

5-31-2006

As of May 2006, the following information and forms should be of assistance when seeking payment from the Justice Administrative Commission (JAC) in Probate matters.

Since procedures at the JAC sometimes change, always familiarize yourself with the JAC website. The link is <http://www.justiceadmin.org/>

Within the website is a section called "Court Appointed Counsel"

http://www.justiceadmin.org/court_app_counsel/

Since last year, procedures for payment have become even more streamlined.

The attorney must be on the Probate Registry (Wheel).

Once you are on the Court' Registry/Wheel, contact the JAC for a contract.

Effective July 2005, the JAC is paying flat rate fees, where there are no additional costs, ADMINISTRATIVELY, this means that, in most cases, attorneys can submit the required documents to the JAC and be paid immediately. The JAC lists a toll free HELP DESK number at 1-866-355-7902.

Also, the ISC signed a new Attachment A on March 28, 2006 that increases fees for services rendered on or after July 1, 2005. Those new rates are in the following forms.

The required documents will vary depending on whether the General Magistrate or Probate Judge appointed you to the case.

If the General Magistrate appointed you to the case, send to the JAC two items:

1) The Appointment Order signed by the General Magistrate titled "General Magistrate's Report and Recommendation on Court Appointed Counsel" (On the next page.)

2) The Invoice/Voucher Cover specifically made by the JAC for the 11th Judicial Circuit. This cover is on the JAC website as of July 2005 under Court Appointed Counsel- Attorney Fee Payment Packet-Attorney Fees Form. The current link as of April 2006 is:

http://www.justiceadmin.org/court_app_counsel/payment-packet/att-fee-forms/

toward the bottom of the page, Click on "11th Circuit Vouchers" for the appropriate time the service was rendered. (either before or after July 1, 2005). Then choose "11th Circuit Civil Short Form"

If there are no additional costs, the JAC should handle the bill administratively and send payment.

**IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
IN AND FOR MIAMI-DADE COUNTY, FLORIDA**

IN RE:

- PROBATE DIVISION**
- JUVENILE DIVISION**

_____,
Respondent.
_____ /

CASE NO.: _____

GENERAL MAGISTRATE'S REPORT AND RECOMMENDATION ON COURT APPOINTED COUNSEL

THIS CAUSE came before the General Magistrate and he makes the following findings and recommendations:

1. On _____, the court appointed _____,
whose Florida Bar Number is _____, as court appointed counsel for the Respondent, who is indigent.

2. Court appointed counsel has fully performed the specified duties in the hereinafter described matter for which counsel was appointed and is entitled to a fee as hereinafter noted.

- Substance Abuse Assessment Hearing, Chapter 397, Florida Statutes (Marchman Act)**
- Substance Abuse Treatment Hearing, Chapter 397, Florida Statutes (Marchman Act)**
- Substance Abuse Contempt Hearing, Chapter 397, Florida Statutes (Marchman Act)**

\$ 260 (Flat Fee per hearing) on services rendered on or after July 1, 2005

- Tuberculosis, Chapter 392, Florida Statutes**
- Involuntary Placement, Chapter 394, Florida Statutes (Baker Act)**
- Adult Protective Services, Chapter 415, Florida Statutes**
- Incapacity Proceedings, Chapter 744, Florida Statutes**
- Restoration (Suggestion of Capacity) Proceedings, Chapter 744, Florida Statutes**
- Chapter 393** **Involuntary Placement** **Surgical Procedure**
The Chapter 393 Procedure was **granted** **denied.**

5 hours or less \$ 340 on services rendered on or after July 1, 2005

over 5 to 10 hours \$ 675 on services rendered on or after July 1, 2005

over 10 to 25 hours \$ 1015 on services rendered on or after July 1, 2005

On the basis of the above findings of fact, it is hereby recommended that court appointed counsel receive the aforesaid fee for representing the Respondent.

Recommended at Miami-Dade County, Florida on _____.

LEWIS S. KIMLER
GENERAL MAGISTRATE

Notice is hereby given that this Report and Recommendation is being filed on _____.

If the Probate Judge appointed you to the case, send to the JAC three items:

- 1) The Appointment Order signed by the Probate Judge titled “Order Appointing Counsel for an Indigent Person” (next page)

- 2) The Invoice/Voucher Cover specifically made by the JAC for the 11th Judicial Circuit. This cover is on the JAC website as of July 2005 under Court Appointed Counsel- Attorney Fee Payment Packet-Attorney Fees Form. The link as of April 2006 is:
http://www.justiceadmin.org/court_app_counsel/payment-packet/att-fee-forms/
Toward the bottom of the page, click on “11th Circuit Vouchers” for the correct time period (services rendered before or after July 1, 2005). Then choose “11th Circuit Civil Short Form”

- 3) A Judge’s Final Order on the case. Examples of a Judge’s Final Order include:
 - an Order Appointing Guardian
 - an Order Finding or Denying Incapacity
 - the several page Order on General Magistrate’s Report and RecommendationI received samples of the following “Final” Orders:
 - Order Appointing Counsel for Alleged Incapacitated Person
 - Order Appointing Counsel Pursuant to 415.1051 F.S.
 - Order Appointing Counsel Because of Insolvency
 - Order Determining Limited Incapacity
 - Order Terminating the Provision of Adult Protective Services and Discharging Court Appointed Counsel
 - Order Determining Total Incapacity and Appointing Plenary Guardian
 - Surgical Order
 - Order Authorizing the Provision of Adult Protective Services Pursuant to 415.1051 F.S.

If there are no additional costs, the JAC should handle the bill administratively and send payment.

The JAC does NOT require you to submit to the Judge a Motion for Attorney’s Fees and Costs and is NOT requiring an Order Awarding Fees and Costs. Therefore, those forms have been removed.

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT, IN AND FOR MIAMI-DADE COUNTY, FLORIDA
 IN THE COUNTY COURT FOR MIAMI-DADE COUNTY, FLORIDA

IN RE: _____ DIVISION: _____

IN THE INTEREST OF: _____

STATE OF FLORIDA vs. _____ CASE NO.: _____

Defendant.

_____ /

ORDER APPOINTING COUNSEL FOR AN INDIGENT PERSON

THIS MATTER came before the Court for the appointment of counsel for _____, the Defendant Respondent Ward Child Mother of _____ Father of _____, and the Court FINDS the person indigent and entitled by law to court appointed counsel in the following type of case:

Criminal

- Capital - 1st Chair
- Capital - 2nd Chair
- Life Felony
- 1st Degree Felony
- 2nd Degree Felony
- 3rd Degree Felony
- Misdemeanor
- Other Criminal _____
- Probation Violation
- Rule 3.850
- Jimmy Ryce
- Juvenile Delinquency
- Appeal - Criminal _____
- Appeal - Jimmy Ryce
- Appeal - Juvenile Delinquency
- Appeal - Other _____

Civil / Dependency & Termination of Parental Rights (TPR)

- Tuberculosis, Ch. 392, Fla. Stat
- Developmental Disabilities, Ch. 393, Fla. Stat.
- Baker Act, Ch. 394, Fla. Stat., Involuntary Placement
- Marchman Act, Ch. 397, Fla. Stat., Substance Abuse
- Adult Protective Services, Ch. 415, Fla. Stat.
- Incapacity Proceedings, Ch. 744, Fla. Stat
- Suggestion of Capacity, Ch. 744, Fla. Stat
- CINS / FINS
- Other Civil _____
- Dependency
- Termination of Parental Rights (TPR)
- Involuntary Placement of a Dependent Child - Rule 8.350
- Appeal, Ch. 744, Fla. Stat.
- Appeal - Dependency
- Appeal - TPR
- Appeal - Other _____

Therefore, it is **ORDERED** that _____, Florida Bar Number _____, is appointed as counsel for _____, the Defendant Respondent Ward Child Mother of _____ Father of _____, as of the date of this order. It is **FURTHER ORDERED** that the Court reserves jurisdiction to determine the amount of appointed counsel's fees and costs, including appellate fees and costs.

DONE AND ORDERED in Miami-Dade County, Florida on _____.

 Circuit Court Judge County Court Judge

Copies furnished to:
Counsel of Record