

IN THE SUPREME COURT OF THE STATE OF ARIZONA

FILED

In the Matter of)
)
GUIDELINES FOR COMPENSATION)
OF ATTORNEYS APPOINTED TO)
REPRESENT INDIGENT PERSONS)
IN CRIMINAL APPEALS IN THE)
COURT OF APPEALS AND SUPREME)
COURT)
_____)

SEP 1 1982

J. Alcock
CLERK SUPREME COURT
ADMINISTRATIVE ORDER

It appearing to this Court that guidelines should be issued regarding the compensation of lawyers appointed to represent indigent persons in criminal appeals in the Court of Appeals and Supreme Court, now therefore it is

ORDERED that the following guidelines be in effect:

1. An attorney appointed to represent an indigent person in a criminal appeal shall possess criminal appellate experience commensurate with the responsibilities of representation in the case.

2. In exceptional circumstances, appointed counsel may associate other counsel with specialized skills for individual phases of the preparation of the appeal, provided that appointed counsel assumes the major responsibility and performs the major portion of the work. The motion for compensation may include the time and expenses of associated counsel, provided that appropriate explanation and designation are made therein.

3. The rate of compensation of appointed counsel shall range from \$30/hour to \$45/hour, depending upon the experience of counsel and the quality of counsel's work in the appeal.

4. The rate of compensation shall be multiplied by the number of allowable hours to determine the reasonable fee. Ordinarily the court will accept the hourly submission of counsel, but it may in its discretion independently evaluate such submission and reduce it, where the hours submitted appear disproportionate to the work involved. In such cases, the court will arrive at the allowable time based upon an estimate of the time an experienced criminal appellate attorney might have devoted to the appeal.

5. Appointed counsel shall record the number of hours devoted to each category of service performed in preparation of the appeal, including but not limited to the following:

- (a) Reading the record on appeal;
- (b) Conference or correspondence with appellant or other counsel;
- (c) Motions and applications;
- (d) Research, drafting and correction of briefs;
- (e) Preparation for and attendance at oral argument;
- (f) Travel time, where travel was necessary;
- (g) Post-decision petitions and motions; and
- (h) Other services, designated with particularity.

6. The motion for compensation shall state the year of counsel's admission to the bar, a general description of his or her criminal trial and appellate experience, and any other factors considered relevant to the determination of a reasonable

fee. Counsel shall also attach and submit an affidavit containing an itemized statement of hours, indicating the following:

- (a) The date on which the service was performed.
- (b) The time spent on the service.
- (c) The nature of the service.

7. In the court's discretion, extraordinary circumstances may be considered in the allowance of compensation. When submitting a claim for extraordinary compensation, counsel shall explain in detail the grounds therefor.

8. The court shall allow reimbursement of expenses of counsel, limited to out-of-pocket expenses which are actually and necessarily incurred in the course of the appeal. Expense claims shall be itemized. The following categories of expenses shall normally be regarded as necessary:

- (a) Photocopying or other duplication of briefs.
- (b) Postage, document delivery charges and long distance telephone calls to the client, opposing counsel or the court.
- (c) Travel expenses where necessarily incurred, although the cost of meals and lodging shall not ordinarily be allowed.
- (d) Other expenses where necessarily incurred and properly itemized.

If expenses have been incurred for use of law clerks or paralegals, these shall be claimed as expenses and not as fees. Appropriate explanation shall be made therefor.

9. Motions for compensation shall be filed upon completion of the appeal. Motions for payment of interim fees during pendency of the appeal shall not be granted except in extraordinary circumstances.

10. This Court deems the attached example of a "Motion for Compensation of Appointed Counsel" to be in acceptable form for filing.

Dated this 1st day of September, 1982.

~~WILLIAM A. HOLOHAN, CHIEF JUSTICE~~

~~FRANK X. GORDON, JR., VICE CHIEF JUSTICE~~

~~JACK D. H. HAYS, JUSTICE~~

~~JAMES DUKE CAMERON, JUSTICE~~

STANLEY G. FELDMAN, JUSTICE