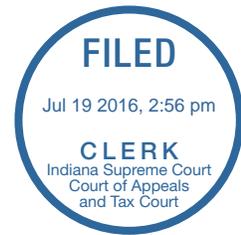


In the Indiana Supreme Court



Cause No. 94S00-1607-MS-385

Order Approving Minimum Fees for Legal Services of the Public Defender of Indiana and Pauper Counsel

Pursuant to Indiana Code 33-40-2-3, the state public defender (Public Defender) is required to prepare and maintain, subject to approval by this Court, a schedule of minimum attorney fees. Being duly advised by the Public Defender, we approve the schedule as set forth below.

When the Public Defender appoints Pauper Counsel in trial and appellate cases, with the concurring appointment of the requesting Judge as set forth in Indiana Code 33-40-2-2, the reasonable fees are charged to the requesting county. When the Public Defender appoints outside counsel to represent an indigent petitioner in a post-conviction matter, the reasonable fees are paid by the Public Defender. Since criminal cases vary greatly in the time and labor required, depending upon complexity of evidence, legal issues, and other matters, a flat fee system is not workable. In both instances, reasonable fees shall be determined on the basis of the hours required to perform the service. Further, the appointing court and the Public Defender shall require a bill which clearly states the services performed, the expenses incurred, and the reasons for same.

Effective January 1, 2017, in Non-Capital Cases, all in-court and out-of-court work (client consultation, legal research, witness interviewing, legal drafting, hearings, *et al.*) shall be billed at Ninety Dollars (\$90.00) per hour, with supporting documentation as to time spent. Where delay not due to appointed counsel occurs, such time may also be billed.

In Capital Cases all attorney time, in-court or out-of-court, will be billed at the rate established biennially by the Executive Director of the Division of State Court Administration pursuant to Ind. Crim. Rule 24(C)(1) for cases filed or remanded after appeal on or after January 1 of each odd year. Post-conviction relief actions are initiated when post-conviction counsel files an appearance, notice of intent to petition for post-conviction relief or request to extend stay of execution under Crim. Rule 24(H). A successive petition is initiated when the Supreme Court authorizes its filing under Ind. Post-Conviction Rule 1(12).

In both Non-Capital and Capital Cases use of an automobile, lodging, and meals when traveling for the client's business shall be compensated at the rates established by the State Department of Administration and approved by the State Budget Agency. In addition, the attorney's salary for travel time is compensable. Costs and expenses incurred on the client's

behalf shall be reimbursed where said costs were reasonably necessary for representation of the client. Charges for pre-authorized experts, accountants, investigators, medical doctors, and similar items will be borne by the county in cases where Pauper Counsel has been assigned at the court's requests and by the Public Defender where the Public Defender has appointed outside counsel.

Done at Indianapolis, Indiana, on 7/19/2016.



Loretta H. Rush
Chief Justice of Indiana