

THE SUPREME COURT OF THE STATE OF ALASKA

ORDER NO. 626

Amending Administrative Rules 12 & 13,
and providing for the payment of court
appointment claims by the Office of
Public Advocacy.

IT IS ORDERED:

1. Administrative Rule 12 is amended to read:

Rule 12. Appointment and Compensation of Court Appointed
Attorneys in Criminal Cases.

(a) The presiding judge shall designate the area court administrator and a clerk of court for each court location in his district to keep and make available to the court in each location a list of attorneys eligible to receive court appointments to represent indigent persons in criminal cases.

(b) The lists of eligible attorneys shall be compiled and provided to the court by the director of the Office of Public Advocacy in cooperation with the Alaska Bar Association.

(c) The Office of the Public Defender will be appointed to represent indigent persons in criminal cases. If the Office of the Public Defender is unable to provide representation, the Office of Public Advocacy will be appointed. If the Office of Public Advocacy cannot provide representation because of a conflict of interest within a reasonable time consistent with the circumstances of the case, the court shall appoint an attorney to provide representation. Appointments shall be made from the list on a rotating basis as far as is practical and possible, and the court may, in departing from a strict rotation basis, take into account the complexity of the case and the

level of experience required by counsel.

(d) All claims for compensation shall be submitted on forms provided by the court within 30 days following the disposition of a case. Claims shall be submitted to the director of the Office of Public Advocacy. The director of the Office of Public Advocacy shall approve or disapprove the claim.

(e) Attorneys shall be compensated at the rate of \$40.00 per hour; provided, that total compensation for any case shall not exceed the following schedule:

- (1) Misdemeanor disposed of following a plea of guilty or nolo contendere, or by dismissal\$ 250.00
- (2) Misdemeanor disposed of following trial 500.00
- (3) Felony disposed of following a plea of guilty or nolo contendere, or by dismissal 1,250.00
- (4) Felony disposed of following trial..... 2,500.00
- (5) Probation or parole revocation proceeding or a proceeding under Criminal Rule 35(b):
 - (i) Misdemeanor.....\$ 350.00
 - (ii) Felony..... 1,000.00
- (6) Appeal, including combined sentence and merit appeals:
 - (i) From the district court..... 500.00
 - (ii) From the superior court..... 1,500.00
- (7) Sentence appeal:
 - (i) From the district court..... 250.00
 - (ii) From the superior court..... 750.00

(8) Petition for review, including any additional or successive petitions in the same case:

- (i) From the district court..... 350.00
- (ii) From the superior court..... 1,000.00

(9) Petition for hearing; including successive petitions to the court of appeals and the supreme court in the circumstances permitted by statute:

- (i) If denied..... 750.00
- (ii) If granted..... 1,000.00

Multiple counts or charges in an indictment or information are to be considered as a single case for purposes of compensation under this rule, but in the discretion of the presiding judge, they may be treated as separate cases if separate trials have been ordered under Criminal Rule 14. Additional compensation for proceedings not specifically listed in this schedule may not be awarded except under (h) of this rule.

(f) Extraordinary expenses will be reimbursed only if prior authority has been obtained from the director of the Office of Public Advocacy. In this paragraph, "extraordinary expenses" are limited to expenses for:

- (1) Investigation;
- (2) Expert witnesses; and
- (3) Necessary travel and per diem by the defendant, appointed counsel, and witnesses. Travel and per diem may not exceed the rate authorized for state employees.

(g) If necessary to prevent manifest injustice, the director of the Office of Public Advocacy may authorize payment of compensation or expenses in excess of the

amounts allowed under this rule.

(h) The compensation procedures and fee schedule described in this rule will remain in effect until modified by regulations promulgated by the Department of Administration pursuant to A.S. 44.21.410(b)(1).

2. Administrative Rule 13 is amended to read:

(a) Attorneys appointed by the court to represent persons under the Rules of Children's Procedure, pursuant to statute, or where the appointment of counsel is constitutionally required, shall be compensated at the rate of \$40.00 per hour. The maximum compensation for any one case shall not exceed \$1,500.00 unless excess compensation is approved by the director of the Office of Public Advocacy.

(b) Guardians ad litem appointed by the court under the Rules of Children's Procedure or pursuant to statute, shall be compensated as follows:

(1) An attorney appointed as guardian ad litem shall receive \$40.00 per hour; provided, that if the attorney has been appointed to act as both counsel and as guardian ad litem, he shall be compensated only as an attorney.

(2) A person other than an attorney appointed as guardian ad litem shall receive compensation if the court deems it appropriate, not to exceed \$25.00 per hour.

(3) The maximum compensation for any one case shall not exceed \$1,500.00 unless excess compensation is approved by the director of the Office of Public Advocacy.

(c) Claims for compensation shall be submitted, on forms provided by the court, within 30 days following disposition of the case. Claims shall be submitted for approval to the

director of the Office of Public Advocacy.

(d) If the assigned judge determines that the party or parties have legal responsibility for the support of a child for whom an attorney or guardian ad litem has been appointed are able, without undue financial hardship, to pay the costs of such services, the judge shall:

(1) Order that all or an equitable portion of the costs be paid by such party or parties directly to the person providing the services; or

(2) Assess as costs to such party or parties all or an equitable portion of the cost to the state of providing such services.

(e) The director of the Office of Public Advocacy may award compensation at a higher rate than provided in this rule in unusually complex or protracted cases.

(f) Reimbursement for costs and expenses incurred shall not exceed \$250.00 unless prior authorization has been obtained from director of the Office of Public Advocacy.


(g) The compensation procedures and fee schedule described in this rule will remain in effect until modified by regulations promulgated by the Department of Administration pursuant to A.S. 44.21.410(b)(1).

3. Effective April 19, 1985, all unpaid billings submitted for services described in Administrative Rules 12 & 13 performed on or after July 1, 1984, and all unpaid billings submitted for all services described in A.S. 44.21.410 performed on or after July 1, 1984, will be forwarded to the Office of Public Advocacy, 900 W. 4th Avenue, Suite 525, Anchorage, Alaska 99501 for processing and payment.

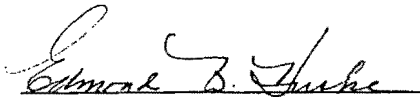
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DATED: April 18, 1985

EFFECTIVE DATE: 4-19-85



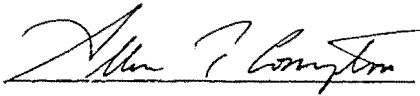
Chief Justice



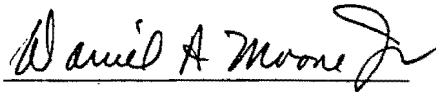
Justice



Justice



Justice



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