

CHAPTER 9
INDIGENT DEFENSE—CLAIMS FOR COMPENSATION
PREAMBLE

These rules prescribe the services eligible for reimbursement by the state indigent defense fund and set forth the reporting and reimbursement requirements for claimants. Unless otherwise specified, these rules apply equally to adult and juvenile claims.

481—9.1(232,815) Definitions. As used in these rules, unless the context otherwise requires, the following definitions apply:

“*Appointed attorney*” means an attorney appointed by the court and compensated by the state to represent an indigent person.

“*Claimant*” means an appointed attorney, a county, or other person authorized by Iowa law and the rules of criminal procedure to make application to the state for reimbursement of attorney fees, depositions, and other expenses incurred from the representation of an indigent person.

“*Date of service*” means the date of an appointed attorney’s signature on a claim certifying the information supplied on a claim to be true and correct.

“*Department*” means the department of inspections and appeals.

“*Indigent person*” means a person who has been determined to be unable to employ legal counsel without prejudicing that person’s financial ability to provide economic necessities for the person or the person’s dependent family.

“*Juvenile*” means a person under 18 years of age.

“*Rules of criminal procedure*” means the rules prescribed by the supreme court which govern actions and proceedings in all courts in the state.

“*State public defender*” means the state public defender appointed pursuant to Iowa Code chapter 13B.

481—9.2(232,814,815) Expenses to be reimbursed. The department shall reimburse a claimant for court-ordered fees and costs incurred in the representation of an indigent person under the provisions of Iowa Code sections 232.141, 814.9, 814.10, 814.11, 815.4, 815.5, 815.6, 815.7, 815.10, or the rules of criminal procedure. Only court-approved attorney fees and other relevant costs will be paid to a claimant by the department.

9.2(1) Adult cases. The expenses for which reimbursement shall be made include:

- a. Transcripts;
- b. Appeals of indictable offenses;
- c. Costs of witnesses;
- d. Costs of expert witnesses called by the defense;
- e. Costs for persons confined as material witnesses for the defense;
- f. Attorney fees; and
- g. Other costs allowed under the rules of criminal procedure.

9.2(2) Juvenile cases. The expenses for which reimbursement shall be made include:

- a. Fees and mileage of a witness called to testify in a juvenile proceeding;
- b. Expenses and mileage of a sheriff, officer, or other designated person serving a notice or a subpoena;
- c. Fees for an appointed attorney representing a child in a juvenile proceeding; and
- d. Fees for an appointed attorney representing the parent or guardian of a child in a juvenile proceeding.

9.2(3) Depositions and other expenses. Additional court-ordered expenses for which reimbursement shall be made to a claimant include:

- a. Court reporters or certified shorthand reporters;
- b. Private investigators;

- c. Interpreters; and
- d. Evaluations or medical examinations in adult cases.

481—9.3(232,814,815) Amount to be reimbursed. In determining the amount of reimbursement, a judge, a magistrate, or a juvenile referee may allow reasonable compensation consistent with law and supreme court guidelines reflecting customary and ordinary charges for those services.

481—9.4(232,815) Reporting requirements for adult cases. Upon completion of services, a claimant shall file an application with the clerk of court for compensation of attorney fees, depositions, and other expenses. Each claim for attorney fees submitted by an appointed attorney for an adult case shall contain the following:

1. The name of the county in which the proceedings were held;
2. The title of the case;
3. The case number(s);
4. An indication of whether a previous claim has been filed under the same case number;
5. The date of the court-appointed assignment to the case;
6. The number of in-court hours spent on the case;
7. The number of out-of-court hours spent on the case;
8. The total number of hours, in-court and out-of-court, for which an appointed attorney wishes to be compensated;
9. The hourly rate of compensation an appointed attorney wishes to receive;
10. An attached itemized statement of the services performed by an appointed attorney for which compensation is being sought;
11. A statement of the offenses for which the client was prosecuted;
12. The Iowa Code sections under which the prosecutions were prosecuted;
13. The signature of the appointed attorney certifying that all the information supplied by the appointed attorney is true and correct;
14. The date of the appointed attorney's signature;
15. The name of the firm or appointed attorney to whom payment is to be made;
16. The federal identification number of the firm or the social security number of the appointed attorney to whom payment is to be made; and
17. The mailing address of the firm or appointed attorney where payment is to be sent.

481—9.5(232,815) Reimbursement requirements for adult cases. Each claim submitted by an appointed attorney shall include all the information required by rule 481—9.4(232,815). The department will reimburse a claimant for costs incurred in the representation of an indigent person when a claim is submitted according to the following procedures:

9.5(1) Claims shall be submitted by an appointed attorney on a Claim for Attorney Fees and Order Form. The form is available from the clerk of court or district court administrator's office.

9.5(2) Each claim shall also contain the signature of the judge or magistrate.

9.5(3) Claims shall be submitted by the district court administrator's office to the Department of Inspections and Appeals, Indigent Defense Unit, Lucas State Office Building, Des Moines, Iowa 50319-0083.

9.5(4) A claim shall be submitted by an appointed attorney to the clerk of court within three months of the date of service, which is the date of an appointed attorney's signature on a claim. Claims submitted more than three months after the date of service will be forwarded to the state appeal board by the department for a claimant to receive payment.

9.5(5) Claims with a date of service prior to July 1 that are submitted by an appointed attorney or the district court administrator's office after August 15 shall be forwarded to the state appeal board to be paid if the claims cannot be processed for payment before the accounting books for the fiscal year ending June 30 have been closed.

481—9.6(232,815) Reimbursement requirements for depositions and other expenses. Claims may be submitted for the services specified in subrule 9.2(3) only after written approval has been obtained from the court-appointed attorney assigned to the case.

9.6(1) Claims for depositions shall indicate the date the transcript was taken, the date the transcript was ordered, and the date the transcript was delivered.

9.6(2) Charges for an original transcript shall be listed separately from charges for a copy of an original transcript.

9.6(3) Each claim for depositions and other expenses shall be accompanied by:

a. An explanation of the type of service provided;

b. A billing or statement including the name, the mailing address, and the telephone number of the claimant;

c. The name of the county in which the services were provided;

d. The name of the indigent person for whom the services were provided; and

e. The title of the case.

9.6(4) The claim order/claim voucher form shall be signed and dated by the claimant, or an original invoice may be submitted. A generic invoice or a photocopy of an invoice may be submitted if it contains an original signature and is dated by the claimant.

9.6(5) Claims shall be submitted by the district court administrator's office to the Department of Inspections and Appeals, Indigent Defense Unit, Lucas State Office Building, Des Moines, Iowa 50319-0083.

481—9.7(232) Reimbursement requirements for juvenile cases. The department will reimburse a claimant for costs incurred in the representation of an indigent person when a claim is submitted according to the following procedures:

9.7(1) Each claim submitted to a county shall be authorized for payment by the judge, magistrate, or juvenile referee.

9.7(2) A claim may be submitted by a county to the department on a Report of Expenditures for Juvenile Justice Program Form provided by the department.

9.7(3) The report form shall contain the original signature of the county auditor or county treasurer and shall be submitted monthly regardless of whether a county has met its base cost pursuant to Iowa Code section 232.141(3) "a."

9.7(4) One copy of each claim for attorney fees submitted to a county shall be attached to the report form submitted to the department.

9.7(5) After a county base has been met, the report form shall be submitted to the department, along with one original and one copy of the claim order/claim voucher form.

9.7(6) The report form shall be submitted by the county auditor to the Department of Inspections and Appeals, Indigent Defense Unit, Lucas State Office Building, Des Moines, Iowa 50319-0083, by the end of the month following the month for which reimbursement is being sought.

9.7(7) The claim shall be forwarded to the state appeal board for a claimant to receive payment if:

a. The claim is submitted more than three months following the month for which reimbursement is being sought; or

b. The claim is for a month prior to July, is submitted after August 15, and cannot be processed for payment before the accounting books for the fiscal year ending June 30 have been closed.

481—9.8(232,815) Claims delayed or rejected. The payment of a claim may be delayed or rejected by the department if any of the following conditions exist:

1. An appointed attorney failed to provide the information required in rule 9.4(232,815).
2. A claim includes services which are eligible for reimbursement under the department of human services rules for court-ordered care and treatment for juveniles in 441—Chapter 151.
3. A claim has been determined by the state public defender to be excessive as specified in rule 9.10(13B).
4. A claim contains an error in computation.

5. A claim includes services not eligible for reimbursement under Iowa Code section 815.11.

481—9.9(232,815) Payment errors. If an error resulting in an overpayment or double payment of a claim is discovered by the claimant or by the department, the claimant shall reimburse the department for the amount of the overpayment, unless an agreement has been made with the department to deduct the overpayment from a future claim. An overpayment that is returned to the department shall be paid by check to the Treasurer, State of Iowa, and mailed to the Department of Inspections and Appeals, Indigent Defense Unit, Lucas State Office Building, Des Moines, Iowa 50319-0083.

481—9.10(13B) Claims determined to be excessive. The state public defender may review any claim submitted for reimbursement of expenses. If the state public defender determines a claim to be excessive, within 30 days of the department's receipt of a claim, the state public defender may request a hearing before the court granting the claim for the purpose of reviewing the claim. The claim will be:

1. Awarded for the entire amount requested; or
2. Reduced if the court also determines the claim to be excessive.

481—9.11(22) Availability of records. Information collected by the department is available for public inspection and copying unless otherwise provided by rule or law. Information will be provided when requested in writing from the Office of the State Public Defender, Lucas State Office Building, Des Moines, Iowa 50319-0087.

These rules are intended to implement Iowa Code sections 13B.4(4), 22.11, 232.141(2), 232.141(3), 814.9, 814.10, 814.11, 815.4, 815.5, 815.6, 815.7, 815.10 and 815.10A.

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