

**APPENDIX B – ATTORNEY FEE SCHEDULE**

**THE BOARD OF LUCAS COUNTY COMMISSIONERS ADOPTED THE FOLLOWING SCHEDULE BY RESOLUTION (#21-909) ON NOVEMBER 9, 2021**

**(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) Pursuant to R.C. 120.33(A)(3), to receive reimbursement, a board of county commissioners must adopt a resolution to pay counsel appointed by the court, and must establish a fee schedule. The county is responsible for filing an up-to-date fee schedule with the OPD. Reimbursement will be based on the latest fee schedule filed with the OPD.
- (3) 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 of either the State or county rate, whichever is lower. 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) Reimbursement for representation in trial level cases involving a death penalty specification will be made based on the maximum rate of \$125.00 per hour for both in-court and out-of-court services.
- (3) The prescribed maximum fees permitted in trial level proceedings are:

<b>Offense/Proceeding</b>	<b>Fee Maximum</b>
Aggravated murder (w/specs) per R.C. 2929.04(A) and 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 \$125.00 with no fee maximum.
Aggravated Murder (w/o specs)	\$15,000.00/1 attorney  \$25,000.00/2 attorneys

Murder	\$10,000.00
Felony with possible life sentence/repeat violent offender/major drug offender	\$10,000.00
Felony (degrees 1-2)	\$8,000.00
Felony (degree 3)	\$5,000.00
Felony (degrees 4-5)	\$3,500.00
Misdemeanor (degrees 1-4)	\$2,000.00
Misdemeanor OVI/BAC	\$2,500.00
Contempt of Court	\$500.00
Violation (Probation/Community Control)	\$750.00
Preliminary Hearings	\$300.00
Sex Offender Classification	\$750.00
Other	\$750.00

### (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) Reimbursement will not be made for non-attorneys appointed as a guardian ad litem.

(3) 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.

(4) The prescribed maximum fees permitted in juvenile level proceedings are:

<b>Offense/Proceeding</b>	<b>Fee Maximum</b>
Aggravated murder (w/specs) per R.C. 2929.04(A) and 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 \$125.00 with no fee maximum.
Aggravated Murder (w/o specs)	\$7,500.0/1 attorney \$12,500/2 attorneys
Murder	\$6,000.00

Felony adjudication (deg. 1-2)	\$5,000.00
Felony (degrees 3-5)	\$3,500.00
Misdemeanor OVI/BAC	\$2,500.00
Misdemeanor	\$2,000.00
Traffic	\$300.00
Objections	\$750.00
Unruly	\$1,000.00
Bindover – Mandatory	\$750.00/1 attorney
	\$1,200.00/2 attorneys
Bindover – Discretionary	\$2,000.00/1 attorney
	\$3,000.00/2 attorneys
Reverse Bindover Amenability	\$1,500.00
SYO	Adult Degree + 50%/2 attorneys
SYO Invocation	\$2,000.00/1 attorney
	\$3,000.00/2 attorneys
Adult in Juvenile Court	\$1,500.00
Violation (Probation/Community Control)	\$750.00
Violation (Parole/Supervised Release)	\$750.00
VCO	\$750.00
ADN Initial Custody	\$1,500.00
ADN Annual After Custody	\$1,500.00
Permanent Custody	\$2,500.00
Contempt of Court	\$500.00
Purge Hearing	\$150.00
Sex Offender Classification/ Reclassification/Declassification	\$750.00
Expungement	\$300.00

Other \$750.00

#### **D. PROBATE PROCEEDINGS**

Termination of parental rights \$2,500.00.

#### **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) Reimbursement for representation in appellate level proceedings involving a death sentence will be made based on the maximum rate of \$125.00 per hour for both in-court and out-of-court services.

(3) The prescribed maximum fees permitted in appellate level proceedings are:

<b>Offense/Proceeding</b>	<b>Fee Maximum</b>
Death Sentence	As set by Capital Fee Council – see R.C. 120.33(D). The Council has currently set a rate of \$125.00 with no fee maximum.
Cumulative Minimum Sentence exceeds 25 years	\$8,000.00
Felony (degrees 1-2) Trial	\$5,000.00
Felony (degree 3) Trial	\$3,500.00
Felony (degrees 4-5) Trial	\$2,500.00
Misdemeanor Trial	\$2,000.00
Felony Plea	\$1,500.00
Misdemeanor Plea	\$1,000.00
ADN Permanent Custody	\$3,500.00
Probate Unruly	\$3,500.00
Other	\$1,000.00
26(B) Murnahan Felony (degrees 1-2) Trial	\$3,000.00
26(B) Murnahan Felony (degree 3) Trial	\$2,000.00

26(B) Murnahan Felony (degrees 4-5) Trial	\$1,000.00
OSC Jurisdiction Memorandum	\$1,500.00

#### **F. POSTCONVICTION 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) Reimbursement for representation in appellate level proceedings involving a death sentence will be made based on the maximum rate of \$125.00 per hour for both in-court and out-of-court services.

(3) The prescribed maximum fees permitted in postconviction and habeas corpus proceedings are:

<b>Offense/Proceeding</b>	<b>Fee Maximum</b>
Death Sentence	As set by Capital Fee Council – see R.C. 120.33(D). The Council has currently set a rate of \$125.00 with no fee maximum.
Felony (degrees 1-2) (R.C. 953.21 Petition/New Trial Mtn)	\$4,000.00
Felony (degree 3) (R.C. 953.21 Petition/New Trial Mtn)	\$2,500.00
Felony (degrees 4-5) (R.C. 953.21 Petition/New Trial Mtn)	\$1,750.00
Misdemeanor (60(B))	\$1,500.00
Juvenile	\$2,500.00
State Habeas	\$1,500.00
Expungement	\$300.00
Judicial Release	\$500.00
Revocation	\$750.00
Driving Privileges	\$150.00
NGRI/Comp Review	\$750.00

Jail Time Credit	\$300.00
Resentencing	\$500.00
Sex Offender Reclassification	\$750.00
Withdrawal of Guilty Plea	\$1,000.00

**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.