

## **UJS POLICY 8-PJ-07**

**COURT APPOINTED ATTORNEY FEES** – All lawyers willing to furnish services as court-appointed counsel to indigent defendants will be paid for all legal services on an hourly basis as follows: \$80/hr. beginning January 1, 2008. Subsequently, court-appointed attorney fees will increase annually in an amount equal to the cost of living increase that state employees receive each year from the legislature. Travel will be paid at the rate of \$1.00/mile for both the use of the automobile and for the attorney's time on necessary travel. No trips are to be made out of the county without prior approval of the judge. Rules were revised for payment by voucher, approval and disapproval of attorney's fees and costs, special investigators, expert witnesses, capital cases.

An attorney appointed to represent abused or neglected children shall certify 1) attendance at the training entitled "Representing the Most Vulnerable Clients" or 2) review of the video and course materials before payment."

Requests for payment of court-appointed counsel fees should be presented to the court on the date of the completion of the case, but in no event later than 30 days after the case is complete before the circuit court. Failure to submit the fee requests within the time provided in the policy may result in the court denying payment of court appointed counsel fees, in whole or in part. The court may waive the application of this policy for good cause shown.

If the full amount of the voucher or statement for fees by counsel is not approved by the trial judge, the trial judge must explain, either orally or in writing, the reasons for change or modification of the statement or voucher submitted by counsel.

If the attorney is dissatisfied with the amount of compensation allowed by the judge presiding in the case, the attorney may request that all other judges in that circuit review the claim for compensation and hold a hearing thereon. A decision by the majority of the other judges in that circuit shall become the amount of the fees and costs authorized. [SDCL 23A-40, (Rule 44)]