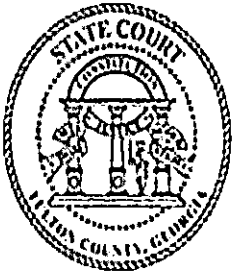
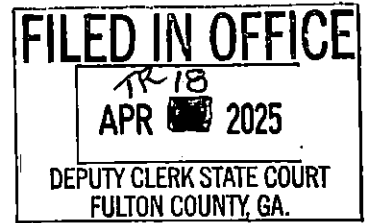


25EX000008



TO: State Court

DATE: April 18, 2025

SUBJECT: Conflict Attorney Indigent Defense Fee Policy

Policy: 2025-004

Conflict Attorney Indigent Defense Fee Policy

Effective: April 18, 2025

Purpose: The purpose of this policy is to establish a consistent fee structure for the defense of indigent defendants, where the Public Defender is unable to represent the defendant due to a conflict of interest. This policy provides clear guidelines for compensation of appointed counsel to represent indigent defendants and seeks to balance fiscal responsibility while maintaining the constitutional rights of indigent defendants to adequate legal representation.

Policy Guidelines

This policy applies to all attorneys appointed by the State Court of Fulton County to represent indigent defendants in criminal misdemeanor cases where public funds are used for legal defense.

This policy is structured to be transparent and fair while safeguarding against excessive costs. It ensures appointed counsel are compensated appropriately for their time and resources while preventing overpayment or abuses in the system. The caps and processes are designed to be flexible enough to ensure the quality of defense does not suffer.

Definitions

- Indigent Defendant: A defendant who is unable to afford private legal counsel, as determined by a financial eligibility assessment.
- Appointed Counsel: Any attorney assigned by the court to represent an indigent defendant.
- Indigent Defense Oversight Committee: A committee appointed by the Chief Judge, to include 2 State Court judges and the Clerk of State Court.

Rate Structure

- Standard Hourly Rate: \$60 per hour for general defense services
- Maximum Hours for Compensation: Attorneys will be compensated up to a maximum of 25 hours per case. Extensions beyond these hours may be approved in advance by the Indigent Defense Oversight Committee based on demonstrated need and case complexity.

Payment Process and Review

- Payments will be made upon completion of the case. Appointed counsel must submit invoices detailing hours worked, activities performed, and applicable rates, which will be reviewed by the court to ensure compliance with this policy.
- Appointed counsel must provide all required documentation within 30 days of case completion for payment processing. Failure to do so may result in delayed or denied compensation.

Oversight and Accountability

- The Indigent Defense Oversight Committee will maintain oversight of the conflict indigent defense program to ensure that fees meet the requirements of this policy, and the quality of legal representation is not compromised.
- This policy must adhere to the constitutional right of indigent defendants to effective counsel. Any fee structure that is deemed to hinder the ability of appointed counsel to provide adequate defense will be subject to review and adjustment.
- The Indigent Defense Oversight Committee will conduct an annual review of fee structures, adjusting where necessary to reflect inflation, changes in case complexity, or legal requirements.

Exceptions

- In extraordinary cases, where this policy's rate structure is insufficient to ensure effective representation, appointed counsel may petition the court for a deviation from the maximum hours for compensation based on a case's specific needs. If the court finds there is an adequate basis for such petition, the court will refer the petition to the Indigent Defense Oversight Committee.
- Appointed counsel must submit justification in writing for the Indigent Defense Oversight Committee to consider.
- All exceptions to the maximum hours for compensation must be approved in advance by the Indigent Defense Oversight Committee.


Implementation and Training

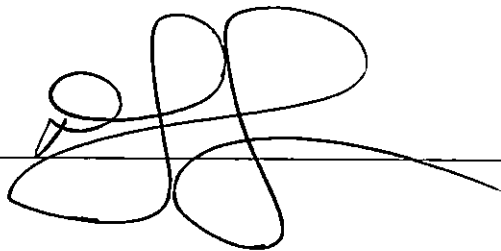
- This policy will be communicated to all appointed counsel and will be accessible on the State Court of Fulton County's public website.
- Training will be provided to ensure all appointed counsel understand the guidelines for submitting invoices, billing procedures, and case complexity assessments.

Evaluation and Revisions

- This policy will be reviewed annually by the Indigent Defense Oversight Committee to ensure it remains effective, meets the needs of indigent defendants, and reflects current legal standards.

Policy Confirmation

Chief Judge  Date 4/18/2025

Clerk of Court  Date 4/18/2025