



Administrative Rules Board
AGENDA
Thursday, February 6, 2025, 10:30 a.m.
Administrative Headquarters 2079 E. Ninth Street,
4th Floor – Committee Room B

The public may also view the meeting via live-stream by using the following link:
<https://www.youtube.com/cuyahogacounty>

1. CALL TO ORDER
2. ROLL CALL BY CLERK
3. APPROVAL OF PRIOR MEETING MINUTES
 - a. October 17, 2024
4. PUBLIC COMMENT RELATED TO THE AGENDA
5. ITEMS UNDER CONSIDERATION FOR ADOPTION (POTENTIALLY UNDER WAIVER OF TWO-READING RULE)

RESOLUTION NO.	REQUESTING ENTITY	RULE TITLE	ACTION
ARB2025-0001	Cuyahoga County Fiscal Office	Cuyahoga County Assigned Counsel Policy	Adopt permanent rule

6. MISCELLANEOUS BUSINESS
7. PUBLIC COMMENT UNRELATED TO THE AGENDA
8. ADJOURNMENT

Cuyahoga County Fiscal Office
Assigned Counsel Policy

RULE GOVERNING REIMBURSEMENT OF APPOINTED-COUNSEL FEES

A. Background

The Office of the Ohio Public Defender (OPD) offers reimbursement to counties for their indigent defense costs, including costs to provide appointed counsel. After a county pays their indigent defense costs, a county may request reimbursement by submitting the requisite forms and documentation to the OPD. Reimbursement requests are limited to a collective submission per county each month. The OPD then audits each submission for compliance with the OPD Standards and Guidelines and calculates the allowable total cost for appointed counsel for a given monthly submission, and makes reimbursement for up to 100 percent of that amount pursuant to R.C. 120.33 and 120.35.

Counties are responsible for paying indigent defense costs, including the costs for appointed counsel and *guardian ad litem*. The County Fiscal Officer issues payment to the attorney or *guardian ad litem* after they have submitted the appropriate forms to the court, and the court has approved payment of the requested fees and expenses. After paying these fees and expenses, the county may seek reimbursement of the same from the OPD.

To receive reimbursement, the Cuyahoga County (“County”) must ensure all necessary materials are correctly completed and submitted to the OPD within the 90-day time limit specified in Ohio Revised Code Section 120.33(A)(4), unless an extension of time is otherwise granted by the OPD. Specifically, and with certain exceptions (see below) all requests for reimbursement are due to the OPD within 90 days after the end of the month in which the case was finally disposed of or terminated (last day in court or entry filed from the last day in court).

- **Example:** A case is terminated on Jan. 5, 2025. The request is due to the OPD by April 30, 2025 (90 days from the last day in January).

B. Purpose

Because the County is responsible for obtaining reimbursement from the State and must comply with the time limit specified in ORC 120.33(A)(4), OPD specifically authorizes local standards governing the appointed counsel fee billing and payment process. The purpose of the Rule is to allow the Cuyahoga County Fiscal Officer (“Fiscal Officer”) sufficient time to ensure compliance with all State-imposed standards in order to assure that payments made by the county will qualify for reimbursement from the OPD.

C. Rule

1. Subject to the exceptions specified below and to ensure the County’s compliance with

ORC 120.33(A)(4), all requests for reimbursement are due to the Fiscal Officer within 60 days after the end of the month in which the case was finally disposed of or terminated (last day in court or entry filed from the last day in court; see example above).

2. Exceptions

- a. Trial level - If the attorney intends to file a notice of appeal, a motion for a new trial, a motion for shock probation, or a motion for judicial release, the Motion, Entry, and Certification for Appointed Counsel Fees form (OPD-1026R) is due to the Fiscal Officer within 60 days after the end of the month in which the last hearing indicated on the form was held, or entry filed.
- b. Appellate level - Each Motion, Entry, and Certification for Appointed Counsel Fees form (OPD- 1026R) submitted is due to the Fiscal Officer within 60 days after the end of the month in which either the oral argument was held or the appellate decision was issued, as indicated on the form.
- c. Juvenile proceedings - In abuse, dependency, and neglect cases, where more than one hearing is held over an extended period of time, the attorney may submit individual Motion, Entry, and Certification for Appointed Counsel Fees forms (OPD-1026R) for the initial dispositional hearing, each subsequent annual review hearing, and any semi-annual review hearing, and is entitled to fees and expenses as outlined in section (J) of these standards. Each Motion, Entry, and Certification for Appointed Counsel Fees form (OPD-1026R) submitted is due to the Fiscal Officer within 60 days after the end of the month in which the latest hearing indicated on the form was held.
- d. Attorney withdraws or is removed from a case - When an attorney either withdraws or is removed from a case, the Motion, Entry, and Certification for Appointed Counsel Fees form (OPD-1026R) is due to the Fiscal Officer within 60 days from the end of the month in which the attorney withdrew or was removed from the case.

3. All submissions shall include the following, as applicable:

Activity/Case Type	Form
All common pleas, municipal, appeals, juvenile, domestic relations, county courts, probate courts, and the Ohio Supreme Court	Motion, Entry, and Certification for Appointed Counsel Fees form (OPD- 1026R) and Itemized Fee Statement Continuation sheet (OPD-1027R), if needed
Transcript expenses	Clerk's/Auditor's Transcript Fee for an Indigent Defendant form (OPD-E-205)
Experts' expenses	Request for Court-Paid Experts and/or Expenses form (OPD-209)

Financial disclosure	Financial Disclosure form (OPD-206R) (Required in all cases)
Assigned counsel	Monthly Assigned Counsel Summary Report

Copies of and instructions for completing each form are included in the appendices of the OPD Standards and Guidelines for Appointed Counsel Reimbursement (“Standards”), available from the OPD. All forms must be completed in accordance with the most recent revision of the Standards.

- a. Forms submitted must be originals or photocopies of the forms as prescribed by the Standards or be produced using the software issued by the OPD.
 - b. Photocopies submitted in lieu of original forms must meet the following requirements:
 - a. All pages of the form must be included and must be in the proper order.
 - b. Copies must be of good quality and be of original size.
 - c. All forms for reimbursement must be fully and properly completed. Forms that are incomplete or are completed improperly will be denied for reimbursement in whole or in part, to the county.
 - d. The OPD makes available free software that will produce the Motion, Entry, and Certification for Appointed Counsel Fees form (OPD-1026R) and Itemized Fee Statement Continuation sheet (OPD-1027R). A copy of the software, in addition to pdf fillable forms, are available on the OPD website at opd.ohio.gov, under the [Appointed Counsel tab](#).
4. The County will not reimburse on submissions submitted beyond 60 days after the end of the month in which the case was finally disposed of or terminated.