

**BRIEF SUMMARY OF THE REVISIONS TO
PUBLIC DEFENDER SERVICES
RENEWED LEGISLATIVE RULE
89 CSR 1**

Rule 2.2.3 provides a list of charges that will qualify as capital cases that have no limitation on the amount of compensation to be paid or expenses to be reimbursed without a court order.

Rule 2.2.10 provides a detailed list of services that will be compensated as “investigative services.” The previous rule referred generically to investigative services.

Rule 2.2.14 provides a new number for the OVS Help Desk.

Rule 2.2.17 includes a definition for “specialized counsel” for the purpose of governing the compensation for services when provided to court-appointed counsel.

Rule 3.7.1 provides that compensation for paralegal services will be considered fees rather than expenses and will be used to calculate the total amount of compensation subject to the limit on compensation.

Rule 3.8 increases the maximum amount of compensation for in-court paralegal services from \$1,000 to \$2,000.

Rule 3.9 clarifies that the services of a guardian ad litem for a juvenile undergoing a competency evaluation will be paid by Public Defender Services.

Rule 3.10 provides for payment of the services of a specialized counsel provided to a court-appointed counsel at the statutory rate for the services of “panel attorneys.”

Rule 3.13 mirrors the statutory increase in the maximum amount of compensation to be paid to court-appointed counsel for representation in non-capital cases without a court order from \$3,000 to \$4,500.

Rule 3.14 sets forth the recent statutory change providing that, in certain circumstances, compensation up to \$1,000 can be paid for expungement proceedings on behalf of an eligible client.

Rule 4.1 increases the amount of an expense that requires a receipt or invoice from \$10 to \$100, thus mirroring the requirement of the Office of the Auditor.

Rule 4.6 increases the allowance for clothing for a client at trial from \$50 to \$100.

Rule 4.7.2 provides that the fee imposed by the third-party administrator of File and ServeXpress for filings with the Supreme Court is reimbursable by Public Defender Services as a reasonable and necessary expense.

Rule 4.11 mirrors the statutory increase in the maximum amount of expenses to be reimbursed to court-appointed counsel in non-capital cases without a court order from \$1,500 to \$2,500.

Rule 5.4.1 provides that the identification of an adult is also to be done by initials when the adult's full name would provide information regarding the identity of a child, victim or other protected person.

Rule 5.5 is amended to eliminate the requirement that "waiting-in-court" entries require the starting and ending time to be listed in the explanation. The new court system will make such information generally available.

Rule 5.6 provides that payment for investigative services will "only" be made for services of a person "actually engaged in the private investigation business" as defined in state code.

Rule 5.14 provides that an attorney must conform a voucher to the requirements of the State's Office of the Auditor if returned to Public Defender Services by the State's Office of the Auditor.

Rule 6.3 clarifies that the last date of service may be the date on which an order formally concluding the proceeding is received and reviewed.

Rule 7.2.15 provides that a voucher may be rejected because the attorney failed to identify clients or other parties in accord with the rules. Public Defender Services may make such changes, but is not required to do so.