

IN THE SUPREME COURT OF THE STATE OF OKLAHOMA

FILED
SUPREME COURT
STATE OF OKLAHOMA

In Re: Establishment of)
Standards for Court Fund Fees) SCAD-2014-06

JAN 27 2014

MICHAEL S. RICHIE
CLERK

ORDER

Pursuant to Article VII, Section 6 of the Oklahoma Constitution, all judicial officers in the trial courts of this state are directed to adhere to the following standards for the payment of trial court and appellate attorneys' fees from local court funds:

1. The court shall execute an order of appointment in each case before any court-appointed attorney services are rendered in that case.
2. Unless otherwise approved by the Chief Justice, court-appointed legal services shall be provided by attorneys or firms who have a written contract with the district court establishing an annual amount to be paid for all such services to be rendered during the fiscal year. The written agreements shall require court-appointed counsel to provide all professional legal services reasonably required in all assigned cases, including, when necessary, seeking extraordinary relief or interlocutory appeals on the client's behalf.
3. Payments made under the contract for legal services shall include all overhead expenses, including but not limited to, telephone charges, copying and postage expenses, facsimile charges, secretarial services, travel and subsistence expenses, and such other expenses as may be incurred by defense counsel during representation, such as costs of discovery (e.g. duplication of documents, photographs, videotapes, audiotapes etc.) and preparing and copying exhibits.
4. Each lawyer shall maintain professional liability insurance in an amount required by the court.
5. The Administrative Office of the Court is directed to prepare standard advertising and contract documents for use by the local court fund boards. The bidding deadline shall be on or before March 15 of each year, and bidders shall be required to submit their bids to the local court fund board and to the Administrative Office of the Courts. Within ten (10) days from the bidding deadline, the local court fund board shall make a recommendation to the Chief Justice for a contract award to one or more

of the bidding counsel or law firms. The award and amount of each contract shall be subject to the final approval of the Chief Justice.

6. Each local court fund board shall award the contract(s) prior to July 1 of each year, and the contract terms shall be contemporaneous with the fiscal year (July 1 – June 30 each year). Each contract shall be specifically identified and enumerated in the district court's annual budget in order to ensure that the Chief Justice has oversight over the annual costs of these fees. To the maximum extent possible, the annual flat fees should be allocated and paid to the contracted attorneys on a monthly basis (i.e. payments equal to 100% of the total contract will be made in twelve equal monthly installments).
7. In those rare instances where the appointment of conflict counsel is necessary, the court fund board shall be authorized to pay up to \$45.00 per hour for out-of-court services and up to \$65.00 per hour for in-court services unless otherwise restricted by statute.
8. No hourly lawyer shall be permitted to bill the court fund in one case for time dedicated to another case. Hourly counsel shall be required to apportion charges for any event where counsel appears on more than one case so that the total amount charged to the court fund does not exceed the hourly amounts set forth in paragraph 5 above.
9. Hourly counsel shall be expected to bill each local court fund no less frequently than quarterly. Court fund boards are encouraged to require appropriate reporting and summary invoices from contract counsel on a regular basis. All legal services and expenses shall be invoiced no more than 90 days from the date the services are rendered or the expenses are incurred, unless otherwise required by law.

This directive is necessary to control the costs of trial court litigation and enhance the predictability of local court fund costs.

DONE BY ORDER OF THE SUPREME COURT this 27th day of January, 2014.



CHIEF JUSTICE