

UPDATES ON INDIGENT REPRESENTATION



Tennessee General Sessions Judges Conference
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The Challenge: Securing Appointed Counsel



Difficulties

- Low attorney compensation rates
- Caps on cases
- Fewer attorneys in rural areas
- Competition – salaries in DA's and PD's Office
- AOC's process – and turnaround time

Difficulties

AOC's process – and turnaround time

- Improvement on turnaround times (work in progress)
- Policy changes that simplify claims

Difficulties

AOC's claim turnaround time

- Improvement on turnaround times (work in progress)
- Limitations of ACAP
- We must focus on efficiency and accuracy (F&A returning claims)
- Eight (non-attorney) auditors (sick, vacation, jury duty all impact our efficiency in any given week)

Difficulties

AOC's claim turnaround time

- 2,500-3,000 claims from attorneys, experts, investigators, interpreters, and court reporters are reviewed each week: capital, non-capital, violation of probation, post-conviction, dependency & neglect, termination of parental rights, child support contempt, judicial hospitalization, and appeals from all of the Districts and 95 counties across the state.

Difficulties

AOC's process

Policy changes that simplify claims (examples)

- Miscellaneous expenses in Sec. 4(a)(3)(I) have been broadened – requiring fewer motions/orders for prior approval. **HOWEVER, this does not include court reporter expenses, nor fees that are waived by statute or required to be paid by another agency.**
- Un-receipted postage increased \$8/day per claim

Areas Where You Can Help

Complex and Extended Orders: Educate attorneys

Complex and Extended Orders: R. 13, Sec. 2(e)

- Caps are doubled 2(e)(3)
- Motion & order certifying C&E is required 2(e)(1)
- Approval by AOC is also required (review by Chief Justice provided) 2(e)(2)

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Areas Where You can Help

Complex and Extended Orders: R. 13, Sec. 2(e)(1)(E)

- Remind attorneys C&E order must be filed **contemporaneously** with Court's approval on ACAP
- You are not required to approve the claim if you have not signed and entered an order certifying the case is complex or extended

Areas Where You can Help

APPOINTMENT ORDERS:

A Plea from Indigent Services Team Auditors

Appointment orders often are not printed, type-written documents and appointments are made from the bench. Because the AOC is audited by the Comptroller to insure we follow and enforce our own rule, *legible handwriting* on the name of appointed counsel and the date.

Areas Where You Can Help

APPOINTMENT ORDERS:

Finding of Indigency and Orders of Substitution

Orders of appointment must have a finding of indigency, unless it states that the Public Defender is conflicted out of a case. If the attorney fails to include finding of continuing indigency in a proposed order of substitution, either handwrite that language in or instruct the attorney to re-draft the order.



Thanks for listening!

If you have questions or comments, please contact us.

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