

Due Process

# OVERVIEW

# DUE PROCESS

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## ✗ *What is Due Process?*

Case specific costs incurred to prosecute cases.

## ✗ *What are examples of Due Process Cost?*

- 1) Expert witness fees
- 2) Court reporter fees
- 3) Transcription fees
- 4) Translation fees
- 5) Interpreters
- 6) Travel costs
- 7) On-line legal research costs
- 8) Misc. expenditures to include, but not limited to, copies of judgement and sentences copies of legal records (driving records, birth death, etc.).

# DUE PROCESS

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- ✗ Whenever possible we ask staff to utilize technology to reduce costs, these activities (such as Depositions) may be able to be completed via Skype, Web, Polycom, etc.

# EXPERT WITNESS FEES

- ✖ An expert witness, professional witness, or judicial expert is a witness who by virtue of education, training, skill or experience is believed to have expertise and specialized knowledge in a particular subject beyond that of the average person, sufficient that others may officially and legally rely upon their specialized opinion regarding evidence or fact issues within the scope of their expertise,
- ✖ 92.231 Expert witnesses; fee.
  - + (1) The term “expert witness” as used herein shall apply to any witness who offers himself or herself in the trial of any action as an expert witness or who is subpoenaed to testify in such capacity before a state attorney in the investigation of a criminal matter, or before a grand jury, and who is permitted by the court to qualify and testify as such, upon any matter pending before any court.
  - + (2) Any expert or skilled witness who shall have testified in any cause shall be allowed a witness fee including the cost of any exhibits used by such witness in an amount agreed to by the parties, and the same shall be taxed as costs. In instances where services are provided for the state, including for state-paid private court-appointed counsel, payment from state funds shall be in accordance with standards adopted by the Legislature.

# EXPERT WITNESS FEES (CONTINUED)

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✕ *Expert Witness fees include costs paid for experts in the following fields:*

- + *Investigative*
- + *General Expert*
- + *Psychological Exams*
- + *Psychologists*
- + *Medical Doctors*
- + *Accounting*
- + *Toxicology*
- + *DNA Experts*
- + *Adult Competency/Mental Disabilities*

# EXPERT WITNESS FEES (CONTINUED)

## ✗ *Where do we get them:*

- + ***Court Administration:*** Court Administration has a limited number of Expert Witness Contracts for criminal cases.
- + ***SAO Contracts:*** Agencies can establish Contracts or Memos of Understanding (MOU's) with experts that are utilized on a consistent basis.
- + ***Other Sources***
  1. Internal ASA Staff
  2. Internal Investigative Staff
  3. Outside Law Enforcement Officers
  4. Other State Attorney Offices
  5. JAC

# JAC WEBSITE

The screenshot shows a web browser window with the address bar displaying "Justice Administrative Commission [US] | https://www.justiceadmin.org/dueprocess/index.aspx". The website header features the JAC logo, the text "JUSTICE ADMINISTRATIVE COMMISSION", and a navigation menu with links: Home, Services, Court Appointed/IFC, Due Process (CAC/IFC), Contacts, Search, and a MY JAC LOGIN button. A left sidebar contains a list of links: JAC Home, Due Process (CAC/IFC) - Home, Due Process Contracts, Forms & Rates, How-To / FAQ / Frequently Used Terms, Court Appointed Attorneys, Indigent for Costs, Judicial Information, and Due Process Vendors with Contracts. The main content area is titled "Due Process Vendors CAC/IFC" and includes a breadcrumb trail: JAC Home / Court Appointed/IFC - Home / Due Process Vendors. Below the title is a horizontal menu with links: Court Reporter, Investigator, Interpreter, Expert Witness, and Ordinary Witness & Copies/Other Services. The "Welcome" section contains a paragraph about JAC's Court-Appointed Section inputs, reviews, and audits of due process billings. The "Additional Due Process Help" section lists several resources with blue circular icons: Policies and Procedures, Questions and Answers relating to Due Process Costs, Vendor Checklists, Guides to Due Process Costs, Court Reporter Guides, Expert Guides, Investigator Guides, and Model Testimony & Guides.

Due Process Vendors (CAC/IFC) - Home - Google Chrome

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**JUSTICE ADMINISTRATIVE COMMISSION**

Home Services Court Appointed/IFC Due Process (CAC/IFC) Contacts Search MY JAC LOGIN

JAC Home / Court Appointed/IFC - Home / Due Process Vendors

## Due Process Vendors CAC/IFC

Court Reporter | Investigator | Interpreter | Expert Witness | Ordinary Witness & Copies/Other Services

### Welcome

JAC's Court-Appointed Section inputs, reviews and audits due process billings submitted by due process vendors, such as court reporters, investigators, and expert witnesses, for completeness and compliance with contractual and statutory requirements. Due process costs are those costs of enumerated elements associated with providing due process to an indigent person. These elements, as set forth in s. 29.007, F.S., ensure due process in criminal and civil proceedings in accordance with state and federal constitutional guarantees.

#### Additional Due Process Help

- Policies and Procedures
- Questions and Answers relating to Due Process Costs
- Vendor Checklists
- Guides to Due Process Costs
- Court Reporter Guides
- Expert Guides
- Investigator Guides
- Model Testimony & Guides

## EXPERT WITNESS FEES (CONTINUED)

### ✗ What fees should we charge:

- + We have Indigent Service Committee (ISC)  
Rates that were established to set limits on rates.

Type	Rate
Investigators	not to exceed \$100/hour
General Expert	\$200/hour
Psychologist-Exam	\$300/Exam
Psychologist (out of court)	\$200/hour
Psychologist (in court/depo)	\$200/hour
Medical Doctor (out of court)	not to exceed \$300/hour
Medical Doctor (in Court/depo)	not to exceed \$400/hour

# CASE SERVICES

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- ✗ Court Reporter/Interpreters Services are provided by four sources:

*Please note that we have only entered into agreements with “Certified”/Registered Court Reporters.*

## **CASE SERVICES(COURT REPORTER AND INTERPRETER**

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Contractual agreements can be provided thru SAO, Court Administration, JAC and Department of Management Services. These contracts establish the rates and the services provided.

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# **CASE SERVICES OUTSIDE CIRCUIT**

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If you have a need for court services outside of the circuit please refer to Justice Administrative Commission

## **CASE SERVICES-COURT REPORTERS AND INTERPRETERS**

- ✘ Department of Management Services lists services by county: here is the link  
[www.dms.myflorida.com/business\\_operations/  
state\\_purchasing/vendor\\_information/state\\_co  
ntracts\\_and\\_agreements/state\\_term\\_contracts](http://www.dms.myflorida.com/business_operations/state_purchasing/vendor_information/state_contracts_and_agreements/state_term_contracts)

# TRANSLATORS

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- ✗ Vendors and payment schedules are provide by two sources:
  - 1) Court Administration
  - 2) Contracted/Non-contracted Vendors

## ON-LINE RESEARCH

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- ✗ *Currently our agency uses Lexis for legal research on cases. Each attorney has been instructed how to identify their research with case numbers which allows Finance to charge the costs back to due process.*

## MISC. ITEMS

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- ✗ Misc. Items include, but are not limited to, copies of judgement and sentences of legal records(driving records, birth death, etc.).
- ✗ Many of these require advance payment - this can be accomplished through a Due Process Petty Cash Fund.
- ✗ State Visa Cards can be established for Due Process Costs.