

493—13.3(13B,815) Court review. A claimant whose claim for compensation is denied, reduced, or otherwise modified by the state public defender for other than mathematical errors may seek court review of the action of the state public defender.

13.3(1) Motions for court review. Court review of the action of the state public defender is initiated by filing a motion with the trial court requesting the review. The following conditions shall apply to all such motions:

- a. The motion must be filed with the court within 20 days of the action of the state public defender.
- b. The motion must set forth each and every ground on which the claimant intends to rely in challenging the action of the state public defender.
- c. The motion must have attached to it a complete copy of the claim, together with the notice of action that the claimant seeks to have reviewed.
- d. A copy of all documents filed must be provided to the state public defender.
- e. It is unnecessary for the state public defender to file any response to the motion.

13.3(2) Hearings. The following shall apply to hearings on motions for court review:

- a. The motion shall be set for hearing by the court. Notice of the hearing on the claimant's request for review shall be provided to the claimant and the state public defender at least ten days prior to the date and time set by the reviewing court.
- b. Unless the state public defender specifically indicates an intention to appear in person at the hearing, the state public defender shall participate by telephone. If the state public defender participates by telephone, the state public defender shall be responsible for initiating and paying for the telephone call.
- c. The burden shall be on the claimant requesting the review.
- d. The court shall consider only the issues raised in the claimant's motion.
- e. The court shall issue a written ruling on the issues properly presented in the request for review.
- f. If a ruling is entered allowing additional fees, the claimant must file a new claim with the state public defender. A copy of the court's ruling must be attached to the claim form. The date of service on the claim form is the date of the court's order.

13.3(3) Failure to seek review. Failure to seek court review within 20 days of the action of the state public defender will preclude court review of the state public defender's action.

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