

IN THE SUPREME COURT FOR THE STATE OF ALASKA

ORDER NO. 628

Interim order providing  
for payment of court  
appointment claims by the  
Office of Public Advocacy

WHEREAS the Office of Public Advocacy is charged under AS 44.21.410 with the obligation of providing legal representation to indigent persons who cannot be represented by the Public Defender Agency because of a conflict of interest, and whereas the Office of Public Advocacy has requested that the court establish the rate of the compensation for private attorneys appointed by the court in the amounts set forth below until the Commissioner of Administration adopts regulations establishing the compensation rate,

IT IS ORDERED:

1. Attorneys shall be compensated at the rate of \$60.00 per hour for in court representation and \$50.00 per hour for out-of-court work. 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.....\$ 400.00
- (2) Misdemeanor disposed of following trial.....800.00
- (3) Felony disposed of following a plea of guilty or nolo contendere, or by dismissal.....2,000.00
- (4) Felony disposed of following trial.....4,000.00
- (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 court 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 paragraph 4 of this order.

2. Extraordinary expenses for attorneys appointed under subparagraph (ii) of this rule 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 witness. Travel and per diem may not exceed the rate authorized for state employees.

3. All claims for compensation shall be submitted on forms provided by the court within 30 days of the appointment and every 30 days thereafter. 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.

4. The director of the Office of Public Advocacy may authorize payment of compensation or expenses in excess of the

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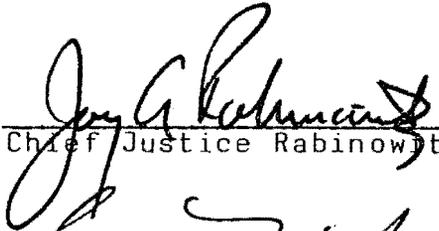
amounts prescribed under this order in extraordinary cases. Applications for such compensation must be submitted within 30 days of the appointment.

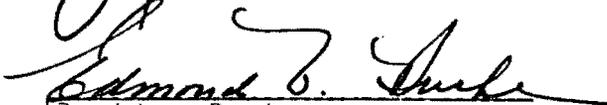
5. The compensation procedures and fee schedule described in this order will remain in effect until August 30, 1985, or until the promulgation of regulations by the Commissioner of Administration pursuant to AS 44.21.410(b)(1), whichever occurs first.

6. Paragraphs (d), (e), (f), (g) and (h) of Rule 12, Rules Governing the Administration of All Courts, are repealed.

DATED: May 30, 1985

EFFECTIVE DATE: May 30, 1985

  
Chief Justice Rabinowitz

  
Justice Burke

  
Justice Matthews

  
Justice Compton

  
Justice Moore