

County Council of Cuyahoga County, Ohio

Resolution No. R2014-0005

Sponsored by: **Councilmembers Simon, Gallagher and Miller on behalf of Cuyahoga County Court of Common Pleas**

Co-sponsored by: **Councilmember Connally**

A Resolution approving a revised Assigned Counsel Fee Schedule for the Cuyahoga County Court of Common Pleas General Division and Eighth District Court of Appeals, effective 2/1/2014; and declaring the necessity that this Resolution become immediately effective.

WHEREAS, the Criminal Justice Supervisory Committee has studied the issue of assigned counsel fees and recommends that assigned counsel fees for the Common Pleas Court General Division and Eighth District Court of Appeals be increased; and

WHEREAS, in accordance with Cuyahoga County Common Pleas Local Rule 33, Part II (B), assigned counsel shall receive compensation for professional services and shall be reimbursed for expenses in accordance with O.R.C. 2941.51. In all cases upon completion of the service, it shall be the duty of such assigned counsel to submit a completed affidavit and entry for assigned counsel fees. The trial Judge, after due consideration, shall determine the amount of compensation within the statutory limit in accordance with Assigned Counsel Fee Schedule, attached hereto as Exhibit A; and

WHEREAS, it is necessary that this Resolution become immediately effective in order that critical services provided by Cuyahoga County can continue and to provide for the usual, daily operation of a County entity.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:

SECTION 1. The Cuyahoga County Council hereby approves the revised Assigned Counsel Fee Schedule for the Cuyahoga County Court of Common Pleas General Division and Eighth District Court of Appeals, attached hereto as Exhibit A, effective for assignments commencing February 1, 2014 and thereafter.

SECTION 2. It is necessary that this Resolution become immediately effective for the usual daily operation of the County; the preservation of public peace, health, or safety in the County; and any additional reasons set forth in the preamble. Provided that this Resolution receives the affirmative vote of at least eight members of Council, it shall take effect and be in force immediately upon the earliest occurrence of any of the following: (1) its approval by the County Executive through signature, (2) the expiration of the time during which it may be disapproved by the

County Executive under Section 3.10(6) of the Cuyahoga County Charter, or (3) its passage by at least eight members of Council after disapproval pursuant to Section 3.10(7) of the Cuyahoga County Charter. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

SECTION 3. It is found and determined that all formal actions of this Council relating to the adoption of this Resolution were adopted in an open meeting of the Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

On a motion by Ms. Simon, seconded by Mr. Miller, the foregoing Resolution was duly adopted.

Yeas: Conwell, Jones, Rogers, Simon, Greenspan, Miller, Brady, Germana, Gallagher, Schron and Connally

Nays: None


County Council President

1-28-14
Date


County Executive

2-3-14
Date


Clerk of Council

1/28/2014
Date

First Reading/Referred to Committee: January 14, 2014

Committee(s) Assigned: Public Safety & Justice Affairs

Additional Sponsorship Requested on the Floor: January 14, 2014

Journal CC013
January 28, 2014

IN THE COURT OF COMMON PLEAS
 CUYAHOGA COUNTY
 GENERAL DIVISION

IN RE:

NEW ASSIGNED COUNSEL
 FEE SCHEDULE

ORDER

It is hereby ordered that the Assigned Counsel Fee Schedule, Local Rule 33, Part II (B) be amended as follows:

EFFECTIVE FEBRUARY 1, 2014
ASSIGNED COUNSEL FEE SCHEDULE

<u>GENERAL DIVISION</u>	<u>CUYAHOGA MINIMUM FEES FOR COMPAN- ION CASES</u>	<u>CUYAHOGA MAXIMUM RATES</u>
Aggravated Murder with Specifications (Death Penalty)		
One Attorney	\$0	
Two Attorneys		\$80,000
Aggravated Murder without Specifications		
One Attorney	1,406	4,500
Two Attorneys		8,000
Murder	1,667	4,000
Rape w/victim under age 13		4,000
Felony with Possible Life Sentence/Repeat Violent- Offende/Major Drug Offender		3,500
First Degree Felonies	\$480	1,500
Second Degree Felonies	\$435	1,125
Third Degree Felonies	\$367	1,000
Fourth Degree Felonies	\$256	800
Fifth Degree Felonies	\$195	750
Sexual Predator Hearing	\$305	525
Misdemeanors (Degrees 1-4)		150
<u>General Division Hourly Rate</u>		
In Court	\$60	\$60
Out of Court	\$50	\$50

<u>Juvenile Division</u> (Delinquency Offense)	<u>CUYAHOGA MINIMUM COMPEN- SATION</u>	<u>CUYAHOGA MAXIMUM RATES</u>
Murder	\$1,250	\$2,750
All Manslaughter/Homicide	500	1,000
First Degree Felonies	320	750
Second Degree Felonies	290	580
Third Degree Felonies	220	440
Fourth Degree Felonies	160	330
Fifth Degree Felonies	40	250
Misdemeanors	0	250
Traffic Offenses	0	250
Guardian Ad Litem	0	500
Bindovers	0	350
Guardian Ad Litem-Custody Reviews	0	200
All other (non-delinquency)	0	250
Temporary Custody		400
Permanent Custody		800
Juvenile Proceedings		
<u>Juvenile Hourly Rates:</u>		
In Court	\$50	\$50
Out of Court	40	40

GENERAL DIVISION

Post Conviction Proceedings:

	CUYAHOGA MINIMUM COMPEN- SATION	CUYAHOGA MAXIMUM PROPOSED RATES
With Evidentiary Hearing	0	170
Without Evidentiary Hearing	0	100
Habeas Corpus, Parole, Probation, and All Other Proceedings not elsewhere classified	0	100
Habeas Corpus with Evidentiary Hearing		
Habeas Corpus without Evidentiary Hearing		

Appellate Division

Aggravated Murder - Death Sentence	\$1,050	\$15,000
Aggravated Murder with Specifications	1,050	4,500
Aggravated Murder without Specifications	1,050	4,500
Murder	700	2,250
Felonies Other than Below	0	1,125
Voluntary Manslaughter, Involuntary Manslaughter & Negligent Homicide	350	1,250
Aggravated Vehicular Homicide & Vehicular Misdemeanors Except those noted above	350	1,250
Other/Juvenile	0	875

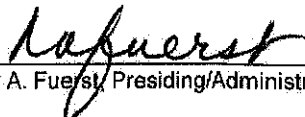
Appellate Proceedings

Death Sentence Hourly Rate		\$45	95
Appellate level proceedings	In Court		60
	Out of Court		50

Municipal Proceedings

Preliminary Felony Hearings		0	150
All Misdemeanors			
All Felonies			
Municipal Hourly Rates:	In Court	\$40	\$40
	Out of Court	\$30	\$30

Date: December 2, 2013 - Effective for assignments commencing February 1, 2014


Nancy A. Fuerst, Presiding/Administrative Judge