

493—12.5 (13B,815) Appellate contracts. Subject to the provisions of this rule, an attorney who has entered into a contract with the state public defender shall be paid \$1,800 for each appellate case to which the attorney is appointed. Following submission of the attorney's proof brief, \$1,200 is payable; the remainder shall be paid after the final brief is filed.

12.5(1) *Frivolous appeals.* In an appeal to which the attorney was appointed after June 30, 1999, and before July 1, 2006, in which the attorney withdraws based on a determination that the appeal is frivolous or in which the appeal is dismissed prior to the filing of the attorney's proof brief, the attorney shall be paid at the rate of \$50 per hour, with a maximum fee of \$1,000 in each case. In an appeal to which the attorney was appointed after June 30, 2006, and before July 1, 2007, in which the attorney withdraws based on a determination that the appeal is frivolous or in which the appeal is dismissed prior to the filing of the attorney's proof brief, the attorney shall be paid at the rate of \$55 per hour, with a maximum fee of \$1,100 in each case. In an appeal to which the attorney was appointed after June 30, 2007, in which the attorney withdraws based on a determination that the appeal is frivolous or in which the appeal is dismissed prior to the filing of the attorney's proof brief, the attorney shall be paid at the rate of \$60 per hour, with a maximum fee of \$1,200 in each case.

12.5(2) *Juvenile cases.* For juvenile appeals, only delinquency appeals are covered by an appellate contract. All other juvenile appeals are subject to subrule 12.6(3).

12.5(3) *Applications for further review.* In a case in which an application for further review is filed, the contract amount will be increased by the reasonable amount of time necessary for the further review, payable at \$60 per hour.

12.5(4) *Unusually complicated cases.* In an appeal that is unusually complicated, the state public defender may approve a fee in excess of the contract amount contained in rule 12.5(13B,815). However, this subrule does not require that the state public defender pay a higher fee in any particular case. A determination that a case is "unusually complicated" shall be made by the state public defender based on the information provided by the attorney at the time of submission of the claim showing that the case is highly exceptional and complex from a legal or factual perspective. A case is not considered unusually complicated merely because the client is difficult to work with or because the case took longer than the attorney anticipated. An attorney whose claim is partially denied pursuant to this subrule may seek review of the state public defender's action.

12.5(5) *Application of fee limitations.* The fee limitations and procedures provided in rule 12.6(13B,815) have no application to appellate contracts.