



Office of the Ohio Public Defender

Elizabeth R. Miller, *State Public Defender*

MEMORANDUM

DATE: March 13, 2024
TO: County Commissioners, County Public Defenders, County Auditors, Appointed Counsel, Judges, Court Administrators
FROM: State Public Defender Elizabeth Miller
RE: Indigent Defense Reimbursement for Capital Cases, Amendment to OAC 120-1-15, Reimbursement Standards and Guidelines

I write today to share information regarding several matters related to indigent defense reimbursement, including an update to the maximum hourly rate of reimbursement in capital cases, an amendment to Ohio Administrative Code 120-1-15, as well as an opportunity for stakeholders to review and provide comment(s) on the Office of the Ohio Public Defender's (OPD) planned update to the Standards and Guidelines for Reimbursement. Full details on each of these subjects are provided below.

Maximum Hourly Rate of Reimbursement in Capital Cases

You may recall that the Biennial State Budget for Fiscal Years 2024 and 2025 included a limit or maximum hourly rate of reimbursement in appointed counsel cases, which was set at \$75 per hour in all cases. ([see memo published on July 7, 2023](#)). On January 30, 2024, House Bill 101 became effective and included an amendment to this provision from the biennial budget – changing the maximum hourly rate of reimbursement in capital cases to \$140 per hour. The maximum hourly rate of reimbursement in all other types of cases remains at \$75 per hour. The OPD applied this change to the reimbursement payments issued in February 2024.

Ohio Administrative Code Amendment

Effective February 17, 2024, Ohio Administrative Code (OAC) 120-1-15(B) was amended. Prior to amendment, OAC 120-1-15(B) required, for purposes of reimbursement, a court to provide an entry stating the reason for the denial or reduction of any appointed counsel fee bill when the bill was at or below the applicable portion of the county fee schedule. As amended, OAC 120-1-15 requires, for purposes of reimbursement, a court to provide an entry stating the reason for a denial or reduction of any appointed counsel fee bill (regardless of the amount of the reduction or bill).



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For ease of reference, please find the amendment here:

OAC 120-1-10

(B) To modify a submitted fee bill, a court must comply with the following:

- (1) If a court denies, in full or in part, an appointed counsel fee bill that is at or below the applicable portion of the county fee schedule, the court shall provide an entry stating the reason for the denial or the reduction of the fee bill.

To support stakeholders in adjusting their respective reimbursement submissions to account for this amendment, the OPD will begin auditing for compliance with this requirement in July 2024.

Reimbursement Standards and Guidelines

Ohio Revised Code 120.04 directs that the OPD shall establish standards and guidelines for reimbursement. Historically, the OPD has updated and published the standards and guidelines as necessary. The OPD is pleased to announce that the agency will now begin publishing a draft version of any planned updates to the Reimbursement Standards and Guidelines to allow stakeholders and the public an opportunity to review and provide comments. The OPD has published a draft version of the Reimbursement Standards and Guidelines on the [agency's website](#). Those interested in providing comments may do so by emailing outreach@opd.ohio.gov by March 28, 2024.

Should you have any questions regarding the above topics or need assistance with indigent defense reimbursement, please contact OPD's Policy & Outreach Division via email at outreach@opd.ohio.gov, or by calling 614-466-5394. Thank you.