

ONLINE OIDS BILLING TIPS & SECRETS FOR APPOINTED COUNSEL November 16, 2016

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OIDS Online Billing is Mandatory

- ◆ Per October 25, 2012 Administrative Order from then, Chief Justice Chuck Malone
- ◆ Hardship Exception – Send to Administrative Director of Courts (now Rich Hobson)

What if my case is not in the “Claims Not Started”?

- ◆ First Check www.Alacourt.com
- ◆ File a “Notice of Appearance of Appointed Counsel”
- ◆ Confidential Case
- ◆ Last Resort

STATE BAR GUIDELINES

Adopted January 1, 2013



What To Do About Companion Cases?

- ◆ **Separate Incidents and Separate Transactions are Separately Billable!!!**
- ◆ Guidelines on the Bottom of Page 4
 - ◆ Although related sufficiently to be indicted together, are properly billed separately.
 - ◆ Does not include lesser-included offenses, which are not separately billable.

Irrespective of the timing (whether charged initially in separate district court cases or arising merely by grand jury presentment) or consolidation of the charges, **charges arising from separate incidents are separately billable.** For example, **separate allegations** of Sexual Abuse or drug sales, **although related sufficiently to be indicted together, are properly billed separately.** Likewise, **separate transactions**, such as a Burglary and a misdemeanor Assault within the burglarized building, **are separately billable events even if arising from a single incident.** This **does not include lesser-included offenses**, which are not separately billable.

OIDS Online Billing Automatically Groups Cases

You can unselect cases and separate them!

3178607	Tulare	CC 2013 000869 00	FELO/VY - CLASS A (ADULT)	2/7/2013	KELLY EUGENE DU'YANT	ATTEMPT - MURDER		Hide	Start Claim
3178608	Tulare	CC 2013 000869 00	FELO/VY - CLASS A (ADULT)	2/7/2013	KELLY EUGENE DU'YANT	ATTEMPT - MURDER		Hide	Start Claim
3178609	Tulare	CC 2013 000869 00	FELO/VY - CLASS A (ADULT)	2/7/2013	KELLY EUGENE DU'YANT	ATTEMPT - MURDER		Hide	Start Claim
3178606	Tulare	CC 2013 000869 00	FELO/VY - CLASS B (ADULT)	2/7/2013	KELLY EUGENE DU'YANT	ASSAULT 1ST DEGREE		Hide	Start Claim

Separating Cases

Select Companion Cases

Attorney	BLU005	GARY LEE BLUME
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STEP 1: Select Companion Cases

The following list displays your currently selected Case's **Companion Cases**. Select those Companion Cases that must be grouped together for billing purposes. Cases that stem from the same event should be billed together. You must also select one **Primary Companion Case** below.

Companion Case

CaseGroup	Case Number	Filing Date	Defendant Name	Charge	Select For Group	Select Primary
3178606	CC 2013 000869 00	2/7/2013	KELLY EUGENE DU'YANT	ASSAULT 1ST DEGREE	<input checked="" type="checkbox"/>	<input type="radio"/>
3178607	CC 2013 000869 00	2/7/2013	KELLY EUGENE DU'YANT	ATTEMPT - MURDER	<input checked="" type="checkbox"/>	<input type="radio"/>
3178608	CC 2013 000869 00	2/7/2013	KELLY EUGENE DU'YANT	MURDER	<input checked="" type="checkbox"/>	<input type="radio"/>
3178609	CC 2013 000869 00	2/7/2013	KELLY EUGENE DU'YANT	MURDER	<input checked="" type="checkbox"/>	<input type="radio"/>

Separating Cases: Separate Billing Process

STEP 1: Select Companion Cases

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3178607	CC 2013 000869 00	2/7/2013	KELLY EUGENE DU'YANT	ATTEMPT - MURDER	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
3178608	CC 2013 000869 00	2/7/2013	KELLY EUGENE DU'YANT	MURDER	<input type="checkbox"/>	<input type="checkbox"/>
3178609	CC 2013 000869 00	2/7/2013	KELLY EUGENE DU'YANT	MURDER	<input type="checkbox"/>	<input type="checkbox"/>

I've Selected which Companion Cases to Group, continue

Separate Billing Statement – Separate Incidents

- ◆ If you separate cases/counts that the OIDS system groups together, you need to upload a statement explaining why.

Example

- ◆ In this case, although I may have been appointed at the same or a different time to represent the Defendant in one or more additional charges, those charges constitute “separate incidents” under the Uniform Guidelines for Attorney Fee Declarations promulgated by the Alabama State Bar Association. Regardless of whether those charges were joined in the same indictment, in accordance with the Uniform Guidelines for Attorney Fee Declarations promulgated by the Alabama State Bar Association, I have separated the separate and distinct incidents, transactions, charges, indictments, counts, offenses for billing purposes in the OIDS online billing system.

OIDS Administrative Rules Effective Jan. 4, 2016

- ◆ <http://oids.alabama.gov/pdfs/AdminRules2-11-16.pdf>
- ◆ Mandatory CLE Requirements - §355-9-1-.08
Over-65 Exemption Does Not Apply
- ◆ Possible 90-Day Deadline Relief - §355-9-1-.05

OIDS CLE Requirements Rule 355-9-1-.08

- ◆ All Appointed & Contract Counsel – 6 hours Criminal CLE
- ◆ Capital – Lead Counsel – 10 hours Capital CLE/2 yrs
- ◆ Capital – 2nd Chair – A Capital Murder CLE Program/2 yrs
- ◆ Juvenile – Delinquency Defense – 3 hours
- ◆ Juvenile – Dependency – AOC Certification + 3 hours

Important for New Lawyers & New Billing Clerks to Know

- ◆ Don't waste time entering time at the District Court level on felony charges
- ◆ Time/Mileage/Expense Entry – Up to \$300 No Approval Required
- ◆ "OTHER" is your best friend
- ◆ Travel
- ◆ Copies

Expert, Investigator, & Other Extraordinary Fees/Expenses

- ◆ 3 Options:
 - ◆ 1. Wait until you have finished the case.
 - ◆ 2. Submit an Interim Bill – Must advance the \$\$\$ out of your pocket!
 - ◆ 3. Set up your expert or investigator to DIRECT BILL OIDS.
 - ◆ OIDS has a form on their website just for this purpose
 - ◆ See: <http://oids.alabama.gov/Forms/PFD-1.pdf>

Interim Billing

- ◆ When to Use it & Why
 - ◆ Community Corrections
 - ◆ Pay or Stay Reviews
 - ◆ Probation After Plea Without a New Case Number or Extension
 - ◆ Diversion
 - ◆ Withdraw & File with Leave to Reinstate
 - ◆ Juvenile Court


Interim Billing Statement

- ◆ In this case, I was appointed as defense counsel for an adult defendant in Judge Roberts' court. The Defendant entered one or more guilty pleas and was placed on probation. The Defendant was also scheduled for monthly "payment review" dockets, which I am not expected or required to attend, so long as the Defendant makes payments in accordance with a schedule established by Judge Roberts.
- ◆ In the event that the Defendant fails to make payments as directed at the "payment review" dockets, the matter will be set for a sanctions hearing under the original case number. I will be expected to attend that hearing(s).
- ◆ As it is foreseeable that there may be further hearings under this case number if the Defendant fails to meet his financial obligations to the Court in full, I am submitting this as an Interim Bill.

What if My Judge is Gone?

- ◆ Judges can leave for different reasons
- ◆ ALWAYS select a judge who can approve your Fee Declaration! Don't let it get lost in a black hole!
- ◆ If your Fee Declaration is not approved, you may have to re-enter all of the data!
- ◆ NEVER select "Assigned Judge"

Check the Status of Fee Declarations



ALABAMA
Department of Finance
Office of Indigent Defense Services

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Check the Status of Fee Declarations

My Fee Declaration Status

Fee Declarations

Your Fee Declarations appear below along with their current status.

If you have been requested to submit additional documentation, an 'Upload' button will appear below.
If so, please click 'Upload' and follow further instructions.

Case Number	Appt Date	Defendant Name	Primary Charge	Fee Dec Status	Status Date	Claim Amt	Amt Paid
CC 2011 002397 00	12/28/2011	MODEN ALECIA DANIELLE	FRAUD USE CREDIT/DEBIT CARD	Paid	5/30/2012	\$759.70	\$759.70
CC 2011 001430 00	10/11/2011		BURGLAR 3RD DEGREE	Paid	6/27/2012	\$746.70	\$746.70
JU 2010 000387 03	8/18/2012		CONTEMPT OF COURT	Paid	5/30/2012	\$185.35	\$185.35
CC 2010 000833 00	4/27/2012	DAWSON FLOYD PATTON	ROBBERY 1ST	Approved for Payment	9/23/2015	\$1,836.60	\$0.00
CC 2010 000177 00	4/27/2012	DAWSON FLOYD PATTON	COMM NOTIF-RESIDENCE/FINGERPRNT	Paid	2/26/2013	\$2,787.63	\$2,050.63
JU 2011 000580 01	2/9/2012		DEPENDENT-PARENTS UNABLE TO CI	Paid	11/30/2012	\$206.15	\$206.15
JU 2011 000580 01	2/9/2012		DEPENDENT-PARENTS UNABLE TO CI	Paid	3/23/2013	\$56.90	\$56.90

My Fee Declaration Status

Fee Declarations

Your Fee Declarations appear below along with their current status.

If you have been requested to submit additional documentation, an 'Upload' button will appear below. If so, please click 'Upload' and follow further instructions.

Case Number	Appt Date	Defendant Name	Primary Charge	Fee Dec Status	Status Date	Claim Amt	Amt Paid
JU 2008 000728 15	2/10/2015		DOMESTIC VIO BRD DEG-HARASSMENT	Claim Not Submitted	9/23/2015	\$0.00	\$0.00
CC 2015 201775 00	4/16/2015	GRICE WELINGTON THEODORE	POSS MARIJUANA 1ST	Claim Not Submitted	9/23/2015	\$0.00	\$0.00
CC 2010 006933 00	4/27/2012	DAWSON FLOYD PATTON	ROBBERY 1ST	Approved for Payment	9/23/2015	\$1,836.60	\$0.00
CC 2012 002928 00	10/17/2012	DAWSON FLOYD PATTON	ROBBERY 1ST	Assigned for Audit By IDS	9/23/2015	\$643.64	\$0.00
JU 2011 000120 03	3/19/2012		DEPENDENT-PARENTS UNABLE TO DL	Assigned for Audit By IDS	9/23/2015	\$304.45	\$0.00
CC 2011 006499 70	3/4/2015	RICE O.PHEUS LEE	PROBATION REV	Assigned for Audit By IDS	9/23/2015	\$31.15	\$0.00
CC 2015 003847 00	2/24/2015	RICE O.PHEUS LEE	SEX OFFENDER ACT EFF 7/1/11	Assigned for Audit By IDS	9/23/2015	\$788.69	\$0.00
CC 2012 001006 17	8/14/2015	MADDOX DEWARREN ROSSARD	PROBATION REVOCATION	Claim Not Submitted	9/22/2015	\$0.00	\$0.00
JU 2015 000216 02	9/1/2015		OTHER-RECD TRANS FOR DISP-DEJ	Court Reviewed - Order Entered	9/21/2015	\$297.99	\$0.00

Fee Declaration Status

- ◆ OIDS Fee Declaration Status Categories after Fee Declaration is Submitted:
 - ◆ Claim Submitted
 - ◆ Court Review – Order Entered
 - ◆ Assigned for Audit by IDS
 - ◆ Approved for Payment
 - ◆ Vouchered IDS
 - ◆ Vouchered to CAS

Special OIDS Considerations

- ◆ Life Without Parole Potential Cases
Have No Cap – Enter as Capital Case
- ◆ 90 days ≠ 3 months
- ◆ OIDS Chart of Max Times Per Event

OIDS CHART

Letter	.3	404(b) Request	.5
Discovery Mt	.5	Mt to Withdraw	.5
Email to/from	.1	Prelim Request	.5
Notice of Appearance	.5	Calendar	.1
Mt to Continue	.5	Review Order	.3
Open/Close/Bill	.5		

Billing for Paralegals, etc.?

- ◆ YES YOU CAN --- EXCEPT SOMETIMES YOU CAN'T!
- ◆ If the paralegal performs tasks separately of attorney – YES. Making calls, interviewing witnesses, going to the jail, etc.
- ◆ If the paralegal works with or in support of attorney – NO Helping strike jury, at trial lining up witnesses, etc.
- ◆ Why? OIDS Director Roberts says so!

What About a Mistrial?

- ◆ §15-12-21(d)(6) - a retrial shall be considered a new case for billing purposes.
- ◆ Submit Fee Declaration within 90 days of the mistrial as an Interim Bill. Include Interim Billing Statement explaining there was a mistrial.
- ◆ After retrial or other resolution of the case, submit a Final Bill. Add memo noting that the 2nd bill is the result of a mistrial and starts the cap over again.

Names, Addresses, Phone Numbers in Juvenile Bills

- ◆ They will kick everything back if you do not delete/redact the kid's name, parents' names, etc.
- ◆ Proper Identification
 - ◆ "DHR Atty Jefferson – Not Ms. Jefferson"
 - ◆ "JPO Thomas – Not Ricky Thomas"
 - ◆ "Mother's Atty Sutton – Not Debbie Sutton"

Important Things to Remember

- ◆ Juvenile Dependencies – Annual Billings after Permanency Review
- ◆ Can't bill Adult Cases after Preliminary Hearing , except ...
- ◆ If Case is Pending Grand Jury for 12 Months – 90 Days Starts to Run
- ◆ Writs for FTA – 60 Days AFTER last FTA Writ + 90 Days
- ◆ Administrative Docket – 90 Days Starts from this Date

Important Things to Remember

- ◆ OPEN/CLOSE – 30 minutes, 1 time only!
- ◆ Social Worker/Placement Work is Billable
- ◆ Post-Completion Inquiries
- ◆ OIDS Will NOT pay for Communicating with Family Members after Defendant is in Prison

Important Things to Remember

- ◆ Community Corrections Questions – Unless Pending Revocation Will NOT be Paid
- ◆ Probation Revocation – Multiple Cases – Bill Under 1 Case Number

Review After Denial/Fee Reduction

- ◆ Write OIDS Director – Chris Roberts
 - ◆ (christopher.roberts@oids.alabama.gov)
- ◆ State Board of Adjustment – 12 months from Closing of Case
- ◆ Judicial Review?
 - ◆ See §41-22-20 – Administrative Procedures Act

ACDLA

- ◆ Consider Joining ACDLA:
http://acdla.org/form.php?form_id=8
- ◆ 1/30/2016 - effective date of the amendment to §15-12-21(e)
 - ◆ The Comptroller SHALL REMIT PAYMENT IN A TIMELY MANNER NOT TO EXCEED 90 DAYS FROM SUBMISSION!

QUESTIONS