

LOCAL INDIGENT GUIDELINES

Based on the recommendations of the Madison County Advisory Board, in order to be eligible to receive appointments in any indigent case in Madison County all attorneys must agree to follow the local indigent guidelines set forth herein as well as all additional guidelines, not specifically covered herein, previously set forth in the Uniform Guidelines for Attorney Fee Declarations Recommended by the Indigent Defense Committee of the Alabama State Bar and all guidelines and rules established by OIDS and all provisions of Alabama Law relating to Indigent Defense. In order to remain or be added to the list of attorneys eligible for appointments, each attorney must read all guidelines, rules and laws and agree, in writing, to comply with same.

1. Any attorney seeking appointment to represent any indigent party must have an office in Madison County as their primary place of business. Any attorney seeking appointment must read and comply with all Alabama laws, rules and guidelines relating to Indigent Defense.
2. In order to be eligible for appointments in a capital case, all attorneys must meet the minimum standards established by Alabama law. Additionally, said attorneys must have a minimum of twelve hours of capital defense training every two years. Finally, said attorneys must read and be familiar with the American Bar Associations Guidelines/Standards for Appointments and Performances of Defense Counsel in a Death Penalty Case and OIDS Guidelines for Appointed Counsel in Capital Cases.
3. Billing should always be for the actual time spent on a specific task. But maximum allowable times have been set for certain tasks as set out herein.

*Form Motions and Routine calendaring: Do not exceed the maximum set forth below:

Motion to Continue (.30)

Prelim. Demand (.30)

Discovery Request (.30)

Bond Reduction Motion (.50)

Motion to Transport (.30)

Notice of Appearance (.30)

Review and Receive Docket (.10)

Review and Receive Order (.10)

(if routine order, setting court date, denying motion, etc.

4. Telephone calls, letters and reviewing documents – Bill for actual time spent, no averages. If you are routinely billing .50, or any set amount for these or any tasks, it will be questioned and returned. Also, it should not take one hour every month to review CAJA or ISP reports. They do not change that much. Beware of routine billing amounts. Bill for actual time spent on a given task.
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5. Only bill for tasks reasonably necessary.
6. Bill for each task individually. Do not lump together numerous tasks in one day unless the time spent is under .10. (Example: see client at jail, interview witnesses, call DA are three separate tasks – do not bill them in one block of time, unless the total time billed is only .10).
7. In cases of multiple counts or related cases use batch motions. For example if a client has a possession of marijuana, possession of cocaine and possession of oxycodone in three separately numbered cases resulting from the same arrest, instead of filing 3 separate notices of appearance, discovery, etc., file one (1) batch motion with all case numbers.
8. Do not bill for prepare fee declaration; Bill to open file and to close file – combined total cannot exceed .50.
9. We will not approve “prepare for X task” without an explanation of the basic work done. For example, instead of billing “prepare for trial,” you must bill the task done, i.e., “review witness statements, prepare for trial,” “draft opening statement”, etc.
10. **Agreement to Allow the Fee Declaration Review Committee to Review Fee Declarations Flagged by a Judge as Potentially Excessive and Agreement to Participate with the Committee in its Review.** By remaining on the appointed list, you agree to allow the Fee Declaration Review Committee, a group of attorneys appointed by the Indigent Defense Advisory Board, to review any fee declarations flagged by a Judge as potentially excessive and to cooperate with the Committee regarding its review of such fee declarations. The Committee will have no authority to force an attorney to cut a fee declaration, but will have the ability to suggest entries that the attorney may want to consider trimming or eliminating to get the fee declaration approved.

Judges reserve the right to waive any of the above rules, not specifically required by Alabama law, only in the case of extreme extenuating circumstances. Additional local guidelines may be added by further memorandum to the bar.

Madison County is once again being looked at for increasing indigent defense cost. To try to save our present system, we have agreed to tighten our local guidelines. OIDS has pointed out gaps and problems. We are trying to address those problems with these amendments. Your cooperation is appreciated.
