



Office of the Ohio Public Defender

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**STANDARDS AND GUIDELINES
FOR APPOINTED COUNSEL REIMBURSEMENT**
Revised April 2024

**STATE MAXIMUM FEE SCHEDULE
FOR APPOINTED COUNSEL REIMBURSEMENT**
Revised April 2024

**COUNTY PUBLIC DEFENDER OFFICE
REIMBURSEMENT STANDARDS**
Revised April 2024

**STATE PUBLIC DEFENDER
BILLING, PAYMENT, AND REIMBURSEMENT**
Revised April 2024

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SECTION I: STANDARDS & GUIDELINES FOR APPOINTED COUNSEL REIMBURSEMENT

A. General procedures and responsibilities

1. Office of the Ohio Public Defender

The Office of the Ohio Public Defender (OPD) offers reimbursement to counties for their indigent defense costs, including costs to provide appointed counsel. After a county pays their indigent defense costs, a county may request reimbursement by submitting the requisite forms and documentation to the OPD. Reimbursement requests are limited to a collective submission per county each month. The OPD then audits each submission for compliance with the OPD Standards and Guidelines and, calculates the allowable total cost for appointed counsel for a given monthly submission, and makes reimbursement for up to 100 percent of that amount pursuant to [R.C. 120.33](#) and [120.35](#).

2. County responsibilities

Counties are responsible for paying indigent defense costs, including the costs for appointed counsel and guardian ad litem. The county auditor issues payment to the attorney or guardian ad litem after they have submitted the appropriate forms to the court, and the court has approved payment of the requested fees and expenses. After paying these fees and expenses, the county may seek reimbursement of the same from the OPD.

To receive reimbursement, the county must ensure all necessary materials are correctly completed and submitted to the OPD within the allowable time limits. Each monthly submission must be accompanied by the completed and signed [Monthly Assigned Counsel Summary sheet](#). The amounts reported on this sheet should only include the county's appointed counsel services paid in that month, including expert and transcript expenses.

Because the county is responsible for obtaining reimbursement from the State, and must comply with these standards in doing so, the county may make local standards governing the appointed counsel fee billing and payment process. These local standards are intended to increase individual compliance with all State-imposed standards and to ensure that payments made by the county will qualify for reimbursement from the OPD.

3. Court responsibilities

Courts are responsible for determining indigency and appointing counsel and/or guardian ad litem on a case-by-case basis to represent indigent persons who qualify for representation. Courts are also responsible for approving fees and expenses requested by appointed counsel or guardian ad litem.

4. Attorney/guardian ad litem responsibilities

For a county to receive reimbursement, an attorney or guardian ad litem must correctly complete the form(s) prescribed pursuant to section (E) of these standards for each case for which they were appointed and submit the form(s) to the court for approval. The appendices to this document include instructions for completing the necessary forms.

B. Determination of indigency and the Financial Disclosure form (OPD-206R)

1. An applicant's indigency shall be determined by the court in accordance with [Ohio Adm.Code 120-1-03](#), [R.C. 120.05](#), and [120.33](#). An applicant shall complete a current Financial Disclosure form (OPD-206R) that the court will consider in determining indigency.
2. Pursuant to [Ohio Adm.Code 120-1-03](#), in determining indigency, the court shall use the form prescribed by the OPD: Financial Disclosure form (OPD-206R). See section (E). Pursuant to [R.C. 120.33\(A\)\(4\)](#), each request for reimbursement must be accompanied by this form, or a county version of the form developed by the county and approved by OPD pursuant to [Ohio Adm. Code 120-1-03](#), or the OPD may not pay the requested reimbursement.
3. In cases where the applicant is unable to complete and sign the financial disclosure form and the court finds the applicant is otherwise indigent and entitled to counsel, the judge or magistrate hearing the case may complete and sign the Court Certification section of the form, indicating the reason the applicant is unable to complete the form and finding the applicant indigent.
4. Information required on the form may also be obtained from the applicant via phone/video by court personnel, a public defender, or court appointed counsel. The person receiving the information must indicate on the form: "Information received via telephone/video by_____. The individual receiving the information from the applicant must then list their name followed by their title.
5. No applicant shall be denied counsel based on the financial status of a member of the applicant's household when that household member has no legal duty to support the applicant, or when that household member refuses to provide or pay for counsel.

C. Recoupment, contribution, partial payment, and marginally indigent programs

Pursuant to [Ohio Adm.Code 120-1-05](#), counties shall adopt a recoupment, contribution, partial payment, marginally indigent program. Counties may provide indigent defense counsel for persons with income between 125 percent and 187.5 percent of the poverty threshold. Pursuant to [R.C. 2941.51\(D\)](#), if a person who receives appointed counsel or a public defender has, or reasonably may be expected to have, the means to meet some part of the cost of the services rendered to the person, the person shall pay the county an amount the person reasonably can be expected to pay. [Ohio Adm.Code 120-1-05](#) prescribes factors that should be considered when considering whether recoupment should be ordered.

When recoupment is ordered and a person who is marginally indigent makes a payment to the county toward recoupment, the county auditor must remit a portion of the funds received to the State Public Defender. [R.C. 120.33\(A\)\(4\)](#) states that the county shall pay to the State Public Defender a percentage of the payment received from the person in an amount proportionate to the percentage of the costs of the person's case that were paid to the county by the State Public Defender pursuant to this section. Therefore, it is the responsibility of the county auditor to remit to the State Public Defender a portion of the funds collected. The amount should be proportionate to the percentage of the costs of the cases which were reimbursed by the state. Such funds should be remitted to the Office of the Ohio Public Defender by check or warrant payable to "Treasurer, State of Ohio".

D. Persons becoming indigent during their case

Reimbursement may be made for persons who were initially determined to **not** be indigent, but during the course of their case, become indigent or eligible for the recoupment program subject to the provisions of section (B) (1-3) of these standards. Reimbursement is limited to those costs paid by the county for the period of time when the applicant was determined to be indigent.

E. Prescribed forms

1. To receive reimbursement, counties must properly complete and submit the prescribed form to the OPD. The prescribed forms are:

Activity/Case Type	Form
All common pleas, municipal, appeals, juvenile, domestic relations, county courts, probate courts, and the Ohio Supreme Court	Motion, Entry, and Certification for Appointed Counsel Fees form (OPD-1026R) and Itemized Fee Statement Continuation sheet (OPD-1027R), if needed
Transcript expenses	Clerk's/Auditor's Transcript Fee for an Indigent Defendant form (OPD-E-205)
Experts' expenses	Request for Court-Paid Experts and/or Expenses form (OPD-209)
Financial disclosure	Financial Disclosure form (OPD-206R) (Required in all cases)
Assigned counsel	Monthly Assigned Counsel Summary Report

Copies of and instructions for completing each form are included in the appendices of these standards.

2. Forms submitted must be originals or photocopies of the forms prescribed by the OPD or be produced using the software issued by the OPD.

Photocopies submitted in lieu of original forms must meet the following requirements:

- a. All pages of the form must be included and must be in the proper order.
- b. Copies must be of good quality and be of original size.
- c. All forms for reimbursement must be fully and properly completed. Forms that are incomplete or are completed improperly will be denied for reimbursement in whole or in part, to the county.
- d. The OPD makes available free software that will produce the Motion, Entry, and Certification for Appointed Counsel Fees form (OPD-1026R) and Itemized Fee Statement Continuation sheet (OPD-1027R). A copy of the software, in addition to pdf fillable forms, are available on the OPD website at opd.ohio.gov, under the [Appointed Counsel tab](#).

F. Itemization of attorney hours/time logs

The itemization of hours spent in-court and out-of-court by the attorney is required on every Motion, Entry, and Certification for Appointed Counsel Fees form (OPD-1026R) submitted. Hours must be itemized on all forms in tenth-of-an-hour (six-minute) increments. Billing for time worked by the attorney's support staff (secretary/administrative assistant/paralegal) should not be included and will not be reimbursed by the OPD.

Where the attorney submitting the bill has included time worked by other attorneys, the attorney submitting the bill must list the bar registration number of all other attorneys who performed work that is reflected on the itemized portion of the bill,

- **Example:** Mrs. Attorney is appointed to serve as indigent defense counsel on case number CR1234. Mrs. Attorney is in trial on another case one afternoon and requests that a member of her firm cover a pretrial hearing in case number CR1234. A member of the firm, Mr. Lawyer, then covers the pretrial hearing for Mrs. Attorney. Later, when submitting a bill for the case, if Mrs. Attorney includes on her bill the time worked by Mr. Lawyer, then Mrs. Attorney must list Mr. Lawyer's bar registration number next to the increment of time Mr. Lawyer worked.

Attorneys are also required to prepare and maintain time records for each appointed case showing the date of service, nature of services rendered, and hours worked. These records should not be submitted with the fee application but may be requested if the court or the OPD has questions about the billing. Such records should be kept by the attorney for a minimum of five years from the date the related Motion, Entry and Certification for Appointed Counsel Fees form (OPD-1026R) was submitted to the court.

G. Judge's signature

1. All Motion, Entry, and Certification for Appointed Counsel Fees forms (OPD-1026R) must be signed by the judge hearing the case for which the reimbursement request is being made. The OPD has discretion to allow the signing of the form by the administrative judge for a particular

case in the event the judge hearing the case is unavailable to sign, when the judge is a visiting judge, or for other acceptable reasons approved by the OPD.

2. In appellate proceedings, the signature of at least one Court of Appeals judge hearing the appeal must appear on the Motion, Entry, and Certification for Appointed Counsel Fees form (OPD-1026R).

H. Attorney fees

1. Maximum fees
 - a. Except in cases involving extraordinary fees, reimbursement for attorney fees is limited to the maximums established by the OPD pursuant to [R.C. 120.04\(B\)\(8\)](#). Such maximums are promulgated in the OPD State Maximum Fee Schedule for Appointed Counsel Reimbursement. See section (II). The actual fees paid to the attorney by the county are determined by each board of county commissioners pursuant to [R.C. 120.33](#). If maximum allowable fees under a county's fee schedule are lower than the State's maximum, reimbursement shall be made based on the county's maximum.
 - b. In cases involving extraordinary fees, the standards outlined in section (H)(2) must be followed before reimbursement will be made.
2. Extraordinary fees
 - a. Cases eligible for extraordinary fees are ones which, because of extraordinarily complex issues, multiple offenses, lengthy trials, or other reasons, warrant compensation at a rate which exceeds the maximums established by a county or the OPD. Reimbursement to the county for extraordinary fees is subject to the following requirements:
 - i. In order for extraordinary fees to qualify for reimbursement, counties must provide for extraordinary fees in their fee resolution adopted pursuant to [R.C. 120.33\(A\)\(3\)](#).
 - ii. If a court grants an extraordinary fee, a journal entry approving the extraordinary fee must be attached to the Motion, Entry, and Certification for Appointed Counsel Fees form (OPD-1026R) (see [Ohio Adm.Code 120-1-15\(B\)\(2\)](#)), and the Extraordinary Fees Granted box in the Judgment Entry section on the front of the form must be marked.
3. Reduced or Denied Fees
 - a. If a court reduces or denies a legal fee a journal entry stating the reason for the reduction or denial must be attached to the Motion, Entry, and Certification for Appointed Counsel Fees form (OPD1026R) (see [Ohio Adm.Code 120-1-15\(B\)\(1\)](#)).

I. Multiple charges, counts, and co-defendants

1. An appointed counsel is entitled to one fee when one complete proceeding or trial is held in one court (e.g. municipal, common pleas, juvenile, etc.) for a single client on charges or counts arising out of a single incident or a series of related incidents.

2. In cases involving multiple charges where only one fee is payable, the fee maximum shall be based on the highest degree of offense charged.
3. An attorney representing multiple clients who are charged with conduct arising out of a single incident shall submit only one Motion, Entry, and Certification for Appointed Counsel Fees form (OPD-1026R) for the case. The attorney shall list all clients and their respective case numbers on one Motion, Entry, and Certification for Appointed Counsel Fees form (OPD-1026R).
4. Time billed on one Motion, Entry, and Certification for Appointed Counsel Fees form (OPD-1026R) cannot be billed on any other form for which payment or reimbursement is being requested.
5. When one client is charged with multiple offenses that are dealt with simultaneously, the attorney shall submit only one Motion, Entry, and Certification for Appointed Counsel Fees form (OPD-1026R). The maximum fee shall be based on the highest degree of offense charged.
6. In juvenile court cases involving multiple parties, regardless of whether the attorney represented the children, parents, or other parties in an abuse, dependency, neglect, custody, non-support contempt, or visitation contempt action, the attorney shall list all children and their respective case numbers on one Motion, Entry, and Certification for Appointed Counsel Fees form (OPD-1026R).

J. Juvenile court

1. Reimbursement will be made for an attorney appointed to represent a juvenile or adult, or for an attorney appointed as guardian ad litem in juvenile court.
2. In abuse, dependency, and neglect cases, an attorney may bill up to the maximum fee allowed by the county for the initial dispositional hearing and each subsequent annual review hearing before the court. Such billings are not considered “periodic billings” pursuant to section (T) of these standards.
3. The OPD does not reimburse for the cost of providing Court Appointed Special Advocates (CASA) or non-attorneys as guardian ad litem.
4. Whenever the guardian ad litem determines that legal work needs to be done on behalf of the child, the guardian ad litem should ask the court to appoint an attorney to represent the child’s wishes and/or legal interests, and to file motions on the child’s behalf. An attorney appointed to represent the child is entitled to bill for the appointment in the same manner as for any other abuse, dependency, or neglect cases.
5. To qualify for reimbursement, counsel may only be appointed to serve as counsel or guardian ad litem in a delinquency case, but not in a dual role as both counsel and guardian ad litem in the same case. [Ohio Adm.Code 120-1-18\(A\)](#). Where an attorney is appointed to serve as both counsel and guardian ad litem in the same delinquency case, neither the fee for counsel services nor the fee for guardian ad litem services will qualify for reimbursement. [Ohio Adm.Code 120-1-18\(B\)](#). Reimbursement submissions for appointed counsel fees wherein an

appointment of counsel in Juvenile Court was made on or after July 1, 2022, must comply with [Ohio Adm.Code 120-1-18](#) in order to qualify for reimbursement. Reimbursement submissions for appointed counsel fees wherein an appointment of counsel in Juvenile Court was made before July 1, 2022, will not be required to comply with [Ohio Adm.Code 120-1-18](#) to qualify for reimbursement.

K. Probate court

The OPD will only reimburse for adoption cases where an indigent parent is facing the termination of their parental rights. [In re Adoption of Y.E.F., SC 2020-Ohio-6785](#). All requests for reimbursement must comply with all other applicable provisions of these standards.

L. Domestic relations court

The OPD will only reimburse for cases involving contempt, including purge hearings. All requests for reimbursement must comply with all other applicable provisions of these standards.

M. Municipal or county court

1. Reimbursement will be made for representation in municipal or county courts for any violations of the Ohio Revised Code, where such violations involve a potential loss of liberty. Reimbursement for violations of municipal or village ordinances will be made only when such violations involve a potential loss of liberty, and where the municipality or village has contracted with the county commissioners of that county for such representation pursuant to [R.C. 120.33\(A\)\(4\)](#).
2. Reimbursement for violations of municipal or village ordinances shall also apply to indigent defense representation provided by county or joint county public defender offices.
3. No reimbursement will be made for municipal or village ordinance cases unless the pertinent contract between the municipality or village and the county commissioners has been approved by the OPD pursuant to [Ohio Adm.Code 120-1-09](#). All contracts must be renewed annually and sent to the OPD within sixty days of execution. No retroactive payments on municipal contracts will be made by the OPD.

N. Capital offense cases

1. Reimbursement for capital offense cases will be made pursuant to [R.C. 120.33\(D\)](#).
2. Reimbursement in capital offense cases will not be made unless the attorneys appointed were certified as qualified by the [Supreme Court Rules for Appointment of Counsel in Capital Cases](#). This also applies to the role of the attorney and the level of the case for which reimbursement is being requested (e.g., lead counsel must be lead counsel certified, appellate counsel must be appellate counsel certified, etc.). If a waiver was granted, a copy of the waiver must accompany the Motion, Entry, and Certification for Appointed Counsel Fees form (OPD-1026R) form. Attorneys must qualify pursuant to [Ohio Adm.Code 120-1-10](#).

O. Minor misdemeanors and Unclassified misdemeanors

1. Reimbursement will be made for minor misdemeanors when the minor misdemeanor is among two or more charges tracking through court at the same time for which one of the other charges carries the possibility of jail time. Otherwise, there is no reimbursement for representation in minor misdemeanor cases without prior written approval from the OPD. Approval for reimbursement will only be granted when such a case involves a substantial constitutional question or area of public or great general interest.
2. When a child is charged with a minor misdemeanor, the OPD will reimburse for the legal representation of the child, the child's parents or custodian, or any other person in loco parentis of the child, at all stages of the proceedings under [R.C. Chapters 2151](#) or [2152](#).
3. Reimbursement will be made for unclassified misdemeanors when the charge carries the possibility of jail time. Otherwise, there is no reimbursement for representation in unclassified misdemeanor cases.

P. Change in appointed attorney(s)

In the event that one attorney withdraws or is removed from a case, the newly appointed attorney may bill up to the maximum for that particular proceeding.

Q. Reimbursement of expenses

1. General rules for reimbursement of expenses

The OPD shall reimburse up to 100 percent of certain expenses reasonably related and necessary to the defense of an indigent client. These expenses include travel, transcripts, expert services, and certain other miscellaneous expenses. All reimbursement for expenses is subject to the following general rules and shall not be applied to the maximum attorney fee allowed:

- a. Pursuant to [R.C. 120.33\(A\)\(4\)](#), expenses must be specifically allowed in the county's fee resolution.
- b. The appointing court must approve the expenses.
- c. All expenses must be itemized on the proper form(s). Unless otherwise provided for in these standards, pursuant to [Ohio Adm.Code 126-1-02](#), a receipt must accompany all expenses. If the identification of the payee or the nature of the expense raises questions of confidentiality or of attorney-client privilege, the applicant may make such an indication on the form and attach an appropriate entry of approval from the court. Transcript expenses are to be submitted on the Clerk's/Auditor's Transcript Fee for an Indigent Defendant form (OPD-205) and expert expenses on the Request for Court-Paid Experts and/or Expenses form (OPD-209) (see [Ohio Adm.Code 120-1-17](#)).
- d. All requests for reimbursement of expenses are subject to final approval by the OPD. Unusual requests may be audited to determine if reimbursement will be made.

2. Travel time and expenses

Pursuant to [Ohio Adm.Code 126-1-02](#), travel time and expense reimbursement are subject to the following conditions:

- a. The attorney must itemize on the Motion, Entry, and Certification for Appointed Counsel Fees form (OPD-1026R) all travel expenses including mileage, airfare, lodging, meals, and other miscellaneous items. A receipt must accompany all travel expenses except for road tolls, bus, boat, ferry, subway service, and personal mileage. Personal mileage must be itemized (number of miles traveled and points of departure and destination).
- b. Expenses for lodging and meals are reimbursable only when the attorney travels more than 45 miles one way from the attorney's home or office for purposes of representing an indigent client, and when an overnight stay is required. If travel expenses are claimed, the dates traveled, and points of departure and destination must be specified in the expenses section of the Motion, Entry, and Certification for Appointed Counsel Fees form (OPD-1026R).
- c. Attorney fees for time spent in-transit and expenses for mileage and parking are reimbursable only when the attorney travels to a county outside of the county in which the attorney resides or maintains an office. Reimbursement will not be made for attorney fees and/or expenses incurred between the attorney's home and office, the attorney's home and a court in the same county, or the attorney's office and a court in the same county.
- d. Except as limited by this section, an attorney may bill for hours spent in-transit between a specified point of departure and destination. Once the destination has been reached, the attorney may not bill for hours spent at the destination as hours in-transit. Hours spent working on a case at the specified destination, however, may be billed accordingly.
- e. Lodging, meals, mileage, and travel by common carrier are eligible expenses for reimbursement subject to the current rates prescribed by [Ohio Adm.Code 126-1-02](#), or the applicable county rate, if lower. For a copy of the current rates, visit the Ohio Office of Budget and Management (OBM) website at <https://obm.ohio.gov/TravelRule/>. Mileage rates are updated on a quarterly basis. If travel expenses are claimed, the dates traveled, and points of departure and destination must be specified in the expenses section of the Motion, Entry, and Certification for Appointed Counsel Fees form (OPD-1026R).
 - i. Expenses for travel by commercial carrier will be reimbursed at the lowest fare available for the trip and only when the attorney travels outside of Ohio.
 - ii. Reimbursement for travel by personal auto shall be made at the current rate set by OBM (see above).
- f. No reimbursement shall be made for lodging, meals, mileage, and travel by common carrier for the client, the client's family, the client's friends, or for the attorney's employees.

3. Transcripts

Transcript expenses for one original and one copy of a transcript are reimbursable subject to the following provisions:

- a. The maximum amount subject to reimbursement for the original transcript is \$6.00 per page, and \$0.10 per page for a paper copy. Reimbursement will not be provided for electronic copies of transcripts (see [R.C. 2301.24](#)).
- b. Transcript expenses will be reimbursed only when the transcript is produced for use by defense counsel at trial, on appeal, or in post-conviction proceedings. Reimbursement will not be made if these costs are presented through the attorney's bill for services (see [Ohio Adm.Code 120-1-17](#)).
- c. In order to qualify for reimbursement, transcript expenses must be itemized and submitted using Clerk's/ Auditor's Transcript Fee for an Indigent Defendant form (OPD-E-205). Cost per page must be listed on the invoice.
- d. Requests for transcript expense reimbursement must be submitted to OPD within 90 days after the end of the month in which the case for which the transcript was prepared, was finally disposed of, or terminated by the court handling the case.
 - **Example:** A case is terminated in an appellate court on Jan. 5, 2024. The request is due to the OPD by April 30, 2024 (90 days from the last day in January).
- e. A Financial Disclosure form (OPD-206R) completed pursuant to section (B) of these standards must accompany the Clerk's/Auditor's Transcript Fee for an Indigent Defendant form (OPD-E-205), or the appropriate box checked where the judge declares indigency.

4. Experts

- a. Reimbursement for expert expenses shall be limited to those where the expert services provided meet all the following requirements:
 - i. The expert is used **only for the defense** of the accused or party represented; and
 - ii. The expert is an independent expert **answerable solely to defense counsel**, not to the court or prosecution; and
 - iii. The expert's expenses adhere to the established guidelines as set forth herein.
- b. Expert expenses must be submitted using the Request for Court-Paid Experts and Expenses form (OPD-209) and meet all of the following requirements:
 - i. Either a receipt, or a copy of the expert's invoice or both must accompany the form. The number of hours worked, and the hourly rate charged must be included in the invoice.
 - ii. Expert expenses may not be submitted through the attorney fee application (see [Ohio Adm.Code 120-1-17](#)).

- iii. A Financial Disclosure form (OPD-206R) completed pursuant to section (B) of these standards must accompany the Request for Court-Paid Experts and/or Expenses form (OPD-209), or the appropriate box is checked where the judge declares indigency.
 - c. Reimbursement will not be provided where a defense request for an independent expert is granted by a court, but in the order granting the request the court orders that the report of the expert be submitted to the court. Where a court orders an expert's report be submitted to the court, the expert is no longer answerable solely to defense counsel nor considered an independent expert for purposes of reimbursement.
 - d. During representation, defense counsel will often file motions for an expert evaluation of a defendant regarding competency or sanity. Those expert expenses are not subject to reimbursement except where, as detailed in section (a) above, the expert services are at the sole discretion of defense counsel. The following are not subject to reimbursement as the expert is per se not an independent expert serving at the discretion of defense counsel:
 - i. Expert evaluations that are required by statute; or
 - ii. Expert evaluations where the court or prosecution decide which expert will be retained; or
 - iii. Expert evaluations where the court requires the expert to submit a copy of a report.
 - e. Requests for reimbursement of expert expenses ordered for use by the court or the prosecution shall not be reimbursed.
 - Examples:
 - A defendant is not fluent in the English language and the court orders a defense counsel only interpreter be present during all court proceedings. The interpreter that provides translation services during court proceedings is not a permissible expense to submit for indigent defense reimbursement—as that service is used by the court and the prosecution. However, a separate interpreter will, in most cases, be necessary for defense counsel to communicate with the defendant. The cost of the interpreter that is used only by defense counsel is a permissible expense to submit for reimbursement.
 - Defense counsel files a motion raising the defendant's competency. An evaluation ordered by the court to determine whether the defendant is competent to stand trial is not a permissible expense to submit for indigent defense reimbursement where the expert's report is ordered submitted to the court. It is only where an expert is answerable solely to defense counsel that an expert expense may be submitted for reimbursement.

5. Miscellaneous other expenses

Reimbursement for certain miscellaneous other expenses will also be made pursuant to the provisions outlined in this section. These expenses include:

- a. Polygraph examinations (use the Request for Court-Paid Experts and/or Expenses form (OPD-209)).
- b. Phone calls.
- c. Photocopies at up to \$0.05 per page if made in-house (The number of copies must be listed.) or at actual cost (with receipt) if a service is used.
- d. Other expenses reasonably related and necessary to the defense of an indigent client, (e.g., clothing for the client, haircuts for the client, flash drive, CD etc.). Receipts must be submitted for all expenses.

R. Court fees, fines, costs, and items subject to waiver

No reimbursement will be made for any court fees, fines, or costs that are subject to waiver due to the indigency of the client (e.g., the \$40.00 Supreme Court of Ohio filing fee). The attorney is responsible for filing a motion to waive filing fees and a Financial Disclosure Form (OPD-206R) with the court. Some courts require their own affidavit to waive costs. The court in turn has the jurisdiction to ensure no fees or costs are assessed against the indigent client. In no case are subpoena fees, processor fees, jury fees, court costs, or fines reimbursable expenses.

S. Timely submission of forms

Pursuant to [R.C. 120.33\(A\)\(4\)](#), all requests for reimbursement are due to the OPD within 90 days after the end of the month in which the case was finally disposed of or terminated (last day in court or entry filed from the last day in court).

- **Example:** A case is terminated on Jan. 5, 2024. The request is due to the OPD by April 30, 2024 (90 days from the last day in January).

This standard is subject to the following exceptions:

1. Trial level - If the attorney intends to file a notice of appeal, a motion for a new trial, a motion for shock probation, or a motion for judicial release, the Motion, Entry, and Certification for Appointed Counsel Fees form (OPD-1026R) is due to the OPD within 90 days after the end of the month in which the last hearing indicated on the form was held, or entry filed.
2. Appellate level - Each Motion, Entry, and Certification for Appointed Counsel Fees form (OPD-1026R) submitted is due to the OPD within 90 days after the end of the month in which either the oral argument was held or the appellate decision was issued, as indicated on the form.
3. Juvenile proceedings - In abuse, dependency, and neglect cases, where more than one hearing is held over an extended period of time, the attorney may submit individual Motion, Entry, and

Certification for Appointed Counsel Fees forms (OPD-1026R) for the initial dispositional hearing, each subsequent annual review hearing, and any semi-annual review hearing, and is entitled to fees and expenses as outlined in section (J) of these standards. Each Motion, Entry, and Certification for Appointed Counsel Fees form (OPD-1026R) submitted is due to the OPD within 90 days after the end of the month in which the latest hearing indicated on the form was held.

4. Attorney withdraws or is removed from a case - When an attorney either withdraws or is removed from a case, the Motion, Entry, and Certification for Appointed Counsel Fees form (OPD-1026R) is due within 90 days from the end of the month in which the attorney withdrew or was removed from the case.

T. Periodic billings

1. In cases where proceedings are carried out over an extended period of time, or where multiple trials are held for one case, an attorney may submit more than one bill over the duration of the case.
2. To determine the maximum amount payable, the totals of all such billings will be added together. Once the maximum has been reached, no additional reimbursement will be paid unless the billing is accompanied by an order granting extraordinary fees.
3. Juvenile court - In abuse, dependency, and neglect cases, attorneys are entitled to bill the maximum fee for the initial dispositional hearing and for each subsequent in-court annual review hearing. These are not considered “periodic billings” unless two or more bills are submitted for services provided for a single cap.
4. Periodic billings are due to the OPD within 90 days after the end of the month in which the latest hearing indicated on the form was held.

U. Flat rate fee resolutions and guaranteed minimum fees

1. A county board of commissioners may adopt a fee schedule that compensates attorneys at a flat rate instead of an hourly rate for certain types of offenses. Reimbursement of flat rate fee schedules are subject to the following:
 - a. Schedules incorporating flat rate fees must be approved by the OPD to receive reimbursement.
 - b. Requests for reimbursement must include a completed Itemized Fee Statement section on the Motion, Entry, and Certification for Appointed Counsel Fee form (OPD-1026R) regardless of the use of flat rates. Incomplete forms will be denied reimbursement.
 - c. All fees paid to attorneys must be supported by the actual hours worked. Any fees in excess of hours billed multiplied by county hourly rate will not be approved.
2. The OPD will not provide reimbursement for guaranteed minimum fees. Counties that have fee schedules that include guaranteed minimum fees may still receive reimbursement. However,

reimbursement will be based on the number of hours worked multiplied by the applicable hourly rates, as well as approved expenses on each Motion, Entry, and Certification for Appointed Counsel Fees form (OPD-1026R).

V. State recoupment of fees or expenses paid by indigent clients

Ohio law contemplates that persons receiving appointed legal counsel may have to pay for all or a portion of the costs of such representation. Payments from clients for such representation are done through programs referred to as recoupment, contribution, partial payment, or marginally indigent programs. See [R.C. 2941.51\(D\)](#) and [120.33\(A\)\(4\)](#).

If a person who receives appointed counsel or a public defender has, or reasonably may be expected to have, the means to meet some part of the cost of the services rendered to the person, the person shall pay the county an amount the person reasonably can be expected to pay. [R.C. 2941.51\(D\)](#).

When a client pays any money under a reimbursement, recoupment, contribution, or partial payment program for any case in which the county received reimbursement from the State, then the county must pay to the State a portion of the amount collected from the client. [R.C. 2941.51\(D\)](#) and [120.33\(A\)\(4\)](#).

When funds are collected from a client, usually by the Court Clerk, amounts should be identified as such when forwarded to the County Auditor. The County Auditor must remit a portion of the funds to the State Public Defender along with a Monthly Recoupment Report itemizing recoupment funds collected from indigent defendants

It is the responsibility of the county auditor to reimburse the state a portion of the funds collected. The amount should be proportionate to the percentage of the costs of the cases which were reimbursed by the state. Such funds should be remitted to the Office of the Ohio Public Defender by check or warrant payable to “Treasurer, State of Ohio”.

- **Example:** If a county collects \$100.00 from a client for an appointed counsel case that was reimbursed by the State at 85 percent, the county must pay the OPD \$85.00 of the \$100.00 collected.

There are several options for County recoupment plans. Any system that meets the statutory requirements is acceptable. A more detailed explanation of recoupment plans and examples are contained in OPD’s guide to [County Indigent Fee/Cost Recoupment Programs](#).

W. Underpayment/overpayment of reimbursement

If a county receives a reimbursement payment either less than or greater than the amount it should have received as a result of errors, omissions, or other factors, the OPD shall either make a supplemental payment or a recoupment of funds. This will be done by making an adjustment in the county’s reimbursement payment in the month following discovery and verification of the error.

For underpayments, at the request of the county, the OPD may issue a supplemental warrant prior to the following month's disbursement. The OPD reserves the right to verify whether an adjustment shall be made.

X. Specialty courts and other programs

A court that operates a specialty court docket (e.g. recovery court) or other program (e.g. diversion program) may contact the OPD to have a plan approved which would provide for reimbursement of an attorney to serve as appointed counsel for indigent defendants during the specialty court or other program proceedings.

A plan must include the following in order to be eligible for reimbursement:

1. The attorney(s) serving as appointed counsel must submit one Motion, Entry, and Certification for Appointed Counsel Fees form (OPD-1026R) detailing the total in-court and out-of-court hours worked for each day.
2. Request for reimbursement is due to the OPD within 90 days after the end of the month in which a specialty court hearing or other program was held.
 - **Example:** A hearing is held on Jan. 5, 2024. The request is due to the OPD by April 30, 2024(90 days from the last day in January).
3. A designated code to be used in lieu of a case number on the fee applications for the specialty court or program.
4. If a participant in the specialty court or program is subject to a violation hearing, and is indigent, the participant must be appointed an individual attorney to serve as counsel for the violation proceedings. The participant may agree to be represented by the attorney that has provided general counsel in the specialty court or may elect to be appointed a different attorney. If the same attorney that serves as counsel in the specialty court is later appointed for a violation, for purposes of reimbursement, the previous time billed for drug court would not apply to the fee cap for the violation.
5. Attorneys providing limited representation should ensure compliance with the applicable Rules of Professional Conduct.
6. Any plan approved by the OPD must be renewed annually and sent to the OPD within sixty days of execution.

Y. Amendment of standards

The OPD may amend these standards at any time. Whenever the standards are amended or revised, the OPD will give notice to the appropriate county offices including, but not limited to county commissioners, auditors, judges, and clerks of courts.

SECTION II: STATE MAXIMUM FEE SCHEDULE FOR APPOINTED COUNSEL REIMBURSEMENT

A. General provisions

1. The Ohio Public Defender State Maximum Fee Schedule for Appointed Counsel Reimbursement contains the hourly rates and maximum amounts the OPD will reimburse counties for representation of indigent persons in criminal cases.
2. In fiscal year 24, HB33 included a limit on reimbursement to counties at a rate set by the General Assembly – which was specified in temporary law to be \$75 per hour. It is important to note the limit applies to all cases, except capital cases. It only limits reimbursement, and not the rates that counties can or must pay to counsel.
3. To receive reimbursement, a board of county commissioners must adopt a resolution to pay counsel appointed by the court and establish a fee schedule. [R.C. 120.33\(A\)\(3\)](#). The county is responsible for filing an up-to-date fee schedule with the OPD. Updated fee schedules may be emailed to outreach@opd.ohio.gov. OPD will reimburse the county based on the latest fee schedule filed with the OPD.
4. **Counties using OPD Online to process indigent defense reimbursement must transition from a current fee schedule to a new fee schedule by the date of a bill.** See [Memorandum From The State Public Defender. \(May 19, 2022\)](#).
5. Reimbursement to the counties shall be based on the most serious offense with which the defendant is charged and will be made at up to 100 percent. Reimbursement shall not exceed the established hourly or maximum rates unless otherwise provided for by statute.

B. Trial Level Proceedings

1. Reimbursement for representation in trial level cases not involving a death penalty specification will be made based on the maximum rate of \$75.00 per hour for both in-court and out-of-court services.
2. Representation in trial level cases involving a death penalty specification will be made based on the maximum rate of \$140.00 per hour for both in-court and out-of-court services, as set by Capital Fee Council - see [R.C. 120.33\(D\)](#).
3. The prescribed maximum fees permitted in trial level proceedings are:

Offense/Proceeding	Fee Maximum
Aggravated murder (w/capital specs) per R.C. 2929.04(A) and 2941.14(B)	As set by Capital Fee Council - see R.C. 120.33(D) . The Council has currently set a rate of \$140 with no fee maximum.

Aggravated murder (w/o capital specs)	\$15,000 per attorney
Murder	\$10,000
Felony with possible life sentence/ repeat violent offender/major drug offender	\$10,000
Felony (degrees 1-2)	\$8,000
Felony (degree 3)	\$5,000
Felony (degrees 4-5)	\$3,500
Misdemeanor (degrees 1-4)	\$2,000
Misdemeanor OVI/BAC	\$2,500
Contempt of court	\$500
Violation (Probation/Community Control)	\$750
Preliminary Hearings/Felony in Municipal or County Court	\$300
Sex Offender Classification	\$750
Other	\$750
Expungement	\$300
Judicial Release	\$500
Revocation	\$750
Driving Privileges	\$150
NGRI/Comp Review	\$750
Jail Time Credit	\$300
Resentencing	\$500
Sex Offender Reclassification	\$750
Withdrawal of Guilty Plea	\$1,000

C. Juvenile proceedings

1. Reimbursement for representation in juvenile proceedings will be made based on the maximum rate of \$75.00 per hour for both in-court and out-of-court services.
2. Representation in juvenile proceedings that involving a death penalty specification will be made based on the maximum rate of \$140.00 per hour for both in-court and out-of-court services, as set by Capital Fee Council - see [R.C. 120.33\(D\)](#).
3. The OPD does not reimburse for the cost of providing Court Appointed Special Advocates (CASA) or non-attorneys as guardian ad litem.
4. In abuse, dependency, and neglect cases, both the attorney and the guardian ad litem may bill up to the maximum fee allowed by the county for the initial dispositional hearing and each subsequent annual review hearing before the court as noted in Section J above.

5. The prescribed maximum fees permitted in juvenile level proceedings are:

Offense/Proceeding	Fee Maximum
Aggravated murder (w/ capital specs) per R.C. 2929.04(A) and 2941.14(B)	As set by Capital Fee Council - see R.C. 120.33(D) . The Council has currently set a rate of \$140 with no fee maximum.
Aggravated murder (w/o capital specs)	\$7,500 per attorney
Murder	\$6,000
Felony adjudication (degrees 1-2)	\$5,000
Felony adjudication (degrees 3-5)	\$3,500
Misdemeanor OVI/BAC	\$2,500
Misdemeanor	\$2,000
Traffic	\$300
Objections	\$750
Unruly	\$1,000
Bindover – Mandatory	\$750
Bindover – Discretionary	\$2,000
Reverse Bindover Amenability	\$1,500
SYO	Adult Degree
SYO Invocation	\$2,000
Adult in Juvenile Court	\$1,500
Violation (Probation/Community Control)	\$750
Violation (Parole/Supervised Release)	\$750
Violation of Court Order	\$750
Abuse, Dependency and Neglect Initial Custody	\$1,500
Abuse, Dependency and Neglect Annual Review After Initial Custody	\$1,500
Permanent Custody	\$2,500
Contempt of court	\$500
Purge Hearing	\$150
Sex Offender Classification/Reclassification/Declassification	\$750
Expungement	\$300
Other	\$750

D. Probate proceedings

1. The prescribed maximum fees permitted in Probate proceedings are:

Offense/Proceeding	Fee Maximum
Termination of parental rights	\$2,500

E. Appellate level proceedings

1. Reimbursement for representation in appellate level proceedings not involving a death sentence shall be made based on the maximum rate of \$75.00 per hour for both in-court and out-of-court services.
2. Representation in appellate level proceedings involving a death sentence will be made based on the maximum rate of \$140.00 per hour for both in-court and out-of-court services, as set by Capital Fee Council - see [R.C. 120.33\(D\)](#).
3. The prescribed maximum fees permitted in appellate level proceedings are:

Offense/Proceeding	Fee Maximum
Death Sentence	As set by Capital Fee Council - see R.C. 120.33(D) . The Council has currently set a rate of \$140 with no fee maximum.
Cumulative Minimum Sentence exceeds 25 years	\$8,000
Felony (degrees 1-2) Trial	\$5,000
Felony (degree 3) Trial	\$3,500
Felony (degrees 4-5) Trial	\$2,500
Misdemeanor Trial	\$2,000
Felony Plea	\$1,500
Misdemeanor Plea	\$1,000
Abuse, Dependency and Neglect	\$3,500
Permanent Custody	\$3,500
Probate- Termination of parental rights	\$3,500
Unruly	\$1,000
Other	\$1,000

26(B) Murnahan Felony (degrees 1-2) Trial	\$3,000
26(B) Murnahan Felony (degree 3) Trial	\$2,000
26(B) Murnahan Felony (degrees 4-5) Trial	\$1,000
OSC Jurisdiction Memorandum	\$1,500

F. Postconviction petitions and habeas corpus proceedings

1. Reimbursement for postconviction and State habeas corpus proceedings not involving a death sentence will be made based on the maximum rate of \$75.00 per hour for both in-court and out-of- court services.
2. Representation in appellate level proceedings involving a death sentence will be made based on the maximum rate of \$140.00 per hour for both in-court and out-of-court services.
3. The prescribed maximum fees permitted in postconviction petitions and habeas corpus proceedings are:

Offense/Proceeding	Fee Maximum
Death Sentence	As set by Capital Fee Council - see R.C. 120.33(D) . The Council has currently set a rate of \$140 with no fee maximum.
Felony (degrees 1-2) (R.C. 2953.21 Petition/New Trial Mtn)	\$4,000
Felony (degree 3) (R.C. 2953.21 Petition/New Trial Mtn)	\$2,500
Felony (degrees 4-5) (R.C. 2953.21 Petition/New Trial Mtn)	\$1,750
Misdemeanor (60(B))	\$1,500
Juvenile	\$2,500
State Habeas	\$1,500

G. Amendments to the Fee Schedule

The OPD may amend this fee schedule at any time. Whenever the schedule is amended or revised, the OPD will give notice to the appropriate county offices including, but not limited to county commissioners, auditors, judges, and clerks of courts.

SECTION III: COUNTY PUBLIC DEFENDER OFFICE REIMBURSEMENT STANDARDS

The following are the reimbursement standards applicable to county public defender offices, joint county public defender offices, and for counties that have contracted with non-profit organizations for indigent defense services:

A. Determination of indigency and the Financial Disclosure form (OPD-206R)

1. Pursuant to [R.C. 120.15\(D\)](#) and [120.25\(D\)](#), the county public defender shall determine indigency of persons, subject to review by the court, in the same manner as provided in [R.C. 120.05](#). Each monthly report submitted to the board of county commissioners and the OPD shall include a certification by the county public defender that all clients provided representation by the county public defender's office during the month indicated in the report were indigent under the standards of the Ohio Public Defender Commission.
2. In determining indigency, county public defenders shall use the Financial Disclosure form (OPD-206R) or a county version of the form developed and approved by the OPD pursuant to OAC 120-1-03. One form must be completed for each client who receives representation. The forms should not be forwarded to the OPD but should be kept on file by the county public defender for purposes of an audit. The Financial Disclosure form (OPD-206R) and instructions for completing the form are included in the Appendices of these standards.
3. In cases where the applicant is unable to complete or sign the Financial Disclosure form (OPD-206R), the form may be completed and signed by the parent, a person in loco parentis or the guardian ad litem, or the judge/ magistrate hearing the case may complete and sign the Court Certification section in lieu of a signature on the form. Magistrates who certify the form are to include their title under their signature. Information required on the form may also be obtained from the applicant via phone/video by court personnel, a public defender, or court appointed counsel. The person receiving the information must indicate on the form: "Information received via telephone/video by _____. The individual receiving the information from the applicant must then list their name followed by their title.
4. No applicant shall be denied counsel based on the financial status of a member of the applicant's household when that household member has no legal duty to support the applicant, or when that household member refuses to provide or pay for counsel.
5. No child shall be denied counsel solely because the child's parents or guardians are unwilling to disclose their financial status or to provide or pay for counsel.

B. Reimbursement, recoupment, contribution, partial payment, and marginally indigent programs

1. Counties shall adopt a recoupment, contribution, partial payment, marginally indigent program. [Ohio Adm.Code 120-1-05](#) Counties may provide indigent defense counsel (either

through appointed counsel or a public defender) for persons with income between 125 percent and 187.5 percent of the poverty threshold. When a person who is appointed counsel or a public defender is determined to have or is reasonably expected to have the means to pay part of the cost their representation, the person shall pay the county an amount the person reasonably can be expected to pay. [R.C. 2941.51\(D\)](#). [Ohio Adm.Code 120-1-05](#) prescribes factors to be considered when determining whether recoupment should be required.

When recoupment is ordered and a marginally indigent person makes a payment to the county toward recoupment, the county auditor must remit a portion of the funds received to the State Public Defender. [R.C. 120.33\(A\)\(4\)](#) states that the county shall pay to the State Public Defender a percentage of the payment received from the person in an amount proportionate to the percentage of the costs of the person's case paid to the county by the State Public Defender pursuant to this section. Therefore, it is the responsibility of the county auditor to remit to the State Public Defender a portion of the funds collected. The amount should be proportionate to the percentage of the costs of the cases reimbursed by the state. Such funds should be remitted to the Office of the Ohio Public Defender by check or warrant payable to “Treasurer, State of Ohio.”

2. The OPD will not provide reimbursement in cases where a public defender office serves as both guardian ad litem to a child and counsel to another party in the same case (e.g. parent).
3. To qualify for reimbursement, counsel may only be appointed to serve as counsel or guardian ad litem in a delinquency case. [Ohio Adm.Code 120-1-18\(A\)](#). Where an attorney is appointed to serve as both counsel and guardian ad litem in the same delinquency case, neither the fee for counsel services nor the fee for guardian ad litem services will qualify for reimbursement. [Ohio Adm.Code 120-1-18\(B\)](#). Reimbursement submissions for appointed counsel fees wherein an appointment of counsel in Juvenile Court was made on or after July 1, 2022, must comply with [Ohio Adm.Code 120-1-18](#) in order to qualify for reimbursement. Reimbursement submissions for appointed counsel fees wherein an appointment of counsel in Juvenile Court was made before July 1, 2022, will not be required to comply with [Ohio Adm.Code 120-1-18](#) to qualify for reimbursement.

C. Persons becoming indigent during their cases

Reimbursement will be made for persons who were initially determined not to be indigent, but become indigent or eligible for a reimbursement, recoupment, contribution, or partial payment program. Reimbursement is limited to the costs incurred by the county public defender office for the period of time when the applicant was determined to be indigent.

D. Prescribed forms

1. To receive reimbursement, counties must submit a Monthly Operating Expenses and Caseload Report for County Public Defender Offices form (OPD-E-501) via email at Reimbursement@OPD.Ohio.gov. A copy of the form and instructions for completing it are included in Appendix F of these standards.

2. The form must be an original or photocopy of the one prescribed by the OPD, or be produced using OPD Online, the case management system provided by OPD. No other reproductions will be accepted. Photocopies submitted in lieu of original forms must meet the following requirements:
 - d. All pages of the form must be included.
 - e. Copies must be of good quality, be of original size and be made on 8½” x 11” paper.
3. All forms for reimbursement must be properly completed in full. Forms that are incomplete or are improperly filled out will result in a denial of reimbursement to the county.
4. Public defender offices shall retain a copy of the Monthly Operating Expenses and Caseload Report for County Public Defender Offices form (OPD-E-501) for a period of five years from the date the form was submitted to the OPD.

E. Definition of a case for purposes of completing the Monthly Operating Expenses and Caseload Report for County Public Defender Offices form (OPD-E-501)

1. A single case includes all applicable proceedings when one defendant is charged or indicted for one offense or a series of offenses arising from a single event. A single case also includes one defendant charged or indicted with offenses resulting from a series of events that occur in the course of one scheme of conduct happening over a period of time, regardless of the number of counts or charges.
2. When there are multiple defendants charged with the same offense(s), whether tried separately or together, each defendant shall be counted as a separate case.
3. Whenever a public defender office represents an individual charged with a felony at the preliminary hearing stage in county or municipal court, the preliminary hearing stage shall not be counted as a case, but rather shall be counted in the category, “Felonies filed in Municipal Court,” found on the Monthly Operating Expenses and Caseload Report for County Public Defender Offices form (OPD-E-501). If the county public defender continues to represent the individual after the preliminary hearing stage, the common pleas court case shall be counted as a case.
4. Once a case is closed, if it is later re-opened, it shall be counted as a separate case.
5. When one defendant is charged with unrelated acts happening at separate times, each act or charge shall be counted as a separate case whether tried separately or together.
6. When one defendant is charged with different counts from different court jurisdictions, the number of cases counted shall be equal to the number of jurisdictions (e.g., municipal, county, common pleas, juvenile division) in which the defendant is being charged, or pursuant to paragraph one of this definition.
7. In abuse, dependency, neglect, non-support contempt, and visitation contempt court actions, a case shall be counted each time the court exercises its continuing jurisdiction. Unless there is

a conflict, all children in an abuse, dependency or neglect court action shall be counted as a single case.

F. Cost allocations

County and joint county public defender offices may recover a portion of their indirect costs associated with operating a county public defender office by including an amount for cost allocation in the appropriate space on the Monthly Operating Expenses and Caseload Report for County Public Defender Offices form (OPD-E-501). To qualify, counties must prepare a cost allocation plan in accordance with [OMB Circular A-87](#), and email a copy to the OPD annually at Outreach@OPD.Ohio.gov. Upon receipt, the OPD will review the plan, determine the amount of recoverable indirect costs, and send an email letter to the county public defender verifying and approving the amount to be claimed.

G. Time limits for submission of the Monthly Operating Expenses and Caseload Report for County Public Defender Offices form (OPD-E-501)

1. Pursuant to [R.C. 120.18](#) and [120.28](#), requests for reimbursement from county and joint county public defender offices are due to the OPD within 60 days after the end of the month in which the expenditures were incurred. OPD requests the cooperation of the public defender offices and county auditors in submitting on a 30-day schedule instead of a 60-day schedule.
 - **Example:** Expenditures were incurred in January 2024. The request is due to the OPD by March 31, 2024, however the OPD requests the submission by Feb. 28, 2024.
2. At OPD's discretion, the OPD may grant a county an extension of the deadline in section (G)(1) to correct any form that is incomplete, needs corrections, or is otherwise unacceptable.

H. Applicability of the Standards and Guidelines for Appointed Counsel Reimbursement

Where applicable, the Standards and Guidelines for Appointed Counsel Reimbursement, found in Section I above, shall also apply to indigent defense representation provided by county or joint county public defender offices. These include specifically, but are not limited to the standards regarding the following:

- Juvenile court
- Domestic relations court
- Minor misdemeanors
- Municipal ordinance violations
- Probate court
- Expenses

I. State recoupment of fees or expenses paid by indigent clients

Pursuant to [R.C. 120.15\(B\)\(3\)](#), the county public defender is responsible for collecting all moneys due for reimbursement of legal services provided under [R.C. Chapter 120](#). All money collected or received by the county public defender must be paid into the county treasury to the credit of the general revenue fund.

Pursuant to [R.C. 2941.51\(D\)](#), if a client has paid any money under a reimbursement, recoupment, contribution, or partial payment program for any case in which the county received reimbursement from the State, then the county must pay to the State a portion of the amount collected from the client. Of the funds collected, the county shall pay to the OPD an amount proportionate to the percentage of the costs of the case that were reimbursed by the State.

- **Example:** If a county collects \$100.00 from a client for which public defender services were provided, and the county was subsequently reimbursed by the State at 85 percent, the county must pay the OPD \$85.00 of the \$100.00 collected.

Such payments are to be remitted by the county auditor to the OPD by check or warrant payable to the order of “Treasurer, State of Ohio.”

J. Underpayment/Overpayment of Reimbursement

If a county receives a reimbursement payment either less than or greater than the amount it should have received as a result of errors, omissions, or other factors, the OPD shall either make a supplemental payment or a recoupment of funds. This will be done by making an adjustment in the county’s reimbursement payment in the month following discovery and verification of the error. For underpayments, at the request of the county, the OPD may issue a supplemental warrant prior to the following month’s disbursement. The OPD reserves the right to verify whether or not an adjustment shall be made.

K. Amendment of standards

The OPD may amend these standards at any time. Whenever the standards are amended or revised, the OPD will give notice to the appropriate county offices including, but not limited to county public defenders, county commissioners, auditors, common pleas judges, and clerks of courts.

SECTION IV: STATE PUBLIC DEFENDER BILLING, PAYMENT, AND REIMBURSEMENT

Billing, payment, and reimbursement in cases where the OPD provides attorney representation or investigation/mitigation services to appointed counsel or to a county public defender office is governed by [R.C. 120.06\(D\)](#).

When the OPD is designated by the court or requested by a county public defender or joint county public defender to provide legal representation for an indigent person in any case, other than pursuant to a contract entered into under authority of [R.C. 120.04\(C\)\(7\)](#), at the conclusion of the case the OPD shall send the county a bill detailing the actual cost of the representation that separately itemizes legal fees and expenses.

The OPD's legal fees will adhere to the State Fee Schedule, except in cases that are deemed extraordinary. Extraordinary cases are those that are unusually complex, involve numerous charges or co-defendants, include a large volume of discovery or evidence, or involve technical issues that require special expertise. Where the legal fees in an extraordinary case exceed the State Fee Schedule, the State Public Defender will determine on a case-by-case basis, whether to bill in excess of the State Fee Schedule. When the State Public Defender determines that an extraordinary case warrants a fee in excess of the State Fee Schedule, a written finding will be attached to the bill.

The county, upon receipt of an itemized bill from the OPD, pursuant to [R.C. 120.06\(D\)](#), shall pay the OPD one hundred percent of the amount identified as legal fees and expenses in the itemized bill.

Upon the county's payment of the itemized bill, the OPD will process the bill for reimbursement pursuant to [R.C. 120.33](#). **A county need not submit the paid bill for reimbursement.**

When the OPD provides investigation or mitigation services to private appointed counsel or to a county or joint county public defender as approved by the appointing court, other than pursuant to a contract entered into under authority of [R.C. 120.04\(C\)\(7\)](#), the OPD shall send to the county in which the case is filed a bill itemizing the actual cost of the services provided. The county, upon receipt of an itemized bill from the OPD pursuant to this division, shall pay 100 percent of the amount as set forth in the itemized bill. Upon payment of the itemized bill, the OPD will process the bill for reimbursement pursuant to [R.C. 120.33](#). **A county need not submit the paid bill for reimbursement.**

APPENDICES



APPENDIX A: INSTRUCTIONS FOR COMPLETING MOTION, ENTRY, AND CERTIFICATION FOR APPOINTED COUNSEL FEES FORM (OPD-1026R)

The following instructions are for the Motion, Entry, and Certification for Appointed Counsel Fees form (OPD-1026R). This form is to be used *only* for services rendered in appeals, common pleas, county, domestic relations, juvenile, probate, and municipal courts. For the purposes of these instructions, spaces requiring an entry have been numbered.

TO BE COMPLETED BY THE ATTORNEY

- (1) Enter the name of the court in which the services are being rendered. Appropriate entries in this space are limited to the following:
 - Common Pleas
 - Juvenile
 - Probate
 - Municipal
 - Domestic Relations
 - County
 - Appeals
 - Supreme

- (2) Enter the name of the county or city in which services are being rendered. The following are examples of how the completed line might read:
 - In the Common Pleas Court of Montgomery County, Ohio
 - In the Juvenile Court of Cuyahoga County, Ohio
 - In the Municipal Court of Akron, Ohio
 - In the Appeals Court of Butler County, Ohio
 - In the Domestic Relations Court of Madison County, Ohio

- (3) Clearly identify the plaintiff. If the plaintiff is the State of Ohio, enter "State of Ohio" in this space. If the plaintiff is a municipality, village, etc., enter in the name of the city, village, etc. If there is no plaintiff, leave this space blank. The following are examples of how entries in this space might read:
 - State of Ohio
 - City of Akron
 - Village of Arlington

- (4) Enter the name of the defendant or the party being represented. In juvenile cases, complete the "In re:," if applicable

- (5) Enter the case number. If the case number is an appeal, be sure to enter the appellate case number rather than the lower court case number.

- (6) If the person is charged with a capital offense, check the box. Be sure to enter the co-counsel's name on the back of the form. See (33).
- (7) Check the box if the attorney was appointed as guardian ad litem (GAL).
- (8) Enter the name of the judge hearing the case.
- (9) Enter the date the attorney/GAL was appointed, both the day and month (9a) and the year (9b).
- (10) Enter the date the case was terminated and/or was disposed of by the court, both the day and month (10a) and the year (10b).
- (11) Enter the date the attorney submitted the form, both the day and month (11a) and the year (11b).
- (12) Enter the name of the defense attorney that provided services on this case.
- (13) The attorney appointed to this case must sign the form.
- (14) Enter the address of the attorney appointed in this case (include P.O. Box, Apt #, or Suite, if applicable).
- (15) Enter the attorney's Supreme Court of Ohio registration number.

Instructions (16-19) detail the completion of one line of the Offense/Charge/Matter grid. Please continue to enter information into the grid (if necessary) in the same manner for additional lines. If there are more than three charges against the defendant, list only the three most serious charges beginning with the one of greatest severity and continuing in descending order.

- (16) Enter the name of the offense with which the defendant was initially charged or for which the defendant was indicted.
- (17) Enter the R.C. section or Municipal Ordinance section.
- (18) Enter the degree of the offense (e.g., F1, M4, etc.).
- (19) Indicate how the charge was disposed: (e.g. below)

- | | |
|---|--|
| • Accepted Review | • Bench Trial - Not Guilty by Reason of Insanity |
| • Admit to Violation | • Bench Trial – Permanent Custody Denied |
| • Advice Only | • Bench Trial – Permanent Custody Granted |
| • Affirmed | • Bond forfeiture |
| • Attorney Withdrawn | • Bound Over |
| • Bench Trial - Adjudicated Delinquent | • Bypass/Waived Preliminary Hearing |
| • Bench Trial - Delinquent Less Than Charge | • Certified Back |
| • Bench Trial - Guilty | • Client Refused Offer |
| • Bench Trial - Guilty Less Than Charge | • Client Unavailable |
| • Bench Trial - Not Delinquent | • Client's Request |
| • Bench Trial - Not Guilty | |

- Complaint Withdrawn
- Conflict
- Counsel Appointed
- Deceased
- Declined Review
- Denied
- Dismissed
- Diversion
- Granted
- Hearing - Guilty - CBCF
- Hearing - Guilty - Prison
- Hearing - Not Guilty
- Hearing - Time Served
- Incompetent to Stand Trial
- Jury Trial - Guilty
- Jury Trial - Guilty Less Than Charge
- Jury Trial - Not Guilty
- Jury Trial - Not Guilty by Reason of Insanity
- Juvenile Admit to Charge
- Juvenile Admit to Less Than Charge
- Legal Custody to Other
- Mediation
- No Action Taken
- No Bill
- Nolle prosequi
- Not Indigent
- Plea - Alford
- Plea - No Contest
- Plea to Charge
- Plea to Charge - Negotiated Sentence
- Plea to Less Than Charge
- Policy
- Pro se
- Protective Supervision
- Purge Met
- Purge Not Met
- Reduced to Misdemeanor
- Referred To Other
- Remand
- Represented by Other
- Retained Counsel
- Reversed
- Stipulated - Not Guilty for Reason of Insanity
- Stipulated to Permanent Custody
- Supervision Continued
- Temporary Custody
- Transfer to original county
- Treatment in Lieu of Conviction
- Voluntarily Dismissed
- Waived Counsel
- Waived Extradition
- Waiver - Guilty - APA Rec. Prison Sanction
- Waiver - Guilty - CBCF
- Waiver - Guilty - Lesser Prison Sanction
- Waiver - Guilty - Prison Sanction
- Waiver - Not Guilty
- Warrant Issued

(20) Check the flat fee box (20a) if a flat fee is used. When a flat fee is used, the attorney must still record the number of hours of service. Check with OPD for pilot project fees for specialty courts. Check the extraordinary fees box (20b) if counsel is requesting extraordinary fees. Motion or statement in support of extraordinary fees may be attached.

(21) Enter the total number of in-court hours.

(22) Enter the county's in-court hourly rate.

(23) Enter the product of the total in-court hours and county hourly rate for in-court services.

(24) Enter the total number of out-of-court hours.

(25) Enter the county's out-of-court hourly rate.

- (26) Enter the product of the total out-of-court hours and the county hourly rate for services out-of-court.
- (27) Enter the sum of the in-court and out-of-court totals for legal fees (line 23 and 26).
- (28) Enter the total cost of all other (non-travel) expenses from the reverse side of the form. Note: For transcript expenses, use Clerk's/Auditor's Transcript Fee for an Indigent Defendant form (OPD-205), and for expert expenses, use the Request for Court-Paid Expert Expenses form (OPD-209).
- (29) Enter the total cost of all travel expenses.
- (30) Enter the grand total of legal fees plus expenses being requested (lines 27, 28 and 29).

The Judgment Entry and Certification sections are to be completed by the court and by the county respectively. If local practice permits, the attorney may complete (39) and (40) in the Judgment Entry section before submitting the form to the court.

- (31) Enter the case number. If the case is an appeal, be sure to enter the appellate case number rather than the lower court case number.
- (32) Enter the name of the attorney.
- (33) If the case is a capital offense case, enter the name of co-counsel for the case. Be sure the box on the front of the form is checked.
- (34) Complete the Itemized Fee Statement grid according to the following guidelines:
 - Use only the Itemized Fee Statement to record hours worked in- and out-of-court. If additional space is needed, use the Itemized Fee Statement Continuation sheet (OPD-1027R). If the Itemized Fee Statement Continuation sheet (OPD-1027R) is used, put the grand total of all hours worked only on the last continuation sheet used. Per page totals are not necessary. Otherwise, put the grand total in the Grand Total row of the Itemized Fee Statement Continuation sheet (OPD-1027R) Grand totals must also be recorded in the "Grand Total Hours" row on the front of the form.
 - For each date services were performed, enter in the appropriate boxes the date of service, the number of hours spent performing each type of service, and the total hours. On the form, two sets of columns are provided. When the bottom of the first set of columns is reached, continue at the top of the second. Use continuation sheets in the same manner.
 - Record all out-of-court hours in the Out-of-Court Total column. There are no longer separate out-of-court categories.
 - Record all in-court hours in the In-Court Total column. There are no longer separate In-court categories.
 - List the OSC number for any time billed that was worked by an attorney other than yourself.
 - Add the out-of-court total and the in-court total and enter the sum in the Daily Total column.

- In the Grand Total row, enter the sum of each column.
- Be sure to enter a number for hours of service performed. Typing a check mark, an “X,” or other non-numerical markings is not allowed. Hours are to be itemized in tenths of an hour (six- minute increments).
- Attorneys are also required to prepare and maintain time records for each appointed case showing the date of service, nature of services rendered, and hours worked. These records should not be turned in with the billing but may be requested from the attorney in the event that the court or the OPD has questions about the billing. Records should be kept for five years after the date the Motion, Entry, and Certification for Appointed Counsel Fees form (OPD-1026R) is submitted to the court for payment.

The following instructions detail the completion of one line (one expenditure) of the Itemized Expense grid. Please continue to enter information into the grid (if necessary) in the same manner for additional expenditures. If additional lines for recording expenses are necessary, use an additional sheet of paper. Do not record a per page total or grand total of expenses on the additional sheet. Per page totals are not necessary. The grand total must appear only in spaces (28 and 29) and (40) of the Itemized Expense grid on the Motion, Entry, and Certification for Appointed Counsel Fees form (OPD-1026R). Transcript and expert expenses are not to be entered on this form.

- (35) Assign a category using one of the four categories listed above the grid. Use only these categories.
- (36) Enter the name of the individual or organization to which the expense was paid.
- (37) Enter the total amount (include applicable taxes) of the expense.
- (38) After all expenses have been entered, enter in the grand total in this space. This is the total dollar amount of expenses that will be used in determining the total billing amount.

Be sure to attach a receipt for each expenditure when required. Please refer to section (Q) of the Ohio Public Defender Standards and Guidelines for Appointed Counsel Reimbursement for a detailed listing of reimbursable expenses.

TO BE COMPLETED BY THE COURT

- (39) Enter the name of the county.
- (40) Enter the dollar amount of fees and expenses approved by the court.
- (41) Check the box if the court has granted extraordinary fees for this case. Be sure to attach a copy of the relevant journal entry if extraordinary fees have been granted.
- (42) Check the box if the court has reduced/denied counsel fees that are at or below the county maximum cap. Be sure to attach a copy of the relevant journal entry detailing why counsel fees were reduced or denied.

- (43) Check the box if the court has reduced counsel fees to county maximum cap.
- (44) The judge hearing the case must print their name (44a), and then sign (44b) and date (44c) the form.

TO BE COMPLETED BY THE COUNTY

- (45) Enter the number of the warrant issued to the attorney.
- (46) Enter the date the warrant was issued.
- (47) Enter the total amount paid.
- (48) Enter the county number (1-88).
- (49) The county auditor must sign or stamp (49a) and date (49b) the form.

MOTION, ENTRY, AND CERTIFICATION FOR APPOINTED COUNSEL FEES

In the (1) Court of (2), Ohio

Plaintiff: (3) Case No. (5)

v. (6) (for which representation is being provided)

(4) Capital Offense Case (check if Capital Offense case)
 Guardian Ad Litem (check if appointed as GAL)

Defendant/Party Represented/In Re: (7) Judge: (8)

MOTION FOR APPROVAL OF PAYMENT OF APPOINTED COUNSEL FEES AND EXPENSE

I, the undersigned appointed counsel, move this Court for an order approving payment of fees and expenses as indicated in the itemized statement. I certify that I have received no compensation in connection with providing representation in this case other than that described in this motion or which has been approved by the Court in a previous motion, nor have any fees and expenses in this motion been duplicated on any other motion.

As attorney/guardian ad litem of record, I was appointed on (9a) (9b) This case terminated and/or was

disposed of on (10a) (10b) I am submitting this application on (11a) (11b)

Name (12) Signature (13)

Address (14) OSC # (15)
(No., street, city, state, zip)

SUMMARY OF CHARGES, HOURS, EXPENSES, AND BILLING

OFFENSE/CHARGE/MATTER <small>List only the three most serious charges</small>	ORC/CITY CODE	DEGREE	DISPOSITION
1.) (16)	(17)	(18)	(19)
2.)			
3.)			

Grand Total Hours and Expenses

Hrs: In (21) X Rate (22) = \$ (23)
Hrs: Out (24) X Rate (25) = \$ (26)

Counsel Fees \$ (27)
All Other Expenses \$ (28)
Travel Expenses \$ (29)
Grand Total \$ (30)

(20) Flat Fee

JUDGMENT ENTRY

The Court finds that counsel performed the legal services on the itemized statement and that the fees and expenses set forth on this statement are reasonable, are in accordance with the resolution of the Board of County Commissioners of (39) County, Ohio relating to payment of appointed counsel, and that all rules and standards of the Ohio Public Defender Commission and State Public Defender have been met.

IT IS THEREFORE ORDERED that counsel fees and expenses be approved in the amount of \$ (40) and be certified by the Court to the County Auditor for payment. (42)

Extraordinary fees granted (copy of journal entry attached) (41)
 Fees have been reduced/denied (copy of journal entry attached)
(43) Fees above cap automatically reduce to cap

Judge (44a) Printed Name Judge (44b) Signature (44c) Date

CERTIFICATION

I, County Auditor, do hereby certify that payment has been made.

Warrant Number (45) Warrant Date (46) Amount Paid \$ (47)
County Number (48) County Auditor (49a) Signature (49b) Date

APPENDIX B: INSTRUCTIONS FOR COMPLETING CLERK’S/AUDITOR’S TRANSCRIPT FEE FOR AN INDIGENT DEFENDANT FORM (OPD-E-205)

The following instructions are for the Clerk’s/Auditor’s Transcript Fee for an Indigent Defendant form (OPD-E-205). For the purpose of these instructions, spaces requiring an entry have been numbered.

TO BE COMPLETED BY THE CLERK OF COURTS

- (1) Enter the name of the court in which the case was heard. Appropriate entries in this space are limited to the following:
 - Common Pleas
 - Juvenile
 - Municipal
 - County
 - Domestic Relations
 - Appeals
 - Supreme
 - Probate
- (2) Enter the name of the county or city in which services are being rendered.
- (3) Clearly identify the plaintiff. If the plaintiff is the State of Ohio, enter “State of Ohio” in this space. If the plaintiff is a municipality, village, etc., enter the name of the city, village, etc. in the space. If there is no plaintiff, leave this space blank. The following are examples of how entries in this space might read:
 - State of Ohio
 - City of Akron
 - Village of Arlington
- (4) Enter the name of the defendant or the party being represented. In juvenile cases, complete the “In re:”, if applicable.
- (5) Check the box to indicate if the defendant is the appellant or appellee.
- (6) Enter the case number.
- (7) Enter the name(s) of the attorney(s).
- (8) Check the box if the case is a Capital Offense Case.
- (9) Enter the name of the official court reporter/stenographer.
- (10) Enter the last four digits of the official court reporter/stenographer's tax identification number.
- (11) Describe the nature of the work that was completed.

- (12) The court reporter/stenographer must sign the form in the space provided.
- (13) The court reporter/stenographer must date the form in the space provided.
- (14) Check the box if the Court Reporter is an employee of the Court.
- (15) Describe the type of proceeding in which the transcript ordered is being used.
- (16) Enter the date on which the proceeding indicated was terminated, or put a checkmark or "X" if the proceeding is still pending.
- (17) Enter the number of pages in the original transcript.
- (18) Enter the per-page rate for the original transcript.
- (19) Enter the cost of the original transcript (cost = number of pages x per page rate).
- (20) Enter the number of pages in the copy of the transcript.
- (21) Enter the per-page rate for the copy of the transcript.
- (22) Enter the cost of the copy of the transcript (cost = number of pages x per page rate).
- (23) Enter the total transcript fees being billed.
- (24) The judge must check one box declaring indigency.
- (25) Enter the total transcript fees approved by the court.
- (26) Enter the name of the judge hearing the case or proceeding for which the transcript is being ordered.
- (27) The judge must sign (27a) and date (27b) the form in this space.

TO BE COMPLETED BY THE COUNTY

- (28) Enter the number of the warrant issued to the official stenographer.
- (29) Enter the date the warrant was issued.
- (30) Enter the amount paid.
- (31) The county auditor must sign or stamp the form in this space.

CLERK'S/AUDITOR'S TRANSCRIPT FEE FOR AN INDIGENT DEFENDANT

Revised Code 2301.24-25

In the (1) Court of (2), Ohio.

Plaintiff: (3)

Case No. (6)

v. (4)

Attorney(s) for the Defendant/Party Represented:

Defendant/Party Represented/In re

(7)

(5) Defendant is Appellant Appellee

(8) Capital Offense Case (check if Capital Offense Case)

COURT REPORTER CERTIFICATION

I, (9), (10), am hereby an official/acceptable (Court Reporter Name) (Last 4 digits of Court Reporter's Tax ID)

stenographer of said court and hereby certify that the following work has been completed:

(11)

(12)

(13)

(14) Court Reporter's Signature

Date

Court Reporter is an employee of the Court

The transcript is ordered by the court for use by the Defendant or the Defendant's attorney in the following type of proceeding: Type of Proceeding (explain) (15)

Date which above proceeding terminated: (16) (16) Still Pending (check if pending)

Original transcript of (17) pages or folio at the rate of \$ (18) per page or folio = \$ (19)

Copy of transcript of (20) pages or folio at the rate of \$ (21) per page or folio = \$ (22)

NOTE: A COPY OF THE COURT REPORTER'S BILLING MUST BE ATTACHED TOTAL \$ (23)

JUDGMENT ENTRY & DECLARATION OF INDIGENCE

The court finds that the transcript was ordered for use in the case of an indigent person, and that all rules and standards of the Ohio Public Defender Commission and State Public Defender have been met.

Check one:

(24) A Financial Disclosure form (OPD-206R) for the Defendant/Party Represented is attached to this document. OR

I hereby certify that the Defendant/Party Represented has been found indigent for purposes of receiving this transcript at government expense.

IT IS THEREFORE ORDERED that the transcript fees be, and are hereby approved in the amount of \$ (25). It is further ordered that the said amount be, and hereby is, certified by the Court to the County Auditor for payment and the above named court reporter is an official/acceptable stenographer or employee of said court.

(26)

(27a)

(27b)

Judge's Name (type or print)

Judge's Signature

Date

AUDITOR'S CERTIFICATION

The County Auditor in executing this certificate attests that the transcript was a true and accurate expense of said county's court.

Warrant Number (28)

Warrant Date (29)

Amount Paid (30)

(31)

County Auditor's Signature

APPENDIX C: INSTRUCTIONS FOR COMPLETING REQUEST FOR COURT PAID EXPENSES AND/OR EXPENSES FORM (OPD-209)

The following instructions are for the Request for Court Paid Experts and/or Expenses form (OPD-209). For the purpose of these instructions, spaces requiring an entry have been numbered.

TO BE COMPLETED BY THE CLERK OF COURTS

- (1) Enter the name of the court in which the case was heard. Appropriate entries in this space are limited to the following:
 - Common Pleas
 - Juvenile
 - Municipal
 - County
 - Domestic Relations
 - Appeals
 - Probate
- (2) Enter the name of the county or city in which services are being rendered.
- (3) Clearly identify the plaintiff. If the plaintiff is the State of Ohio, enter “State of Ohio” in this space. If the plaintiff is a municipality, village, etc., enter the name of the city, village, etc. If there is no plaintiff, leave this space blank.
- (4) Enter the name of the defendant or the party being represented.
- (5) Enter the case number.
- (6) Enter the name(s) of the attorney(s) for the defendant or party represented.
- (7) Check the box if the case is a capital/death penalty case.
- (8) Check the box of the type of expert expense being billed.
- (9) Enter the name of the offense with which the defendant was initially charged or for which the defendant was indicted.
- (10) Enter the Ohio Revised Code Section or Municipal Ordinance Section.
- (11) Enter the degree of the offense (e.g., F1, M4, etc.).
- (12) Indicate how the offense was disposed:
 - Accepted Review
 - Admit to Violation
 - Advice Only
 - Affirmed
 - Attorney Withdrawn
 - Bench Trial - Adjudicated Delinquent

- Bench Trial - Delinquent Less Than Charge
- Bench Trial - Guilty
- Bench Trial - Guilty Less Than Charge
- Bench Trial - Not Delinquent
- Bench Trial - Not Guilty
- Bench Trial - Not Guilty by Reason of Insanity
- Bench Trial – Permanent Custody Denied
- Bench Trial – Permanent Custody Granted
- Bond forfeiture
- Bound Over
- Bypass/Waived Preliminary Hearing
- Certified Back
- Client Refused Offer
- Client Unavailable
- Client's Request
- Complaint Withdrawn
- Conflict
- Counsel Appointed
- Deceased
- Declined Review
- Denied
- Dismissed
- Diversion
- Granted
- Hearing - Guilty - CBCF
- Hearing - Guilty - Prison
- Hearing - Not Guilty
- Hearing - Time Served
- Incompetent to Stand Trial
- Jury Trial - Guilty
- Jury Trial - Guilty Less Than Charge
- Jury Trial - Not Guilty
- Jury Trial - Not Guilty by Reason of Insanity
- Juvenile Admit to Charge
- Juvenile Admit to Less Than Charge
- Legal Custody to Other
- Mediation
- No Action Taken
- No Bill
- Nolle prosequi
- Not Indigent
- Plea - Alford
- Plea - No Contest
- Plea to Charge
- Plea to Charge - Negotiated Sentence
- Plea to Less Than Charge
- Policy
- Pro se
- Protective Supervision
- Purge Met
- Purge Not Met
- Reduced to Misdemeanor
- Referred To Other
- Remand
- Represented by Other
- Retained Counsel
- Reversed
- Stipulated - Not Guilty for Reason of Insanity
- Stipulated to Permanent Custody
- Supervision Continued
- Temporary Custody
- Transfer to original county
- Treatment in Lieu of Conviction
- Voluntarily Dismissed
- Waived Counsel
- Waived Extradition
- Waiver - Guilty - APA Rec. Prison Sanction
- Waiver - Guilty - CBCF
- Waiver - Guilty - Lesser Prison Sanction
- Waiver - Guilty - Prison Sanction
- Waiver - Not Guilty
- Warrant Issued

(13) Name the attorney representing the defendant.

- (14) The attorney representing the defendant must sign (14a) and date (14b) the form.
- (15) The judge must check one box declaring indigency.
- (16) Enter the amount of the approved expert fees or expenses being paid directly by the court.
- (17) Enter the name of the judge presiding over the case.
- (18) The judge presiding over the case must sign (18a) and date (18b) the form.

TO BE COMPLETED BY THE COUNTY AUDITOR

- (19) Enter the name of the payee.
- (20) Enter the payee's tax identification number.
- (21) Enter the warrant number issued to the payee.
- (22) Enter the warrant date of the warrant issued to the payee.
- (23) Enter the amount paid to the payee.
- (24) Enter the total of all warrants paid.
- (25) The county auditor must sign or stamp the form (25a) and add the date (25b).

REQUEST FOR COURT-PAID EXPERT EXPENSES

In the **(1)** Court of **(2)**, Ohio.

(3)
Plaintiff

Case No.: **(5)**

(4)

Attorney(s) for the Defendant/Parties Represented:

(6)

Defendant/Party Represented/In Re:

Check if this is a capital/death penalty case
(7)

(8)

TYPE OF EXPENSE

NGRI Competency Investigator Interpreter Other Expert

CHARGES

Offense/Charge/Matter	ORC/City Code	Degree	Disposition
1. (9)	(10)	(11)	(12)
2.			
3.			

List only the three most serious charges, beginning with the one of greatest severity and continuing in descending order.

ATTORNEY AFFIRMATION FOR COURT-PAID EXPENSES

I hereby affirm that all services including any written reports, evaluative findings, recommendations, interpretations, or other services were solely used for the defense of the accused and all information obtained as a result of these services were furnished solely to defense counsel and only disclosed to the court or prosecution, at the discretion of defense counsel.

(13)
Name of Attorney

(14a)
Attorney Signature

(14b)
Date

DECLARATION OF INDIGENCE

The Court finds that the following expert expenses were ordered for use in the case of an indigent person, and that all rules and standards of the Ohio Public Defender Commission and State Public Defender have been met. Check one:

(15) A Financial Disclosure form (OPD-206R) for the Defendant/Party Represented is attached; or

I hereby certify that the Defendant/Party Represented has been found indigent for purposes of these experts and/or expenses being provided at government expense.

IT IS THEREFORE ORDERED that the expert fees and/or expenses attached be, and are hereby approved in the amount of \$ **(16)**. It is further ordered that the said amount be, and hereby is, certified by the Court to the County Auditor for payment.

(17)
Name of Judge

(18a)
Judge Signature

(18b)
Date

AUDITOR'S CERTIFICATION

The County Auditor in executing this certificate attests to the accuracy of the figures contained herein. A subsequent audit by the Ohio Public Defender Commission and/or Auditor of State that reveals unallowable or excessive costs may result in future adjustments against reimbursement or repayment of audit exceptions to the Ohio Public Defender.

Payee	Tax ID (last 4 digits)	Warrant No.	Warrant Date	Amount
(19)	(20)	(21)	(22)	(23)
TOTAL				(24)

(25a)
County Auditor Signature

(25b)
Date

APPENDIX D: INSTRUCTIONS FOR COMPLETING FINANCIAL DISCLOSURE FORM (OPD-206R)

The following instructions are for the Financial Disclosure form (OPD-206R). For the purpose of these instructions, spaces requiring an entry have been numbered.

TO BE COMPLETED BY THE APPLICANT

- (1) Enter the legal name of the applicant.
- (2) Enter applicant's preferred name and pronoun.
- (3) Enter the applicant's date of birth. Use the Month/Day/Year format.
- (4) Enter the applicant's mailing address (4a). Include P.O. Box number, street number, and apartment number where applicable. Enter the applicant's city (4b), state (4c), and zip code (4d).
- (5) Enter the applicant's email address.
- (6) Enter the case number for which representation is being provided.
- (7) Enter the home phone number of the applicant. If there is no home phone, write "none" in this space.
- (8) Enter the cell phone number of the applicant. If there is no cell phone, write "none" in this space.
- (9) Enter the last four digits of the applicant's Social Security Number.
- (10) Enter the applicant's gender.
- (11) Enter the applicant's race.
- (12) Enter the names of other persons living in the applicant's household. These other persons may include children and other dependents as well as other financially contributing members of the household.
- (13) Enter the dates of birth of the other persons living in the applicant's household.
- (14) Enter the relationship to the applicant of the other persons living in the household. For example, to indicate the relationship of a female child of the applicant, this space should read "daughter," not "father" or "mother." If there are more than four other persons living in the applicant's household, attach an additional sheet that provides the same information for those not listed on the form.
- (15) If the applicant is receiving assistance from any governmental agency listed here, place an "X" next to that type of assistance.

For each type of income, the applicant must enter his or her own earnings in the “Applicant” column and the spouse’s earnings in the “Spouse” column. In the “Total” column, enter the total income from each type by adding the amounts across each row.

- (16) Enter the gross monthly income of the applicant.
- (17) Enter any unemployment, Workers' Compensation, Child Support or any other type of income the applicant receives.
- (18) Enter the gross monthly income of the spouse (unless the spouse is the alleged victim).
- (19) Enter any unemployment, Workers' Compensation, Child Support or any other type of income the spouse receives.
- (20) Enter the sum of the employment income of both the applicant and the spouse by totaling (16) and (18).
- (21) Enter the sum of other types of income of both the applicant and the spouse by totaling (17) and (19).
- (22) Enter the total income for the household by adding together the amounts in the “Total Income” column.
- (23) Enter the name of the applicant’s employer.
- (24) Enter the address of the employer.
- (25) Enter the phone number of the employer(s).

For (26-29) the applicant must list the estimated value of each liquid asset.

- (26) Enter the estimated value of all checking, savings, and money market accounts.
- (27) Enter the estimated value of all stocks, bonds and CDs owned by the applicant.
- (28) Enter any other liquid assets or cash on hand owned by the applicant.
- (29) Enter the total liquid assets by adding together the amounts in the "Estimated Value" column.

List monthly household expenses for the following:

- (30) Enter the amount of monthly child support actually paid for children not residing in the applicant’s household.
- (31) Enter the amount of monthly child care costs. This expense may not be claimed if any adult member of the applicant’s household is unemployed.
- (32) Enter the monthly cost of all insurance (medical, dental, life, homeowners insurance, renter's insurance, automobile insurance, etc.) costs.
- (33) Enter the monthly cost of all health and dental care that is over and above the amount paid for medical and dental insurance (this may include prescription medications, co-payments, the

payment of deductibles, etc.) and all medical expenses and other expenses incurred in caring for sick or injured family members.

- (34) Enter the monthly payment made for rent or mortgage.
- (35) Enter the monthly amount spent on food by the applicant's household. The dollar value of food purchased with food stamps should be included in the amount entered.
- (36) Enter the total of expenses in this column.
- (37) Enter the monthly telephone expenses.
- (38) Enter the monthly transportation expenses. This may include bus fare or gasoline and parking expenses, but not auto insurance or repairs.
- (39) Enter the amount of taxes withheld or owed. This may include the monthly amount of federal, state, and local taxes owed by the applicant, including current taxes withheld by the employer as well as past tax debt that is currently being repaid.
- (40) Enter the monthly payment of all credit cards and loans. This includes the total of the minimum monthly payments currently owed on all major credit cards, department store cards, or independent credit cards held by the applicant. This also includes the total monthly payments on all loans including student loans, automobile loans, and loans for other purposes. Home mortgages are not to be included in this category.
- (41) Enter the monthly utility expenses, including gas, electric, water/sewer, and trash.
- (42) Enter any other monthly expenses and specify what those expenses are.
- (43) Enter total of expenses in this column.
- (44) Enter the name of the applicant.
- (45) If the form is completed by someone other than the applicant, enter the name and title of the authorized person(s) completing the form on behalf of the applicant.
- (46) The applicant must sign (46a) and date (46b) the form.

TO BE COMPLETED BY THE JUDGE or MAGISTRATE

This section of the form should only be completed if the applicant is unable to fill out the Financial Disclosure Form. In such a case, the judge or magistrate may indicate by his or her signature that the applicant is indeed indigent.

- (47) List the reason the client is unable to sign the form.
- (48) The judge or magistrate must sign (48a) and date (48b) any form that cannot be properly completed by the applicant.

TO BE COMPLETED IF THE DEFENDANT IS A JUVENILE

- (49) Enter the gross monthly income of the custodial parents.

- (50) Enter the total gross monthly income of both custodial parents.
- (51) Enter any unemployment, Worker's Compensation, Child Support or any other type of income the custodial parents receive.
- (52) Enter the total other income of both custodial parents.
- (53) Enter the total income of the both custodial parents by totaling (50) and (52).

FINANCIAL DISCLOSURE FORM

(\$25.00 application fee may be assessed—see notice on reverse side)

I. PERSONAL INFORMATION

Applicant's Legal Name (1)		Applicant's Preferred Name and Pronoun (2)		Date of Birth (3)
Mailing Address (4a)		City (4b)	Email Address (5)	
State (4c)	Zip Code (4d)	Case No. (6)	Phone (7)	Cell Phone (8)
SSN Last 4 (9)	Gender (10)	Race (double-click to de-select) (11) <input type="checkbox"/> American Indian or Alaskan Native <input type="checkbox"/> Asian <input type="checkbox"/> Black or African American <input type="checkbox"/> Native Hawaiian or Pacific Islander <input type="checkbox"/> Spanish or Latino <input type="checkbox"/> White <input type="checkbox"/> Other		

II. OTHER PERSONS LIVING IN HOUSEHOLD

Name	DOB	Relationship	Name	DOB	Relationship
1) (12)	(13)	(14)	3)		
2)			4)		

III. PRESUMPTIVE ELIGIBILITY

The appointment of counsel is presumed if the person represented meets any of the qualifications below. Please place an "X" if: **(15)**
 Ohio Works First/TANF: SSI: SSD: Medicaid: Poverty Related Veteran's Benefits: Food Stamps:
 Refugee Settlement Benefits: Incarcerated in State Penitentiary: Committed to a Public Mental Health Facility:
 Other (please describe): _____ Juvenile: (If juvenile, please continue at Section VIII)

IV. INCOME AND EMPLOYER

	Applicant	Spouse (Do not include spouse's income if spouse is alleged victim)	Total Income
Gross Monthly Employment Income	\$ (16)	\$ (18)	\$ (20)
Unemployment, Worker's Compensation, Child Support, Other Types of Income	\$ (17)	\$ (19)	\$ (21)
Employer's Name: (23)	Phone Number: () (25)		TOTAL INCOME \$ (22)
Employer's Address: (24)			

V. LIQUID ASSETS

Type of Asset	Estimated Value
Checking, Savings, Money Market Accounts	\$ (26)
Stocks, Bonds, CDs	\$ (27)
Other Liquid Assets or Cash on Hand	\$ (28)
TOTAL LIQUID ASSETS	\$ (29)

VI. MONTHLY EXPENSES

Type of Expense	Amount	Type of Expense	Amount
Child Support Paid Out	\$ (30)	Telephone	\$ (37)
Child Care (if working only)	\$ (31)	Transportation/Fuel	\$ (38)
Insurance (medical, dental, auto, etc.)	\$ (32)	Taxes Withheld/Owed	\$ (39)
Mental/Dental Expenses or Associated Costs of caring for Infirm Family Member	\$ (33)	Credit Card/Other Loans	\$ (40)
Rent/Mortgage	\$ (34)	Utilities (gas, electric, water, sewer, trash)	\$ (41)
Food	\$ (35)	Other (specify)	\$ (42)
EXPENSES	\$ (36)	EXPENSES	\$ (43)

VII. DETERMINATION OF INDIGENCY

If applicant's Total Income in Section IV is at or below 187.5% of the Federal Poverty Guidelines, counsel must be appointed. For applicants whose Total Income in Section IV is above 125% of the Federal Poverty Guidelines, see recoupment notice in Section XI. If applicant's Liquid Assets in Section V exceed figures provided in OAC 120-1-03, appointment of counsel may be denied if applicant can employ counsel using those liquid assets. If applicant's Total Income falls above 187.5% of Federal Poverty Guidelines, but applicant is financially unable to employ counsel after paying monthly expenses in Section VI, counsel must be appointed.

APPENDIX E: INSTRUCTIONS FOR COMPLETING MONTHLY OPERATING EXPENSES AND CASELOAD REPORT FOR COUNTY PUBLIC DEFENDER OFFICES FORM (OPD-E-501)

The following instructions are for the Monthly Operating Expenses and Caseload Report for County Public Defender Offices form (OPD-E-501). For the purpose of these instructions, spaces requiring an entry have been numbered. These instructions also apply to Joint County Public Defender Offices and non-profit organizations with which counties have contracted to serve as the County Public Defender Office.

TO BE COMPLETED BY THE COUNTY AUDITOR

- (1) Enter the name of the county served by the public defender office.
- (2) Enter the month and year for which reimbursement is requested on this form.

For each type of expenditure indicated in spaces numbered (3) through (19), please enter expenditures for only the month and year indicated at number (2).

- (3) (thru 6) Enter total expenditures for salaries of each category of employee.
- (7) Enter total expenditures for employee benefits (fringes) for employees including PERS or other retirement benefits and healthcare benefits.
- (8) Enter total expenditures for supplies.
- (9) Enter total expenditures for the purchase of office equipment or non-contractual repair of office equipment.
- (10) Enter total expenditures for contract services with attorneys.
- (11) Enter total expenditures for contract services with experts.
- (12) Enter total expenditures for contract services with investigators.
- (13) Enter total expenditures for contract services for repairs (e.g. repairs of equipment).
- (14) Enter total expenditures for any other contract services not otherwise listed.
- (15) Enter total expenditures for travel costs.
- (16) Enter total expenditures for office space and facilities.
- (17) Enter approved monthly cost allocation.
- (18) Enter total expenditures for transcripts.
- (19) Enter total expenditures for Membership Dues.
- (20) Enter total expenditures for training, seminars, or CLE.
- (21) Enter total expenditures for publications and/or subscriptions.

- (22) Enter total expenditures for postage, mailroom, or PO Box.
- (23) Enter total expenditures for copies/printing.
- (24) Enter total expenditures for security costs.
- (25) Enter total expenditures for garage/parking expenses.
- (26) Enter total expenditures for Public Defender Commission.
- (27) Enter any other expenses not included in the above categories. **Please attach a separate sheet detailing these expenses.**
- (28) Enter the subtotal of expenses listed in spaces (3) through (27).
- (29) Enter the amount of federal funds expended during the month. This figure represents the amount of total expenditures listed in (28) above that were from federal funds. Federal funds are those which were received in either the current or a prior month, but which were expended in the current month. This adjustment to “total cost” is required pursuant to [R.C. 120.18\(A\)](#).
- (30) Enter the amount of non-governmental funds from other sources expended during the month. This figure represents the amount of total expenditures listed in (28) above which were either non-federal grants or gifts. This adjustment to “total cost” is required pursuant to [R.C. 120.18\(A\)](#).

Note: This does not include funds collected from clients. A portion of all funds collected from clients under reimbursement, recoupment, contribution, or partial payment programs must be paid directly to the Ohio Public Defender. See section (C) of the Ohio Public Defender County Public Defender Office Reimbursement Standards.
- (31) Enter the grand total of allowable expenditures. From space (28) subtract spaces (29) and (30) from the sum.
- (32) The county auditor must sign the form in this space.
- (33) Enter the date the form is signed by the county auditor.

TO BE COMPLETED BY THE COUNTY PUBLIC DEFENDER

- (34) Enter the name of the county being served by the public defender office.
- (35) Enter the month and year corresponding to the caseloads listed on the form.

For each type of case in spaces (36) through (62) please enter the number of cases opened for the month indicated at number (35) only.

- (36) Enter the number of felony non-capital cases.
- (37) Enter the number of felony capital cases.
- (38) Enter the number of felony revocation or community control violation cases.
- (39) Enter the number of felony charges/cases in Municipal Court.

- (40) Enter the number of all other felony cases or proceedings not already classified above.
- (41) Enter the total number of all felony cases.
- (42) Enter the number of new non-traffic misdemeanor cases.
- (43) Enter the number of new traffic misdemeanor cases.
- (44) Enter the number of misdemeanor revocation or community control violation cases.
- (45) Enter the number of all other misdemeanor cases not already classified above.
- (46) Enter the total number of all misdemeanor cases.
- (47) Enter number of juvenile delinquency cases.
- (48) Enter number of juvenile violation cases/proceedings.
- (49) Enter the number of juvenile abuse, dependency, or neglect cases.
- (50) Enter the number of juvenile Guardian ad Litem cases.
- (51) Enter the number of all other juvenile cases not already classified above.
- (52) Enter the total number of all juvenile cases.
- (53) Enter the total number of probate cases.
- (54) Enter the number of capital appeal cases.
- (55) Enter the number of all other appeal cases.
- (56) Enter the number of capital Supreme Court of Ohio cases.
- (57) Enter the number of all other Supreme Court of Ohio cases.
- (58) Enter the number of non-capital post conviction petition cases in any court, brought pursuant to [R.C. 2953.21](#) through [2953.23](#).
- (59) Enter the number of habeas corpus cases in any court.
- (60) Enter the number extradition cases in any court.
- (61) Enter the number of contempt cases (all types of contempt) in any court.
- (62) Enter the number of all other cases not already classified above in any court.
- (63) Enter the number of cases in all courts.
- (64) Enter the name of the county public defender or designee.
- (65) The county public defender, or his or her designee, must sign the form.
- (66) Enter the date the form was signed by the county public defender, or his or her designee.

Monthly Operating Expenses and Caseload Report
for County Public Defender Office

Operating Expenses Report for: County	(1)	Month/Year	(2)
Salaries:	Attorneys		(3)
	Investigators		(4)
	Social Workers		(5)
	Support Staff		(6)
Fringes (All Employees)			(7)
Supplies			(8)
Equipment			(9)
Contract Services:	Attorneys		(10)
	Experts		(11)
	Investigators		(12)
	Repairs		(13)
	All Other		(14)
Travel			(15)
Rental & Facilities			(16)
Cost Allocation			(17)
Transcripts			(18)
Membership Dues			(19)
Training/Seminars/CLE			(20)
Publications/Subscriptions			(21)
Postage/Mailroom/PO Box			(22)
Copies/Printing			(23)
Security			(24)
Garage Expenses			(25)
Commission			(26)
Other Expenses (Please Specify)			(27)
		SUB TOTAL	(28)
		*Less Federal Funds Expended	(29)
		* Less Other Funds Expended	(30)
		(*Insert minus sign before these numbers)	
		GRAND TOTAL	(31)

AUDITOR'S CERTIFICATION

The County Auditor in executing this certification attests to the accuracy of the figures contained herein and further certifies that the County Commissioners have approved this sum for payment.

Signature of Auditor: _____ (32) Date: _____ (33)

TRIAL COURTS

Felony	(36)
New Charge (Non-Capital)	(37)
New Charge (Capital)	(38)
Revocation/Community Control Violation	(39)
Felony Preliminary Hearing in Municipal	(40)
All Other Felony Cases/Proceedings	(41)
Total Felony Cases	

Misdemeanor	(42)
New Charge (Non-Traffic)	(43)
New Charge (Traffic)	(44)
Revocation/Community Control Violation	(45)
All Other Misdemeanor Cases/Proceedings	(46)
Total Misdemeanor Cases	

Juvenile	(47)
New Charge	(48)
Violation Proceeding ¹	(49)
Abuse, Dependency or Neglect	(50)
Guardian ad Litem	(51)
All Other Juvenile Cases/Proceedings	(52)
Total Juvenile Cases	

PROBATE COURT

Termination of Parental Rights	(53)
--------------------------------	-------------

APPELLATE COURT

Capital	(54)
All Other Offenses or Proceedings	(55)

SUPREME COURT

Capital	(56)
All Other Offenses or Proceedings	(57)

MISCELLANEOUS — ALL COURTS

Non-Capital Post Conviction Petitions (RC 2953.21 – RC 2953.23)	(58)
Habeas Corpus	(59)
Extraditions	(60)
All Contempt Proceedings	(61)
Any Other Cases/Proceedings Not Otherwise Specified	(62)

TOTAL NUMBER – ALL CASES OPENED **(63)**

CERTIFICATION

I, **(64)**, hereby certify that all persons provided representation by this office during the month covered by this report were indigent under the standards of the Ohio Public Defender Commission, R.C. 120.15(D) or 120.25(D), and that all information contained in this report is accurate.

(65)

Signature of Public Defender

(66)

Date

¹ For purposes of this form, violation proceeding refers to community control violations, violations of a court order and supervised release.

APPENDIX F: INSTRUCTIONS FOR COMPLETING MONTHLY ASSIGNED COUNSEL SUMMARY REPORT

The following instructions are for the Monthly Assigned Counsel Summary Report. For the purpose of these instructions, spaces requiring an entry have been numbered.

- (1) Enter the name of the county.
- (2) Enter the process month being submitted.
- (3) Enter the process year being submitted.

CAPITAL

- (4) Count and enter the total number of all Capital Attorney certifications.
- (5) Count and enter the total number of all Capital Expert certifications.
- (6) Count and enter the total number of all Capital Transcript certifications.
- (7) Count and enter the total number of all Capital Investigator certifications.
- (8) Count and enter the total number of all other Capital certifications.
- (9) Enter the total dollar amount of Capital certifications represented in line (4-8).

FELONY

- (10) Count and enter the total number of Felony certifications.
- (11) Count and enter the total number of Felony Revocation and/or Community Control Violations.
- (12) Count and enter the total number of Felony charges in Municipal Court.
- (13) Count and enter the total number of all other Felony certifications not already classified above.
- (14) Enter the sum of lines (10-13).
- (15) Enter the total dollar amount of all Felony certifications classified above in lines (10-13).

MISDEMEANOR

- (16) Count and enter the total number of traffic misdemeanor certifications.
- (17) Count and enter the total number of non-traffic misdemeanor certifications.
- (18) Count and enter the total number of misdemeanor revocation and/or community control violations.
- (19) Count and enter the total number of all other misdemeanor certifications not already classified above.
- (20) Enter the sum of lines (16-19).

- (21) Enter the total dollar amount of all traffic misdemeanor certifications classified above in line (16).
- (22) Enter the total dollar amount of all criminal misdemeanor certifications classified above in lines (17-19).

JUVENILE

- (23) Count and enter the total number of delinquency certifications (Non-GAL).
- (24) Count and enter all violations of court orders, probation violations, community control violations, early release violations, etc. (Non-GAL).
- (25) Count and enter the total number of abuse, neglect, and dependency certifications (Non-GAL).
- (26) Count and enter the total number of all Guardian ad Litem certifications (GAL).
- (27) Count and enter the total number of all other juvenile certifications not already classified above.
- (28) Enter the sum of lines (23-27).
- (29) Enter the total dollar amount of all juvenile certifications classified above in lines (23-27).
- (30) Count and enter the total number of all Probate certifications.
- (31) Enter the total dollar amount of all Probate certifications.

APPELLATE COURT

- (32) Count and enter the total number of all (Non-Capital) Appellate Court certifications.
- (33) Enter the total dollar amount of all Appellate Court certifications.

SUPREME COURT

- (34) Count and enter the total number of all (Non-Capital) Supreme Court certifications.
- (35) Enter the total dollar amount of all other Supreme Court certifications classified above in line (34).

MISCELLANEOUS—ALL COURTS

- (36) Count and enter the total number of all contempt actions in all courts.
- (37) Count and enter the total number of all other attorney certifications not classified elsewhere.
- (38) Enter the total dollar amount of all miscellaneous certifications classified above in lines (36 and 37).

EXPENSES—ALL COURTS

- (39) Count and enter the total number of all (Non-Capital) Expert certifications for all courts.
- (40) Enter the total dollar amount of all Experts certifications for all courts classified above in line (39).

- (41) Count and enter the total number of (Non-Capital) Transcript certifications for all courts.
- (42) Enter the total dollar amount of all Transcript certifications for all courts classified above in line (41).
- (43) Count and enter the total number of all (Non-Capital) Investigator certifications for all courts.
- (44) Enter the total dollar amount of all Investigator certifications for all courts classified above in line (43).
- (45) Enter the amount submitted for appointed counsel travel expenses.
- (46) Count and enter the total number of all certifications (sum of lines 4, 5, 6, 7, 8, 14, 20, 28, 30, 32, 34, 36, 37, 39, 41, 43).
- (47) Enter the total amount of all certifications submitted for reimbursement (sum of lines 9, 15, 21, 22, 29, 31, 33, 35, 38, 40, 42, 44).

CERTIFICATION

- (48) Auditor must sign.
- (49) Date of Auditor's signature.

Office of the Ohio Public Defender
MONTHLY ASSIGNED COUNSEL SUMMARY REPORT

County **(1)** Month **(2)** Year **(3)**

TRIAL COURTS

Capital Certifications	Count
All Capital Attorney Certifications	(4)
All Capital Expert Certifications	(5)
All Capital Transcript Certifications	(6)
All Capital Investigator Certifications	(7)
All Other Capital Certifications	(8)
Amount submitted in Capital Certifications	\$ (9)
Felony Certifications	Count
New Charge (Non-Capital)	(10)
Revocation/Community Control Violation	(11)
Felony Preliminary Hearing in Municipal	(12)
All Other Felony Cases or Proceedings	(13)
Total Felony Certifications	(14)
Amount submitted in Felony Certifications	\$ (15)
Misdemeanor Certifications	Count
New Charge (Traffic)	(16)
New Charge (Non-Traffic)	(17)
Revocation/Community Control Violation	(18)
All Other Misdemeanor Cases or Proceedings	(19)
Total Misdemeanor Certifications	(20)
All Misdemeanor (Traffic) Certifications	\$ (21)
All Other Misdemeanor Certifications	\$ (22)
Juvenile Certifications	Count
New Charge (Delinquency)	(23)
*Violation Proceeding ¹	(24)
Abuse, Dependency or Neglect	(25)
Guardian ad Litem	(26)
All Other Juvenile Offenses	(27)
Total Juvenile Certifications	(28)
Amount submitted in Juvenile Certifications	\$ (29)
Probate Certifications	Count
All Probate Court Certifications	(30)
Amount submitted in Probate Court Certifications	\$ (31)

¹For purposes of this form, revocation refers to community control violations, violations of a court order and supervised release.

APPELLATE COURT

Appellate Certifications

All (Non-Capital) Appellate Court Certifications

Count

(32)

Amount submitted in Appellate Court Certifications

\$ **(33)**

SUPREME COURT

Supreme Court Certifications

All (Non-Capital) Supreme Court Certifications

Count

(34)

Amount Submitted in Supreme Court Certifications

\$ **(35)**

MISCELLANEOUS—ALL COURTS

Number of Miscellaneous Certifications—All Courts

Count

All Contempt Charges or Proceedings

(36)

Any Other Offenses or Proceedings not elsewhere specified

(37)

Amount submitted in Miscellaneous Certifications

\$ **(38)**

EXPENSES—ALL COURTS

Count

All (Non-Capital) Expert Certifications

(39)

Amount submitted for Expert Expenses

\$ **(40)**

All (Non-Capital) Transcript Certifications

(41)

Amount submitted for Transcript Certifications

\$ **(42)**

All (Non-Capital) Investigator Certifications

(43)

Amount submitted for Investigator Certifications

\$ **(44)**

Total Amount submitted for travel expenses

\$ **(45)**

Total Number of certifications (All Courts - All Expenses)

(46)

Total Amount submitted

\$ **(47)**

Auditor Certification

The County Auditor in executing this certification attests to the accuracy of this report.

(48)

Signature of Auditor

(49)

Date

BLANK FORMS



MOTION, ENTRY, AND CERTIFICATION FOR APPOINTED COUNSEL FEES

In the _____ Court of _____, Ohio

Plaintiff: _____ Case No. _____

(for which representation is being provided)

v.

Capital Offense Case (check if Capital Offense case)
Guardian Ad Litem (check if appointed as GAL)

Defendant/Party Represented/In Re: _____

Judge: _____

MOTION FOR APPROVAL OF PAYMENT OF APPOINTED COUNSEL FEES AND EXPENSE

I, the undersigned appointed counsel, move this Court for an order approving payment of fees and expenses as indicated in the itemized statement. I certify that I have received no compensation in connection with providing representation in this case other than that described in this motion or which has been approved by the Court in a previous motion, nor have any fees and expenses in this motion been duplicated on any other motion.

As attorney/guardian ad litem of record, I was appointed on _____, _____. This case terminated and/or was disposed of on _____, _____. I am submitting this application on _____, _____.

Name _____ Signature _____

Address _____ OSC # _____
(No., street, city, state, zip)

SUMMARY OF CHARGES, HOURS, EXPENSES, AND BILLING

OFFENSE/CHARGE/MATTER *List only the three most serious charges* ORC/CITY CODE DEGREE DISPOSITION

1.)			
2.)			
3.)			

Grand Total Hours and Expenses

Hrs: In _____ X Rate _____ = \$ _____

Hrs: Out _____ X Rate _____ = \$ _____

Flat Fee

Counsel Fees \$ _____

All Other Expenses \$ _____

Travel Expenses \$ _____

Grand Total \$ _____

JUDGMENT ENTRY

The Court finds that counsel performed the legal services on the itemized statement and that the fees and expenses set forth on this statement are reasonable, are in accordance with the resolution of the Board of County Commissioners of _____ County, Ohio relating to payment of appointed counsel, and that all rules and standards of the Ohio Public Defender Commission and State Public Defender have been met.

IT IS THEREFORE ORDERED that counsel fees and expenses be approved in the amount of \$ _____ and be certified by the Court to the County Auditor for payment.

Extraordinary fees granted (copy of journal entry attached)

Fees have been reduced/denied (copy of journal entry attached)

Fees above cap automatically reduce to cap

Judge _____

Judge _____

Printed Name

Signature

Date

CERTIFICATION

I, County Auditor, do hereby certify that payment has been made.

Warrant Number _____

Warrant Date _____

Amount Paid \$ _____

County Number _____

County Auditor _____

Signature

Date

CLERK'S/AUDITOR'S TRANSCRIPT FEE FOR AN INDIGENT DEFENDANT

Revised Code 2301.24-25

In the _____ Court of _____, Ohio.

Plaintiff: _____ Case No. _____

v. _____ Attorney(s) for the Defendant/Party Represented: _____

Defendant/Party Represented/In re

Defendant is Appellant Appellee

Capital Offense Case (check if Capital Offense Case)

COURT REPORTER CERTIFICATION

I, _____, _____, am hereby an official/acceptable
(Court Reporter Name) *(Last 4 digits of Court Reporter's Tax ID)*
stenographer of said court and hereby certify that the following work has been completed:

_____ Date _____

Court Reporter's Signature
Court Reporter is an employee of the Court

The transcript is ordered by the court for use by the Defendant or the Defendant's attorney in the following type of proceeding:
Type of Proceeding (explain) _____

Date which above proceeding terminated: _____ Still Pending (check if pending)

Original transcript of _____ pages or folio at the rate of \$ _____ per page or folio = \$ _____

Copy of transcript of _____ pages or folio at the rate of \$ _____ per page or folio = \$ _____

NOTE: A COPY OF THE COURT REPORTER'S BILLING MUST BE ATTACHED

TOTAL \$ _____

JUDGMENT ENTRY & DECLARATION OF INDIGENCE

The court finds that the transcript was ordered for use in the case of an indigent person, and that all rules and standards of the Ohio Public Defender Commission and State Public Defender have been met.

Check one:

A Financial Disclosure form (OPD-206R) for the Defendant/Party Represented is attached to this document.

OR

I hereby certify that the Defendant/Party Represented has been found indigent for purposes of receiving this transcript at government expense.

IT IS THEREFORE ORDERED that the transcript fees be, and are hereby approved in the amount of \$ _____. It is further ordered that the said amount be, and hereby is, certified by the Court to the County Auditor for payment and the above named court reporter is an official/acceptable stenographer or employee of said court.

_____ Judge's Name (type or print) _____ Judge's Signature _____ Date _____

AUDITOR'S CERTIFICATION

The County Auditor in executing this certificate attests that the transcript was a true and accurate expense of said county's court.

Warrant Number _____ Warrant Date _____ Amount Paid _____

County Auditor's Signature

REQUEST FOR COURT-PAID EXPERT EXPENSES

In the _____ Court of _____, Ohio.

Plaintiff _____ Case No.: _____

Attorney(s) for the Defendant/Parties Represented: _____

Defendant/Party Represented/In Re: _____

Check if this is a capital/death penalty case

TYPE OF EXPENSE

NGRI
 Competency
 Investigator
 Interpreter
 Other Expert

CHARGES

Offense/Charge/Matter	ORC/City Code	Degree	Disposition
1.			
2.			
3.			

List only the three most serious charges, beginning with the one of greatest severity and continuing in descending order.

ATTORNEY AFFIRMATION FOR COURT-PAID EXPENSES

I hereby affirm that all services including any written reports, evaluative findings, recommendations, interpretations, or other services were solely used for the defense of the accused and all information obtained as a result of these services were furnished solely to defense counsel and only disclosed to the court or prosecution, at the discretion of defense counsel.

_____ Name of Attorney
 _____ Attorney Signature
 _____ Date

DECLARATION OF INDIGENCE

The Court finds that the following expert expenses were ordered for use in the case of an indigent person, and that all rules and standards of the Ohio Public Defender Commission and State Public Defender have been met. Check one:

- A Financial Disclosure form (OPD-206R) for the Defendant/Party Represented is attached; or
 I hereby certify that the Defendant/Party Represented has been found indigent for purposes of these experts and/or expenses being provided at government expense.

IT IS THEREFORE ORDERED that the expert fees and/or expenses attached be, and are hereby approved in the amount of \$ _____. It is further ordered that the said amount be, and hereby is, certified by the Court to the County Auditor for payment.

_____ Name of Judge
 _____ Judge Signature
 _____ Date

AUDITOR'S CERTIFICATION

The County Auditor in executing this certificate attests to the accuracy of the figures contained herein. A subsequent audit by the Ohio Public Defender Commission and/or Auditor of State that reveals unallowable or excessive costs may result in future adjustments against reimbursement or repayment of audit exceptions to the Ohio Public Defender.

Payee	Tax ID (last 4 digits)	Warrant No.	Warrant Date	Amount
TOTAL				

_____ County Auditor Signature
 _____ Date

FINANCIAL DISCLOSURE FORM

(\$25.00 application fee may be assessed—see notice on reverse side)

I. PERSONAL INFORMATION

Applicant's Legal Name		Applicant's Preferred Name and Pronoun		Date of Birth
Mailing Address		City	Email Address	
State	Zip Code	Case No.	Phone	Cell Phone
SSN Last 4	Gender	Race (double-click to de-select)		
		<input type="checkbox"/> American Indian or Alaskan Native <input type="checkbox"/> Asian <input type="checkbox"/> Black or African American <input type="checkbox"/> Native Hawaiian or Pacific Islander <input type="checkbox"/> Spanish or Latino <input type="checkbox"/> White <input type="checkbox"/> Other		

II. OTHER PERSONS LIVING IN HOUSEHOLD

Name	DOB	Relationship	Name	DOB	Relationship
1)			3)		
2)			4)		

III. PRESUMPTIVE ELIGIBILITY

The appointment of counsel is presumed if the person represented meets any of the qualifications below. Please place an "X" if:

Ohio Works First/TANF: ___ SSI: ___ SSD: ___ Medicaid: ___ Poverty Related Veteran's Benefits: ___ Food Stamps: ___

Refugee Settlement Benefits: ___ Incarcerated in State Penitentiary: ___ Committed to a Public Mental Health Facility: ___

Other (please describe): _____ Juvenile: ___ *(If juvenile, please continue at Section VIII)*

IV. INCOME AND EMPLOYER

	Applicant	Spouse (Do not include spouse's income if spouse is alleged victim)	Total Income
Gross Monthly Employment Income	\$	\$	\$
Unemployment, Worker's Compensation, Child Support, Other Types of Income	\$	\$	\$
		TOTAL INCOME	\$

Employer's Name: _____ Phone Number: () _____

Employer's Address: _____

V. LIQUID ASSETS

Type of Asset	Estimated Value
Checking, Savings, Money Market Accounts	\$
Stocks, Bonds, CDs	\$
Other Liquid Assets or Cash on Hand	\$
TOTAL LIQUID ASSETS	\$

VI. MONTHLY EXPENSES

Type of Expense	Amount	Type of Expense	Amount
Child Support Paid Out	\$	Telephone	\$
Child Care (if working only)	\$	Transportation/Fuel	\$
Insurance (medical, dental, auto, etc.)	\$	Taxes Withheld/Owed	\$
Mental/Dental Expenses or Associated Costs of caring for Infirm Family Member	\$	Credit Card/Other Loans	\$
Rent/Mortgage	\$	Utilities (gas, electric, water, sewer, trash)	\$
Food	\$	Other (specify)	\$
EXPENSES	\$	EXPENSES	\$

VII. DETERMINATION OF INDIGENCY

If applicant's Total Income in Section IV is at or below 187.5% of the Federal Poverty Guidelines, counsel must be appointed. For applicants whose Total Income in Section IV is above 125% of the Federal Poverty Guidelines, see recoupment notice in Section XI. If applicant's Liquid Assets in Section V exceed figures provided in OAC 120-1-03, appointment of counsel may be denied if applicant can employ counsel using those liquid assets. If applicant's Total Income falls above 187.5% of Federal Poverty Guidelines, but applicant is financially unable to employ counsel after paying monthly expenses in Section VI, counsel must be appointed.

VII. \$25.00 APPLICATION FEE NOTICE

By submitting this Financial Disclosure Form, you will be assessed a non-refundable \$25.00 application fee unless waived or reduced by the court. If assessed, the fee is to be paid to the clerk of courts within 7 days of submitting this form to the entity that will make a determination regarding your indigency. No applicant may be denied counsel based upon failure or inability to pay this fee.

IX. APPLICANT CERTIFICATION

I, _____ (applicant or alleged delinquent child) state:

1. I am financially unable to retain private counsel without substantial hardship to me or my family.
2. I understand that I must inform the public defender or appointed attorney if my financial situation should change before the disposition of the case(s) for which representation is being provided.
3. I understand that if it is determined by the county or the court that legal representation should not have been provided, I may be required to reimburse the county for the costs of representation provided. Any action filed by the county to collect legal fees hereunder must be brought within two years from the last date legal representation was provided.
4. I understand that I am subject to criminal charges for providing false financial information in connection with this application for legal representation, pursuant to Ohio Revised Code sections 120.05 and 2921.13.
5. I hereby certify that the information I have provided on this financial disclosure form is true to the best of my knowledge.

Name and title of authorized persons completing form on behalf of applicant. Information obtained via phone or video.

Signature of applicant

Date

X. COURT CERTIFICATION

I hereby certify that the above-noted applicant is unable to fill out and/or sign this financial disclosure for the following reason:

_____. I have determined that the party represented meets the criteria for receiving court-appointed counsel.

Judge or Magistrate's signature

Date

XI. NOTICE OF RECOUPMENT

ORC §120.03 allows for county recoupment programs. Any such program may not jeopardize the quality of defense provided or act to deny representation to qualified applicants. No payments, compensation, or in-kind services shall be required from an applicant or client whose income falls below 125% of the federal poverty guidelines. See OAC 120-1-05.

Through recoupment, an applicant or client may be required to pay for part of the cost of services rendered, if he or she can reasonably be expected to pay. See ORC §2941.51(D).

XII. JUVENILE'S PARENTS' INCOME* – FOR RECOUPMENT PURPOSES ONLY – NOT FOR APPOINTMENT OF COUNSEL

	Custodial Parents' Income (Do not include parents' income if parent or relative is alleged victim)	Total
Employment Income (gross)	\$	\$
Unemployment, Worker's Compensation, Child Support, Other Types of Income	\$	\$
	TOTAL INCOME	\$

*Please complete Section VI on page 1 of this form if you would like the court to consider your monthly expenses when determining the amount of recoupment which you can reasonably be expected to pay.

**Monthly Operating Expenses and Caseload Report
for County Public Defender Office**

Operating Expenses Report for: County _____ **Month/Year** _____

Salaries:	Attorneys	_____
	Investigators	_____
	Social Workers	_____
	Support Staff	_____
Fringes (All Employees)		_____
Supplies		_____
Equipment		_____
Contract Services:	Attorneys	_____
	Experts	_____
	Investigators	_____
	Repairs	_____
	All Other	_____
Travel		_____
Rental & Facilities		_____
Cost Allocation		_____
Transcripts		_____
Membership Dues		_____
Training/Seminars/CLE		_____
Publications/Subscriptions		_____
Postage/Mailroom/PO Box		_____
Copies/Printing		_____
Security		_____
Garage Expenses		_____
Commission		_____
Other Expenses (Please Specify)		_____

SUB TOTAL _____

*Less Federal Funds Expended _____

* Less Other Funds Expended _____

*(*Insert minus sign before these numbers)*

GRAND TOTAL _____

AUDITOR'S CERTIFICATION

The County Auditor in executing this certification attests to the accuracy of the figures contained herein and further certifies that the County Commissioners have approved this sum for payment.

Signature of Auditor: _____ Date: _____

TRIAL COURTS

Felony

New Charge (Non-Capital) _____
 New Charge (Capital) _____
 Revocation/Community Control Violation _____
 Felony Preliminary Hearing in Municipal _____
 All Other Felony Cases/Proceedings _____
Total Felony Cases _____

Misdemeanor

New Charge (Non-Traffic) _____
 New Charge (Traffic) _____
 Revocation/Community Control Violation _____
 All Other Misdemeanor Cases/Proceedings _____
Total Misdemeanor Cases _____

Juvenile

New Charge _____
 *Violation Proceeding*¹ _____
 Abuse, Dependency or Neglect _____
 Guardian ad Litem _____
 All Other Juvenile Cases/Proceedings _____
Total Juvenile Cases _____

PROBATE COURT

Termination of Parental Rights _____

APPELLATE COURT

Capital _____
 All Other Offenses or Proceedings _____

SUPREME COURT

Capital _____
 All Other Offenses or Proceedings _____

MISCELLANEOUS — ALL COURTS

Non-Capital Post Conviction Petitions (RC 2953.21 – RC 2953.23) _____
 Habeas Corpus _____
 Extraditions _____
 All Contempt Proceedings _____
 Any Other Cases/Proceedings Not Otherwise Specified _____

TOTAL NUMBER – ALL CASES OPENED _____

CERTIFICATION

I, _____, hereby certify that all persons provided representation by this office during the month covered by this report were indigent under the standards of the Ohio Public Defender Commission, R.C. 120.15(D) or 120.25(D), and that all information contained in this report is accurate.

 Signature of Public Defender

 Date

¹ For purposes of this form, violation proceeding refers to community control violations, violations of a court order and supervised release.

Office of the Ohio Public Defender
MONTHLY ASSIGNED COUNSEL SUMMARY REPORT

County _____ Month _____ Year _____

TRIAL COURTS

Capital Certifications

Count

All Capital Attorney Certifications _____

All Capital Expert Certifications _____

All Capital Transcript Certifications _____

All Capital Investigator Certifications _____

All Other Capital Certifications _____

Amount submitted in Capital Certifications

\$ _____

Felony Certifications

Count

New Charge (Non-Capital) _____

Revocation/Community Control Violation _____

Felony Preliminary Hearing in Municipal _____

All Other Felony Cases or Proceedings _____

Total Felony Certifications _____

Amount submitted in Felony Certifications

\$ _____

Misdemeanor Certifications

Count

New Charge (Traffic) _____

New Charge (Non-Traffic) _____

Revocation/Community Control Violation _____

All Other Misdemeanor Cases or Proceedings _____

Total Misdemeanor Certifications _____

All Misdemeanor (Traffic) Certifications

\$ _____

All Other Misdemeanor Certifications

\$ _____

Juvenile Certifications

Count

New Charge (Delinquency) _____

*Violation Proceeding¹ _____

Abuse, Dependency or Neglect _____

Guardian ad Litem _____

All Other Juvenile Offenses _____

Total Juvenile Certifications _____

Amount submitted in Juvenile Certifications

\$ _____

Probate Certifications

Count

All Probate Court Certifications _____

Amount submitted in Probate Court Certifications

\$ _____

¹For purposes of this form, revocation refers to community control violations, violations of a court order and supervised release.

APPELLATE COURT

Appellate Certifications

Count

All (Non-Capital) Appellate Court Certifications

Amount submitted in Appellate Court Certifications

\$ _____

SUPREME COURT

Supreme Court Certifications

Count

All (Non-Capital) Supreme Court Certifications

Amount Submitted in Supreme Court Certifications

\$ _____

MISCELLANEOUS—ALL COURTS

Number of Miscellaneous Certifications—All Courts

Count

All Contempt Charges or Proceedings

Any Other Offenses or Proceedings not elsewhere specified

Amount submitted in Miscellaneous Certifications

\$ _____

EXPENSES—ALL COURTS

Count

All (Non-Capital) Expert Certifications

Amount submitted for Expert Expenses

\$ _____

All (Non-Capital) Transcript Certifications

Amount submitted for Transcript Certifications

\$ _____

All (Non-Capital) Investigator Certifications

Amount submitted for Investigator Certifications

\$ _____

Total Amount submitted for travel expenses

\$ _____

Total Number of certifications (All Courts - All Expenses)

Total Amount submitted

\$ _____

Auditor Certification

The County Auditor in executing this certification attests to the accuracy of this report.

Signature of Auditor

Date