

**PROBATE AND GUARDIANSHIP FEE REVIEW COMMITTEE
OF THE ELEVENTH JUDICIAL CIRCUIT'S
ARTICLE V INDIGENT SERVICES COMMITTEE**

January 20, 2004

(revised May 6, 2005)

Re: Procedure for Court Appointed Counsel's Submission of Long Form Bills

The local Article V Indigent Services Committee (ISC) established a Probate and Guardianship Fee Review Committee (FRC) to review court appointed counsel's long form bills for attorneys' fees and costs in Probate, Guardianship and Mental Health (including Marchman Act and Baker Act) cases in the Eleventh Judicial Circuit prior to their submission to the Justice Administrative Commission (JAC) for review and approval. The long form bills subject to initial review by the FRC are those bills for work performed and services rendered after June 30, 2004 and include both interim and final bills. A long form bill is one in which court appointed counsel has exceeded the maximum amount of billable hours listed on the short form bill for the type of case and bills at an hourly rate. A short form bill is used in cases where counsel did not exceed the applicable maximum hourly cap for the type of case for which counsel is billing. The FRC will not review short form bills.

The procedure for court appointed counsel's submission of long form bills to the JAC incorporates the FRC's initial review of the bills within the JAC's "7 Step Payment Process." For each bill, court appointed counsel will submit to the FRC the JAC required billing packet described in Step 3.B., "Hourly Attorney's Fees, Costs, and Expenses" of the "7 Step Payment Process" with all supporting documentation pursuant to the procedure outlined below. The FRC will meet on a regular basis to review the bills and make its recommendations. Upon the FRC's completion of its review, the FRC will forward counsel's bills directly to the JAC with its recommendations and notify court appointed counsel of its recommendations. The FRC will accomplish this within the required ninety- day (90) time period established by the JAC.

PROCEDURE

1. Within twenty-one (21) days after counsel's completion of the case, counsel's discharge or withdrawal as counsel, or the one-year anniversary of counsel's appointment to represent the defendant, court appointed counsel shall file an original and three (3) copies of the long form bill with the required supporting documentation listed in Step 3 of the "7 Step Payment Process" on the JAC's web site (www.justiceadmin.org) with the **FRC c/o Anders Madsen, Administrative Office of the Courts for the Eleventh Judicial Circuit of Florida, Room 911, Dade County Courthouse, 73 West Flagler Street, Miami, Florida 33130.** The supporting documentation includes a voucher cover with certification clause and affidavit, disposition document, and detailed logs for expenses. The incorporation of the FRC into the review process of court appointed counsel's long form bills does not modify any of the JAC' s or statutory requirements.
2. **The FRC will have its first meeting on February 4, 2005 at 12:00 noon, 16th Floor, (General Magistrate's Conference Room), Dade County Courthouse, 73 West Flagler Street, Miami, Florida 33130, and will meet at the same time and in the same**

location on the first Thursday of every month thereafter, unless otherwise noticed. The meetings are open to the public. Unless otherwise noticed, the agenda for each meeting will be the FRC's review of court appointed counsel's timely submitted long form bills for attorneys' fees and costs that it has received.

3. At its meetings, the FRC will review each timely submitted long form bill that it has received, entertain comments and discussion about the bill from the committee's members and billing counsel, make recommendations regarding the appropriateness of the hours and items billed and the amount of the bill, notify billing counsel of its recommendations, and contemporaneously with its notification to billing counsel, forward the bill and supporting documentation submitted by counsel with its recommendations to the JAC. (Counsel should include an e-mail address on any bill or correspondence with the FRC and JAC, as it is the preferred method of communication for both.) The FRC's recommendation is advisory only and is not binding upon the JAC or the court. The FRC will keep a log of all bills it receives for review and sends to the JAC.

4. The FRC's submission of counsel's billing packet with its recommendations to the JAC replaces counsel's submission of the billing packet as described in Step 3 of the JAC's "7 Step Payment Process." The JAC shall pre-pay for postage or shipping costs of all bills that the FRC submits to it. After the FRC submits the billing packet to the JAC, billing will then follow through the remaining steps of the "7 Step Payment Process."

5. Upon counsel's receipt of JAC's response, counsel will file with the court a motion for attorney's fees and costs with the required supporting documentation as required by the JAC, ISC, and Florida Statutes, and a proposed order. The attorney must include the FRC's recommendation and the JAC's response with the motion as supporting documentation. Counsel shall serve a copy of the motion on the JAC even if the JAC has waived notice of a hearing on the motion.

6. Upon receipt of a court order authorizing payment for counsel, counsel should send the order to the JAC with any required documentation. The JAC's address and fax number are available on its web site. To avoid a delay in payment, please follow the JAC's procedures, protocols, and rules, and visit its web site regularly to check for amendments or changes to the "7 Step Payment Process."

Florida's Sunshine Law and Public Records Act apply to communications and correspondence with and among the members of the Probate and Guardianship Fee Review Committee and its meetings.

Any inquiry, communication, correspondence, or question for the FRC or its members, which pertains to the status of any long form bill submitted to the FRC or FRC's recommendation on any bill shall be submitted in writing and addressed to: **FRC Chair c/o Anders Madsen, Administrative Office of the Courts for the Eleventh Judicial Circuit of**

Florida in Room 911, Dade County Courthouse, 73 West Flagler Street, Miami, Florida 33130.

The Administrative Office of the Courts for the Eleventh Judicial Circuit of Florida has no responsibility for the submission, review, or recommendation of any bill submitted to the FRC, but will provide storage space for **FRC's records at the Dade County Courthouse. Any request to inspect or review FRC's records shall be submitted in writing to the FRC Chair c/o Anders Madsen, Administrative Office of the Courts for the Eleventh Judicial Circuit of Florida in Room 911, Dade County Courthouse, 73 West Flagler Street, Miami, Florida 33130**, and shall provide reasonable notice. Any inspection or review of FRC's records will be allowed at a date and time convenient for the Administrative Office of the Courts.

David R. Carlisle
Chair

cc: To All Committee Members
Chief Judge J. Farina
Judge Maria M. Korvick, Chief Judge of Probate Division