

STATE PUBLIC DEFENDER[493]

Adopted and Filed

Pursuant to the authority of Iowa Code section 13B.4(8), the State Public Defender hereby amends Chapter 12, "Claims for Indigent Defense Services," Iowa Administrative Code.

These amendments will require court-appointed attorneys to submit attorney fee claims for payment to the State Public Defender's Office using an online system. The amendments are intended to allow the State Public Defender to achieve greater efficiencies and overall improvements in the processing, review and payment of attorney fee claims. The amendments also specify the manner in which the online claims must be submitted.

Notice of Intended Action was published in the Iowa Administrative Bulletin on August 31, 2016, as **ARC 2685C**.

A public hearing was held on September 22, 2016, at 2:30 p.m. in Conference Room 424, Fourth Floor, Lucas State Office Building, 321 East 12th Street, Des Moines, Iowa. Interested persons also had the opportunity to make written suggestions or comments on the proposed amendments on or before September 22, 2016.

A number of comments were received from indigent defense contract attorneys. Most of the comments concerned the compatibility of the attorneys' billing programs with the form of the itemization required by the online system. The State Public Defender's Office has worked with individual attorneys to attempt to make the transition to the new online system as user-friendly as possible. These amendments are identical to those published under Notice of Intended Action.

The State Public Defender does not believe that these amendments pose any financial hardship on any regulated entity or individual.

After review and analysis of this rule making, no adverse impact on jobs has been found.

These amendments are intended to implement Iowa Code chapters 13B and 815.

These amendments shall become effective November 30, 2016.

The following amendments are adopted.

ITEM 1. Amend paragraph **12.2(1)"a"** as follows:

a. A completed fee claim on a form promulgated by the state public defender.

(1) Adult fee claims, including all trial-level criminal and postconviction relief proceedings, misdemeanor appeals to district court, and applications for discretionary review or applications for interlocutory appeals to the Iowa supreme court, must be submitted on an Adult form. Juvenile fee claims, including petitions on appeal and applications for interlocutory appeals, must be submitted on a Juvenile form. Appellate fee claims, including claims for all criminal and postconviction relief appeals, work performed after the granting of an application for discretionary review or for interlocutory appeal, and work performed after full briefing is ordered following a juvenile petition on appeal, must be submitted on an Appellate form. ~~The~~ For paper claims submitted on or before December 31, 2016, the claim forms may be downloaded from the state public defender Web site: <http://spd.iowa.gov>.

(2) Claims submitted on or after January 1, 2017, shall be submitted electronically via the online claims Web site: <https://spdclaims.iowa.gov>. Effective January 1, 2017, any reference in these rules to forms for Adult, Juvenile, or Appellate claims means the respective electronic claims submission page on the online claims Web site. The state public defender, at the state public defender's sole discretion, may grant limited exceptions to the requirement that claims be submitted electronically via the online claims Web site.

ITEM 2. Amend subparagraph **12.2(1)"f"(6)** as follows:

(6) ~~The~~ For paper claims submitted on or before December 31, 2016, the itemization must be typed in at least 10-point type on 8½" × 11" paper. For claims submitted on or after January 1, 2017, the itemization shall be submitted electronically via the Attorney Hours grid on the appropriate claims

submission page on the online claims Web site. Separate electronic attachments of itemizations will not be accepted.

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 10/26/16.