

FILED
AMANDA STANFORD
CLERK OF THE DISTRICT COURT

2017 AUG 29 AM 10:52

BY MG
DEPUTY

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF PINAL

Amendment to Policies and)
Procedures for Court-)
Appointed Counsel and)
Providers of Related Services)
(AO 2016-0007))
_____)

ADMINISTRATIVE ORDER

No. 2017-00047

Whereas the Presiding Judge has general administrative authority over the Judicial Branch of government in Pinal County, and the Presiding Judge has previously adopted Administrative Order 2016-0007 for the purpose of establishing and modifying policies and procedures for Court-Appointed Counsel and Providers of Related Services;

Whereas the Presiding Judge has determined to amend *Administrative Order Number 2016-0007*, to clarify and modify certain provisions;

IT IS HEREBY ORDERED that the following sections and addendums of *Administrative Order Number 2016-0007* are amended as follows, reflected in the form of REDLINE/strikeout:

SECTION 2.8 PCR & APPEALS. Rule 32 Petitions and Criminal Appeals shall constitute a separate engagement, even if the client is represented by counsel on other matters, and are compensated at the *Standard Hourly Rate*, but time spent through the completion of briefing shall not exceed twenty-four (24) compensable hours if the Rule 32 Petition or Criminal Appeal follows a trial, and otherwise shall not exceed twelve (12) compensable hours. However, if oral argument is ordered on a Criminal Appeal, time spent in preparation for oral argument through completion of the oral argument are compensable at the *Standard Hourly Rate*, not to exceed twelve (12) compensable hours, and a contested Rule 32 hearing shall be compensated by additional hourly compensation pursuant to § 2.4.2. A claim for compensation may be **SUBMITTED ON A MONTHLY BASIS**~~filed when a matter is fully briefed to the initial reviewing court and again following oral argument on a Criminal Appeal.~~ Nothing in this section shall preclude a request to treat a Rule 32 Petition or Criminal Appeal as an "Extraordinary case", pursuant to Section 9.

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SECTION 3.8 APPEALS. Juvenile Appeals shall constitute a separate engagement, even if the client is represented by counsel on other matters, and are compensated at the *Standard Hourly Rate*, but time spent through the completion of briefing shall not exceed sixteen (16) compensable hours if the Appeal follows a contested adjudication or contested transfer hearing, and otherwise shall not exceed twelve (12) compensable hours. However, if oral argument is ordered on a Juvenile Appeal, time spent in preparation for oral argument through completion of the oral argument are compensable at the *Standard Hourly Rate*, not to exceed twelve (12) compensable hours. A claim for compensation may be **SUBMITTED ON A MONTHLY BASIS**~~filed when a matter is fully briefed to the initial reviewing court and again following oral argument on a Juvenile Appeal.~~ Nothing in this section shall preclude a request to treat a Juvenile Appeal as an "Extraordinary case", pursuant to § 9.7.

SECTION 5.8 APPEALS. Juvenile Dependency Appeals shall constitute a separate engagement, even if the client is represented by counsel on other matters, and are compensated at the *Standard Hourly Rate*, but time spent through the completion of briefing shall not exceed twelve (12) compensable hours. However, if oral argument is ordered on a Juvenile Dependency Appeal, time spent in preparation for oral argument through completion of the oral argument are compensable at the *Standard Hourly Rate*, not to exceed twelve (12) compensable hours. A claim for compensation may be **SUBMITTED ON A MONTHLY BASIS**~~filed when a matter is fully briefed to the initial reviewing court and again following oral argument on a Juvenile Appeal.~~ Nothing in this section shall preclude a request to treat a Juvenile Appeal as an "Extraordinary case", pursuant to § 9.7.

SECTION 6.1 DEFINITION. *General Guardian ad Litem Engagements* include all court-appointments as a guardian *ad litem*, **COURT-APPOINTED ADVISOR**, best interest attorney, or attorney for a witness (hereinafter collectively referred to throughout this policy as a "GAL") except if expressly compensated by a different section of this policy.

SECTION 6.7 CLAIMS UPON SUBSTANTIAL COMPLETION. Except as otherwise provided in this policy, claims may be submitted **ON A MONTHLY BASIS**~~when an engagement is substantially completed, as provided in Section 11. "Substantially completed" generally describes an engagement where all of a client's appointed cases have been resolved. No additional compensation is payable for such an engagement after a claim is submitted.~~

SECTION 7.7 CLAIMS. Claims may be submitted **ON A MONTHLY BASIS** as follows:

~~7.7.1 Claims may be submitted when a *Common Case Type* engagement is substantially completed, as provided in Section 11. "Substantially completed" generally describes an engagement where all of a client's~~

~~appointed *Common Case Type* cases have been resolved. Minor additional legal tasks may still remain when a claim is deemed substantially completed, and those tasks are included in the representation, but no additional compensation shall be paid on the engagement once a claim is presented.~~

~~7.7.2 *Claims for Standing Assignments* may be submitted on a monthly basis.~~

SECTION 9.8 PCR & APPEALS. Rule 32 Petitions and Appeals that are designated as Extraordinary Cases shall constitute a separate engagement but shall be administered the same as any other "Extraordinary Case" and shall require an *ECS Order* before any billable time is compensable. Such appointments shall **BE PAID AT THE FREQUENCY AUTHORIZED BY THE *BILLING SPECIAL MASTER* generally be paid upon two milestones: first, after the matter is fully briefed; and second, when the appointment is substantially completed, which occurs when a final order is issued by the reviewing court.** Special action petitions are part of the underlying engagement and must be included in the trial court *ECS Order*.

SECTION 11.3 ELIGIBILITY TO SUBMIT A CLAIM. **EXCEPT AS OTHERWISE PROVIDED IN THIS POLICY, A claim may be submitted upon the following milestones or stages of a court appointment:**

SECTION 11.3.1 If counsel has earned *Additional Hourly Compensation*, ~~and if the entire engagement is not reasonably expected to be substantially completed within sixty days after earning the *Additional Hourly Compensation*, counsel may submit a claim for partial compensation~~ for the *Additional Hourly Compensation* **MAY BE SUBMITTED ON A MONTHLY BASIS;**

APPENDIX A: SECTION 2.3: General Adult Criminal Flat-Fees:

TIER ONE ENGAGEMENT. Any engagement that includes a new felony case with a class 2 felony except a violation of Title 13 Chapter 34, or any classification of a dangerous crime or dangerous crime against children, shall receive a flat-fee in the amount of \$1,200, plus \$450 for each additional new felony case in a separate case number that does not arise out of the same facts or event (**INCLUDING ANY CASE INITIALLY HEARD IN *EARLY DISPOSITION COURT***), plus a total of \$150 if the engagement includes any number of Probation Revocation petition(s) and/or misdemeanors in any number of Justice Courts;

TIER TWO ENGAGEMENT. Any engagement that includes a new felony case shall receive a flat-fee in the amount of \$900, plus \$450 for each additional new felony case in a separate case number that does not arise out of the same facts or event (**INCLUDING ANY CASE INITIALLY HEARD IN *EARLY DISPOSITION***

COURT), plus a total of \$150 if the engagement includes any number of Probation Revocation petition(s) and/or misdemeanors in any number of Justice Courts;

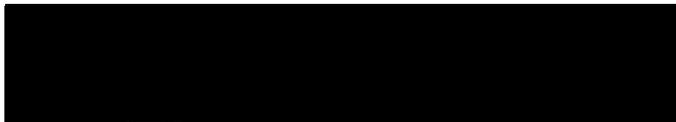
TIER EDC ENGAGEMENT. ANY ENGAGEMENT THAT INCLUDES ONE OR MORE NEW FELONY CASE(S) THAT ARE INITIALLY HEARD IN THE EARLY DISPOSITION COURT SHALL RECEIVE A FLAT-FEE IN THE AMOUNT OF \$450 FOR THE FIRST EDC CASE, PLUS \$450 FOR EACH ADDITIONAL NEW FELONY EDC CASE IN A SEPARATE CASE NUMBER THAT DOES NOT ARISE OUT OF THE SAME FACTS OR EVENT, PLUS A TOTAL OF \$150 IF THE ENGAGEMENT INCLUDES ANY NUMBER OF PROBATION REVOCATION PETITION(S) AND/OR MISDEMEANORS IN ANY NUMBER OF JUSTICE COURTS;

[The remaining paragraphs of Section 2.3 are unchanged.]

APPENDIX B – Assignment of the Public Defender: Paragraph 7 ALL Fifty (50%) percent of all remaining SUPERIOR COURT GENERAL ADULT CRIMINAL CASES, as measured by new case arraignments THAT THE PUBLIC DEFENDER IS AUTHORIZED AND RESOURCED TO ACCEPT, WHICH SHALL BE ADJUSTED AT THE REQUEST OF THE PUBLIC DEFENDER;

[Footnotes to the amended sections are unchanged.]

DATED this 29 day of August 2017.



HONORABLE STEPHEN F. McCARVILLE
PRESIDING JUDGE

Original filed with: Hon. Amanda Stanford,
Clerk of the Superior Court

Copy to: Superior Court Judges
Justices of the Peace
Pinal County Board of Supervisors
Hon. Kent Volkmer, County Attorney
Greg Stanley, County Manager
James Mannato, Public Defender
Pinal County Bar Association
Todd Zweig, Court Administrator
Administrative Office of the Courts (AOC)