

County Council of Cuyahoga County, Ohio

Resolution No. R2022-0173

<p>Sponsored by: Councilmembers Jones, Gallagher, and Simon on behalf of Cuyahoga County Court of Common Pleas, General & Juvenile Divisions, and the Eighth District Court of Appeals</p>	<p>A Resolution approving a revised Assigned Counsel Fee Schedule for the Cuyahoga County Court of Common Pleas, General and Juvenile Divisions, and the Eighth District Court of Appeals, effective 7/1/2022, and incorporating the 2021 revised Guardian Ad Litem Fee Schedule for the Cuyahoga County Court of Common Pleas, Juvenile Division; and declaring the necessity that this Resolution become immediately effective.</p>
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WHEREAS, the Cuyahoga County Council desires, at the request of the Cuyahoga County Court of Common Pleas, General and Juvenile Divisions, and the Eighth District Court of Appeals, to increase the rates for assigned counsel; and

WHEREAS, in accordance with Cuyahoga County Common Pleas Local Rule 33, Part II (B), and Eighth District Court of Appeals Local Appellate Rule 46, 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 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's expected that the Ohio Public Defender will set a 90% reimbursement rate for assigned counsel fees effective July 1, 2022, and the attached Exhibit A reduces the maximum fee rates to correspond to the anticipated reduction in the reimbursement rate; and

WHEREAS, the Cuyahoga County Court of Common Pleas, General and Juvenile Divisions, and the Eighth District Court of Appeals have acknowledged that the Ohio Public Defender may decrease or increase the reimbursement rate for assigned counsel fees and have agreed to decrease or increase the maximum rates set forth in the attached Exhibit A accordingly; and

WHEREAS, the County Council increased the Guardian Ad Litem Fee Schedule for the Cuyahoga County Court of Common Pleas, Juvenile Division, in February 2021; and

WHEREAS, the County Council desires to incorporate the Guardian Ad Litem Fee Schedule approved in February 2021 into this revised Assigned Counsel Fee Schedule so that all fees are set forth in one schedule; 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 and Juvenile Divisions, and the Eighth District Court of Appeals, attached hereto as Exhibit A, effective for fee bills submitted after July 1, 2022, and thereafter.

SECTION 2. The Cuyahoga County Council approves the incorporation of the Guardian Ad Litem Fee Schedule approved in February 2021 into this revised Assigned Counsel Fee Schedule, attached hereto as Exhibit A.

SECTION 3. The Ohio Public Defender may decrease or increase the reimbursement rate for assigned counsel fees for the representation of indigent defendants. Accordingly, the State Public Defender reimbursement rate will be reviewed by the Cuyahoga County Fiscal Office Division of Financial Reporting on January 1st and July 1st of each year, starting January 1, 2023, and it will advise the Cuyahoga County Court of Common Pleas, General and Juvenile Divisions, and the Eighth District Court of Appeals of the reimbursement rate. If, at the time of review, the Ohio Public Defender Commission has decreased or increased the reimbursement rate for assigned counsel fees for the representation of indigent defendants, then the approved maximum rates set forth in the assigned counsel fee schedule shall be changed accordingly by the same percentage, and be effective the date of review. The new assigned counsel maximum fee schedule will remain in effect until the next date of review. All fee bills submitted after the review date will be calculated by the Courts at the reimbursement rate as communicated by the Cuyahoga County Division of Financial Reporting on January 1st and on July 1st of each year.

SECTION 4. Maximum assigned counsel rates and Guardian Ad Litem rates will not be reduced below rates as noted in Cuyahoga County Resolution No. R2014-0005 as adopted on January 28, 2014, and Cuyahoga County Resolution No. R2021-0042 as adopted February 23, 2021, respectively, without the approval of Cuyahoga County Council and the Cuyahoga County Court of Common Pleas, General and Juvenile Divisions, and the Eighth District Court of Appeals.

SECTION 5. 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,

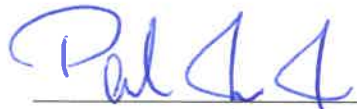
it shall take effect and be in force immediately upon the earliest occurrence of any of the following: (1) its approval by the County Executive through signature, (2) the expiration of the time during which it may be disapproved by the County Executive under Section 3.10(6) of the Cuyahoga County Charter, 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 6. 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.

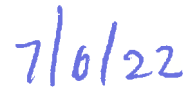
On a motion by Mr. Tuma, seconded by Ms. Conwell, the foregoing Resolution was duly adopted.

Yeas: Conwell, Turner, Stephens, Simon, Baker, Miller, Sweeney, Tuma, Gallagher and Jones

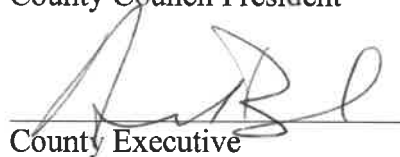
Nays: None



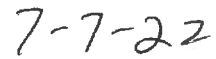
County Council President



Date



County Executive



Date



Clerk of Council



Date

First Reading/Referred to Committee: June 21, 2022

Committee(s) Assigned: Public Safety & Justice Affairs

Journal CC047

July 5, 2022

Cuyahoga County Common Pleas Court
Revised Fee Schedule

EXHIBIT A

Assigned Counsel

Offense/Proceeding

90% of Fee Maximum

Aggravated murder (w/specs)
per R.C. 2929.04(A)
and per R.C. 2941.14(B)

As set by Capital Fee Council - see R.C. 120.33(D)
The Council has currently set a rate of \$125 with no fee
maximum.

Aggravated murder (w/o specs)

\$13,500/1 attorney
\$22,500/2 attorneys

Murder

\$9,000

Felony with possible life sentence/
repeat violent offender/major
drug offender

\$9,000

Felony (degrees 1-2)

\$7,200

Felony (degree 3)

\$4,500

Felony (degrees 4-5)

\$3,150

Misdemeanor (degrees 1-4)

\$1,800

Misdemeanor OVI/BAC

\$2,250

Contempt of court

\$450

Violation (Probation/Community
Control)

\$675

Preliminary Hearings

\$270

Sex Offender Classification

\$675

Other

\$675

Municipal Proceedings:

Preliminary Hearings

\$270

Misdemeanor (degrees 1-4)

\$1,800

Misdemeanor OVI/BAC

\$2,250

General Division and Municipal Proceedings Hourly Rates

In Court / Out of Court

\$75

Cuyahoga County Common Pleas Court
Revised Fee Schedule

Assigned Counsel - Postconviction and habeas corpus proceedings

<u>Offense/Proceeding</u>	<u>90% of Fee Maximum</u>
Death Sentence	As set by Capital Fee Council - see R.C. 120.33(D) The Council has currently set a rate of \$125 with no fee maximum.
Felony (degrees 1-2) (R.C. 2953.21 Petition/New Trial Mtn)	\$3,600
Felony (degree 3) (R.C. 2953.21 Petition/New Trial Mtn)	\$2,250
Felony (degrees 14-5) (R.C. 2953.21 Petition/New Trial Mtn)	\$1,575
Misdemeanor (60(B))	\$1,350
Juvenile	\$2,250
State Habeas	\$1,350
Expungement	\$270
Judicial Release	\$450
Revocation	\$675
Driving Privileges	\$135
NGRI/Comp Review	\$675
Jail Time Credit	\$270
Resentencing	\$450
Sex Offender Reclassification	\$675
Withdrawal of Guilty Plea	\$900

**Eighth District Court of Appeals
Revised Fee Schedule**

Assigned Counsel - Appellate level proceedings

<u>Offense/Proceeding</u>	<u>90% of Fee Maximum</u>
Death Sentence	As set by Capital Fee Council - see R.C. 120.33(D) The Council has currently set a rate of \$125 with no fee maximum.
Cumulative Minimum Sentence exceeds 25 years	\$7,200
Felony (degrees 1-2) Trial	\$4,500
Felony (degree 3) Trial	\$3,150
Felony (degrees 4-5) Trial	\$2,250
Misdemeanor Trial	\$1,800
Felony Plea	\$1,350
Misdemeanor Plea	\$900
ADN Permanent Custody	\$3,150
Probate	\$3,150
Unruly	\$900
Other	\$900
26(B) Murnahan Felony (degrees 1-2) Trial	\$2,700
26(B) Murnahan Felony (degree 3) Trial	\$1,800
26(B) Murnahan Felony (degrees 4-5) Trial	\$900
OSC Jurisdiction Memorandum	\$1,350

Eighth District Court of Appeals
Revised Fee Schedule

Assigned Counsel - Postconviction and habeas corpus proceedings

<u>Offense/Proceeding</u>	<u>90% of Fee Maximum</u>
Death Sentence	As set by Capital Fee Council - see R.C. 120.33(D) The Council has currently set a rate of \$125 with no fee maximum.
Felony (degrees 1-2) (R.C. 2953.21 Petition/New Trial Mtn)	\$3,600
Felony (degree 3) (R.C. 2953.21 Petition/New Trial Mtn)	\$2,250
Felony (degrees 14-5) (R.C. 2953.21 Petition/New Trial Mtn)	\$1,575
Misdemeanor (60(B))	\$1,350
Juvenile	\$2,250
State Habeas	\$1,350
Expungement	\$270
Judicial Release	\$450
Revocation	\$675
Driving Privileges	\$135
NGRI/Comp Review	\$675
Jail Time Credit	\$270
Resentencing	\$450
Sex Offender Reclassification	\$675
Withdrawal of Guilty Plea	\$900
<u>Eighth District Court of Appeals Hourly Rates</u>	
In Court / Out of Court	\$75
Death Sentence - In Court/Out of Court	\$125

JUVENILE COURT REVISED FEE SCHEDULE

(Effective DATE)

ASSIGNED COUNSEL

Case Type	90% of Maximum Fee
Aggravated Murder (without/with SYO)	\$6,750 / \$10,125
Murder (without/with SYO)	\$5,400 / \$8,100
1st and 2nd Degree Felonies (without/with SYO)	\$4,500 / \$6,750
3rd, 4th, and 5th Degree Felonies (without/with SYO)	\$3,150 / \$4,725
Misdemeanor	\$1,800
Traffic	\$270
Misdemeanor OVI	\$2,250
Bindover—Mandatory	\$750
Bindover—Discretionary	\$1,800
Bindover—Reverse (Amenability)	\$1,350
Custody Review Hearings	\$1,350
Custody Initial Case/Dispositional Motions	\$1,350
Permanent Custody	\$2,250
Adult Criminal	\$1,350
Violation of Court Order (VCO)	\$675
Contempt	\$450
Purge Review	\$135
All Other	\$675

GUARDIANS AD LITEM

Case Type	Maximum Fee
Custody Initial Case/Dispositional Motions	\$1,000
Permanent Custody	\$1,000
Custody Review Hearings	\$200
Delinquency/All Other	\$250

HOURLY RATES

Type of Appointment	In Court Rate	Out of Court Rate
Assigned Counsel	\$75/hour	\$75/hour
GAL	\$60/hour	\$60/hour