed Attorney Checklist

### General

- Substitute Form W-9 and FEIN** – Prior to executing a contract, a properly completed Substitute Form W-9 and federal employer identification number (FEIN) **must** be on file with the Department of Financial Services.
- Attorney Contract** – Attorney **must** submit a current fiscal year contract. The contract runs through June 30 of each year. The contract **must** be approved before a bill can be processed.
- Order of Appointment** – **Must** contain Regional Counsel Conflict language. Exceptions are Post Conviction cases (such as Rule 3.800 and 3.850, Florida Rules of Criminal Procedure) and Guardianship cases (F.S., Chapter 744).
- Open Case** – Upon appointment, Counsel **must** open the case in *MyJAC* (JAC’s secure website) and upload the required case opening documents.
- Electronic Submission** – Prior to submitting an invoice, supporting documents will need to be scanned as electronic files. All files **must** be in PDF or TIFF format only. To submit an invoice online, the case **must** have been previously opened.
- Attorney Invoice** – During the online billing process, Attorney will fill out any areas of the invoice that are not auto-filled. The Attorney **must** indicate whether he or she was the only attorney appointed to the case, whether multiple court-appointed Attorneys provided representation to this client, and whether a private attorney was retained.
- Single Entry by Date for In-Court and Out-of-Court Time:** When submitting a detailed hourly statement, attorneys are required to provide a single entry for in-court time and a single entry for out-of-court time by date. When attorneys provide multiple services on the same date, the amount of time worked on each service must be provided in the description of the services. For example:

<u>DATE</u>	<u>TYPE</u>	<u>TIME</u>	<u>DESCRIPTION OF SERVICES</u>
1/5/20	Out-of-Court	3.0	Reviewed discovery, 300 pages (1.6), Called ASA to discuss plea offer (.4), Met with Client (1.0)
1/8/20	In-Court	1.2	Conference with client before hearing (.4), Attend plea hearing (.8)
1/8/20	Out-of-Court	.8	Received text from client and responded (.2), Reviewed mental health assessment, 20 pages (.6)

- Fee Waiver** – In a multi-attorney flat fee case, the attorney who submits the invoice is responsible for obtaining fee waiver(s) from other attorney(s) appointed to the case. If an attorney does not intend to seek compensation, the attorney must submit a Court-Appointed Attorney Fee Waiver form (available on JAC’s website) in lieu of a billing. If another appointed attorney does not execute a fee waiver, JAC will issue a multi-attorney letter for flat fee cases and a court order will be required for payment.
- Detailed/Contemporaneous Hourly Statement** – (Note: In order to bill hourly in a criminal case, the invoice must reflect more than 75 hours or more than 20 state witness depositions.) A contemporaneous and detailed invoice with the precise date(s) for the services rendered (billed in hours and tenths of an hour) must be submitted. The invoice must list the services in chronological order. Attorney must maintain records with sufficient detail to enable JAC to substantiate the activities performed by Attorney and assess the reasonableness thereof. Generic descriptions are insufficient (i.e. “trial preparation – 8.0 hours”). Documented case activity must be descriptive and include identifying details. Attorney must specifically identify on the invoice the following information:
  - Names of persons deposed/interviewed.
  - Names of pleadings.
  - Types of motions.
  - Discovery documents reviewed.

- Number of pages reviewed.
- Approximate length of audio, video reviewed.
- Type of hearing and hearing's purpose if appropriate.
- Identify legal issue researched.

For other activities, Attorney shall provide enough detail for a meaningful audit (jail logs, phone/virtual meeting records, etc.). Pursuant to the JAC Registry contract, when Attorney is representing a client in more than one case, Attorney shall not bill all the time to a single case on an hourly basis and then seek flat fee compensation on other cases. **If Attorney has been appointed to more than one case for the same defendant within a 30 day period or more than one case for the same defendant reaches final disposition within a 30 day period, Attorney shall bill simultaneously for all cases. A single invoice along with one hourly statement in chronological order covering all of the cases should be provided. Do not allocate hours amongst separate cases.**

- Court Docket** – Attorney **must** provide a copy of the complete Court docket for each case being billed. The docket needs to include all of the dates covering the entire case.
- Attorney Withdrawal – Motion and Order (If withdrawing before the end of the case)** – The Motion should indicate why the Attorney is withdrawing or should be discharged from the case. The Order **must** either grant or deny the motion to withdraw/be discharged and the grounds therefor.
- Explanatory Statement** – For hourly billings, Attorney must submit a completed Explanatory Statement detailing the attorney's "extraordinary and unusual effort". This form must be attached to the motion for extraordinary fees.

### Travel

- Department of Financial Services (DFS) Travel Voucher.** A DFS Travel Voucher must be submitted for reimbursement of travel expenses. (If used as the Invoice/Voucher Cover, then the DFS Travel Voucher **must** include the case number and invoice number).
- Traveler's FEIN number at the top of the Invoice/Voucher.** This number **must match** the FEIN number used to execute the JAC contract.
- Order authorizing travel expenses and travel time.**
  - Rate for travel time or circuit (established) rates must be included in the order.
  - Authorization for out-of-state travel, if needed.
- Date** with a description of the reason for travel.
- Origin and destination** (**must** include departure, arrival, and return times).
- Vendor signature** (as traveler) and **Attorney signature** (as supervisor).
- Total** invoice amount.
- Mileage.** When billing for mileage, please provide the Florida Department of Transportation (DOT) city-to-city mileage map (available on JAC's website) where available. When not available, MapQuest or other web source may be used.
- Receipts** showing zero balance for lodging, airfare, car rental, and other billable travel expenses.
- Meals.** To bill for meals, travel **must** exceed 24 hours and the amount reimbursed may be up to \$36 per day (\$6 for breakfast, \$11 for lunch, and \$19 for dinner). The amount allowable will depend upon the departure and return times. See JAC's website for additional information.

### Billing for Reimbursement of Costs - Supporting Documentation

- For any request for reimbursement of costs, the costs need to be supported by appropriate documentation (order authorizing the expense **before purchase**, invoice, and proof of payment). Appropriate documentation includes: invoices showing a zero balance remaining, receipts, cancelled checks, scanned envelopes supporting postage when billed in excess of the cost of a single stamp, etc. In addition, court orders with prior authorization to incur the costs should be provided if not already previously provided to JAC.

**Billing for a Dependency/ Termination of Parental Rights (TPR) Case**

These items will be needed, in addition to the general section above, when billing for services in a Dependency or TPR case on an hourly basis:

- Dispositional Document Indicating the Billable Point in the Dependency/TPR case** – A document supporting the billable point in the dependency case is required. Dispositional documents indicating billable points in a dependency case may include the following:
  - An order on disposition (earliest dependency case can be billed).
  - An order on judicial review.
  - An order terminating supervision.
  - An order terminating jurisdiction.
  - An order dismissing the case as to the parent represented.
  - A dismissal filed with the court by the Department of Children and Families indicating the case has been voluntarily dismissed as to the parent being represented.
  - An advisory order (which is used to indicate when the dependency case merged into the termination of parental rights case for billing purposes).
  - The final judgment terminating the parental rights of the parent being represented.
- TPR Certification** – When billing a TPR case, please include a TPR Certification indicating whether the Petition for the TPR was granted or denied; certify that the attorney has contacted the parents; that grounds for appeal have been discussed or no appeal will be filed, and if an appeal is pursued, notice of appeal and motion for appointment of appellate counsel containing the parent’s signature has been filed.

**The following Child Demographic Information is required for all cases under Ch. 39, F.S.:**

**(Each child of a parent represented by appointed counsel or the child if representing a special needs child):**

- First and Last Name of Child only (no spaces, initials, or suffixes such as Jr.);
- Date of Birth of Child;
- Current Placement (whether “In-home” or “Out-of-Home/Foster Care”);
- Date of Last Hearing;
- Type of Hearing (Drop down listing).

**This information is kept confidential pursuant to s. 39.0132, F.S**

**Billing for a Criminal Case**

These items will be needed, in addition to the general section above, when billing a Criminal case on an hourly basis:

- Charging Document** – The charging document will normally be the information filed by the State Attorney’s Office except for certain misdemeanor cases, violation of probation cases, and post conviction (Rule 3.800/3.850) cases. In misdemeanor cases for which an information has not been filed, an arrest affidavit may be used in place of the information. If the case is a violation of probation (VOP) case then a copy of the VOP affidavit is required. If the case is a post conviction (Rule 3.800 and, 3.850) case, then a copy of the motion is required.
- Copy of Rule 3.800 or 3.850 motion** – This is if you are billing for a post conviction case.
- Disposition/Final Judgment** – The first billable stage is the order on the final judgment on the case (adjudicated guilty, adjudication withheld, nolle pros, order denying post conviction motion, etc.). This document needs to be signed and dated by a judge.

**Billing for an Appellate Case**

These items are required, in addition to the general section above, if you are billing an appellate case on an hourly basis:

- Appeal Order of Appointment** – Order is specifically for the appellate case.
- Appellate Disposition Documentation** – Attorney **must** supply a copy of the court’s opinion or mandate except where billing is authorized prior to final disposition. Also, Attorney shall provide the first, contents, and signature pages of the appellate brief.

**Billing for a Guardianship/Mental Health Case**

These items will be needed, in addition to the general section above, if you are billing a Guardianship case on an hourly basis:

- (Guardianship) Order of Appointment** – Indicating that the case is a Guardianship case or an emergency guardianship case. Please note that the emergency guardianship and the guardianship portions of the case will have separate orders of appointment.
- Final judgment** – Order granting /denying/dismissing the Guardianship case.

**If the Billing is for a Capital Collateral Post Conviction Case**

These items are required, in addition to the general section above, if you are billing a Capital Collateral case on an hourly basis:

- Florida Supreme Court Opinion Affirming Death Penalty.**