

GUIDELINES
FOR
ASSIGNED COUNSEL - CRIMINAL

Effective July 1, 2011

Office of Director of Assigned Counsel
30 Trinity Street – 4th Floor
Hartford, CT 06106

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ASSIGNED COUNSEL UNIT INFORMATION

Hourly billing invoices for legal services

Processor: Nicholas Fanis, Public Defender Secretary
Phone 860-509-6462
Email nicholas.fanis@jud.ct.gov

Authorization to Incur Expenses and Invoices for case related expenses

Processor: Lynn D'Amora, Public Defender Secretary
Phone 860-509-6400
Email lynn.damora@jud.ct.gov

Assistant to Director of Assigned Counsel

Processor: Karma Daigle, Administrative Assistant
Phone 860-509-6486
Email karma.daigle@jud.ct.gov

**SCHEDULE
FOR ACCOUNTING OF TIME**

In order to process bills received in a timely manner we have established a schedule for rounding time off to the nearest six minutes as outlined below.

MINUTES (UP TO)	% MULTIPLIED	MISDEMEANOR, PROBATION REVIEW IN/OUT OF COURT \$50 HOURLY	FELONY, HABEAS AND APPEAL IN/OUT OF COURT \$75 HOURLY	CAPITAL FELONY* - ALL PHASES IN/OUT OF COURT \$100 HOURLY
6	0.10	\$5.00	\$7.50	\$10.00
12	0.20	\$10.00	\$15.00	\$20.00
18	0.30	\$15.00	\$22.50	\$30.00
24	0.40	\$20.00	\$30.00	\$40.00
30	0.50	\$25.00	\$37.50	\$50.00
36	0.60	\$30.00	\$45.00	\$60.00
42	0.70	\$35.00	\$52.50	\$70.00
48	0.80	\$40.00	\$60.00	\$80.00
54	0.90	\$45.00	\$67.50	\$90.00
60	1.00	\$50.00	\$75.00	\$100.00

rev. 1/1/10

**ASSIGNED COUNSEL (CRIMINAL)
FLAT RATE ASSIGNMENT
PER CASE RATES**

Case Type	Per case rate
Geographical Area	\$350.00
Juvenile Matters	\$350.00
Judicial District	\$1,000.00
Appellate	\$6,000.00

Rev. 7/1/11

FLAT RATE CASE COMPENSATION PROCEDURE

Once a case has been assigned to the Contractor, the field office will supply the Assigned Counsel Unit with a Notice of Appointment (NOA). Based on the case type designation a flat rate payment will be generated upon the receipt of this NOA. The Contractor is not be required to complete any CO-17 invoices for flat rate case assignments as of July 1, 2011.

DIVISION OF PUBLIC DEFENDER SERVICES
GUIDELINES FOR ASSIGNED COUNSEL (CRIMINAL)
HOURLY BILLING FOR LEGAL SERVICES

FELONIES

If the most serious charge (i.e., charge pending when counsel is appointed) in an individual case (docket number) is a felony,

- \$75 per hour for in-court work up to \$600 (8 hours) per day.
- \$75 per hour for out-of-court work
- When working through the standard court lunch break (1:00 to 2:00 pm), it must be listed as a separate entry on the bill from all other in-court time. This entry should be coded as in-court, if work was performed at the courthouse.

MISDEMEANORS

If the most serious charge in an individual case (docket number) is a misdemeanor,

- \$50 per hour for in-court work up to \$400 (8 hours) per day.
- \$50 per hour for out-of-court work
- When working through the standard court lunch break (1:00 to 2:00 pm), it must be listed as a separate entry on the bill from all other in-court time. This entry should be coded as in-court, if work was performed at the courthouse.

JUVENILE DELINQUENCY MATTERS

Billing at the same rates as adult criminal cases based on the underlying offense, i.e., felony or misdemeanor.

APPEALS, HABEAS CORPUS PETITIONS and JUVENILE POST CONVICTION CASES

Billing is at \$75 per hour for in-court and out-of-court services.

CAPITAL FELONY CASES

If the most serious charge in an individual case (docket number) is a capital felony, for which probable cause has been found,

- \$100 per hour for in-court work up to \$800 (8 hours) per day.
- \$100 per hour for out-of-court work
- When working through the standard court lunch break (1:00 to 2:00 pm), it must be listed as a separate entry on the bill from all other in-court time. This entry should be coded as in-court, if work was performed at the courthouse.

PROBATION REVIEW HEARINGS

The Contractor may represent a former client for a probation review hearing. Such representation shall be billable at the rate of \$50 per hour and shall not be applied as a “case” against the Contractor’s flat rate contract caseload.

SENTENCE REVIEW/SENTENCE MODIFICATION PROCEEDINGS

In a flat rate case assignment pursuant to this agreement the Contractor may also submit hourly billings for representation before the Sentence Review Division of the Superior Court of in connection a Motion for Sentence Modification. If the case is being assigned for the first time to the Contractor for the purpose of Sentence Review/Modification, such assignment must be made as an hourly rate case.

JUVENILE CASES

Where a Contractor is appointed to represent a juvenile and that client’s final disposition in that case results in the client being committed to the care and custody of the Department of Children and Families as a delinquent, the Contractor shall discuss the transfer with the client then notify the Juvenile Post Conviction and Re-entry Unit (PCU)of OCPD within 2 weeks of such commitment to ensure continued representation of the client pursuant to Practice Book Section 3-9(e). The contractor shall either refer the matter to the PCU for continued representation or inform the unit in writing of the Contractor’s intent to continue with the post conviction representation.

When referring the case to PCU, the Contractor shall have the client execute the “Comprehensive Authorization” which allows the Contactor to share client information with the PCU and forward the three separate signed releases of information forms and a completed referral form as well as any evaluations or pre-dispositional studies. Release of any documents considered to be part of the court file will require approval by the court prior to dissemination to the PCU.

If the client is referred to the PCU for representation, the PCU will provide periodic updates to the Contractor during the commitment period. However, the Contractor will be required to appear on behalf of the client at the Permanency Plan Hearing. Referral and release of information forms as well as PCU protocols are available on the Office of Chief Public Defender web site at the following link:

http://www.ocpd.state.ct.us/Content/Specials/Special_PD_Forms.htm

All correspondence regarding post conviction clients shall be in writing to the following contact:

James J. Connolly, Esq.
Office of Chief Public Defender
30 Trinity Street, 4th floor
Hartford, CT 06106

james.connolly@jud.ct.gov

or

jennifer.markoja@jud.ct.gov

PERSONAL SERVICES and BREAKS

CO-17 invoices must be accompanied by a completed “Bill for Services Rendered” form (available at the public defender website) and may only contain billing for personal services rendered by appointed counsel. To denote that all legal services on a bill are for the contractor to whom the case was assigned, an original signature is required on each bill submitted.

There is no requirement that a break be taken at any interval within a day. Bills for legal services that appear excessive will be handled on a case by case basis.

OUT-OF-POCKET OR OTHER EXPENSES

Out-of-pocket or other expenses must be approved by the Deputy Chief Public Defender, before they are incurred. The expense must be submitted on a separate invoice, with original receipts attached.

Expenses incurred for case related out of state travel, should be requested and approved in advance.

JAIL VISITS – ADULT – NO LIMIT ON TIME

Contractors may bill for all the time spent visiting a client in jail – including the travel time each way.

For flat rate cases: The “jail visit” designation does not include visiting with a client at the courthouse lock-up. It is meant for visits with a client at the correctional facility where he/she is being held while their case is pending.

JAIL VISITS – JUVENILE NO LIMIT ON TIME OR PLACE

Juvenile jail visits are defined differently than adult jail visits. For juvenile clients placed in residential facilities, foster care, and other DCF programs where they are removed from the home including detention, every visit is billable with no hourly limit.

TRAVEL

For contractors whose offices are located in another state, travel time is only billable from within the border of Connecticut.

If traveling to visit a client out of state, written approval must be obtained prior to travel time being billed.

For habeas corpus and appellate cases, travel time from office to court is allowed and should be billed at the out-of-court hourly rate.

TRIAL-PREPARATION BILLING

Trial preparation in cases assigned under the assigned counsel (criminal) agreements at JD and

GA courts is billable after approval has been given by the Director of Assigned Counsel. Approval may be requested using the Trial Preparation Billing Request form.

A Request for Trial Preparation Billing form must be completed and approved by the Director of Assigned Counsel **prior** to the commencement of any trial preparation billing. Failure to submit this request for trial preparation billing in a timely manner may result in denied payment.

Both trials and Violation of Probation (VOP) hearings will be treated the same. The Assigned Counsel Unit will approve these billing requests for cases that have been assigned to the trial list and or have been assigned a hearing date. This office will verify the status of the case once we receive the request form.

The Contractor must use the Request for Trial Preparation Billing form located here:
http://www.ocpd.state.ct.us/Content/Specials/Special_PD_Forms.htm

ASSIGNED COUNSEL (CRIMINAL) as WITNESS in HABEAS CORPUS PROCEEDING

An assigned counsel who has been called as a witness in a Habeas Corpus proceeding, and served as counsel in the underlying offense, may submit hourly billings in accordance with the following guidelines:

In-court services

Mandatory appearances at court proceedings, not to exceed eight (8) hours per day, may be compensated at the appropriate.

Out-of-court services

Meetings and/or telephone conferences with counsel for either party.

Testimony preparation and file review.

Time involved for Connecticut travel, between office and court proceedings.

Notes of Importance –

- Please separate legal services by fiscal year:
State of Connecticut fiscal year = July 1 of current year to June 30, of next calendar year.

Example: Hourly legal services provided from 6/25/11 to 7/6/11 must be separated into two bill packets, one from 6/25/11 to 6/30/11 and another from 7/1/11 to 7/6/11.

- Electronic copies of billing forms are available at the public defender website
<http://www.ocpd.state.ct.us/Content/Specials/Special%20PD%20Forms.htm>
- As of July 1, 2010, legal services bills must be prepared using the forms on the public defender website. All hand written bills or bills generated in another format will be rejected.
- Every assigned counsel must register as a vendor with the State of Connecticut prior to compensation for legal services with the following forms:

Vendor Profile form
W-9 Tax form

Both are available on the Department of Administrative Services website:

[http://www.das.state.ct.us/Purchase/Info/Vendor_Profile_Form_\(SP-26NB\).pdf](http://www.das.state.ct.us/Purchase/Info/Vendor_Profile_Form_(SP-26NB).pdf)

- The Contractor must to use the Vendor Self Service (VSS) program of CORE-CT to research all questions regarding payment and/or delays in payment. The Contractor must contact the VSS help desk via email at osc.apd@po.state.ct.us to register for this program (type VSS in the subject line).

If the Contractor has used the VSS program and has not been able to resolve questions regarding payment status **AND** payment has been outstanding for **more than 45** days from the date the bill was submitted in an hourly assignment, or the date of assignment in a flat rate case, the Contractor may contact the Special Public Defender Unit of OCPD to inquire about the status of the outstanding payment. ALL inquiries regarding payment made to the SPD Unit of OCPD **MUST** be submitted using the payment inquiry form and must be submitted via email or fax only. Telephone call requesting information on the status of payment will not be returned. The payment inquiry form can be downloaded here:

http://www.ocpd.state.ct.us/Content/Specials/Special_PD_Forms.htm

All payments to the Contractor are subject to the timely receipt of funds from the State of Connecticut. The lack of receipt of these funds may result in the delay of payment beyond the 45 day period discussed above.

- If your payee information changes, be sure to contact the Office of Chief Public Defender – Accounts Payable to begin the vendor record update process:

Kelly Gray
Financial Assistant
30 Trinity Street, 4th Floor
Hartford CT 06106
(860)509-6414
(860)509-6493 fax
Kelly.Gray@jud.ct.gov

BILLING FREQUENCY

The Commission of Public Defender Services will render payment under the terms of an agreement based upon the submission of accurate and timely submitted Bill for Services Rendered form and CO-17 invoice. ALL completed Bill for Services Rendered forms must be signed and mailed via US Mail directly to OCPD. **BILLS ARE NOT TO BE SENT TO THE FIELD OFFICE AFTER JULY 1, 2011.** All bills must be sent to the following address:

**Office of Chief Public Defender
30 Trinity Street
4th Floor
Hartford, CT 06106
Attn: Karma Daigle**

The Contractor must to use the forms provided on the Office of Chief Public Defender (OCPD) web site located at the following address:

http://www.ocpd.state.ct.us/Content/Specials/Special_PD_Forms.htm.

Legal services bills must be submitted to OCPD no later than 30 days following the close of the month in which the work was performed. Submissions beyond this deadline will result in delayed processing subsequent to the processing of all timely submitted billing. **Bills submitted more than six months from the oldest date on which the work claimed was performed, except for good cause as determined by the Commission, shall not be accepted.**

Bills submitted that are inaccurate, incomplete or do not comply with policy requirements shall be returned to the Contractor for correction and if necessary re-submission. OCPD will not make any adjustments to bills. If an invoice is audited and found to have either accounting or policy errors, then it will be rejected back to the contractor with an explanation. The contractor may then have the opportunity to resubmit billable entries on a corrected invoice.

INVOICE RESEARCH REQUESTS

Please make all requests to research the status of an invoice in writing – via email or fax (860-509-6498). This will insure that your request is handled in the order it was received. These requests cannot be made via telephone.

Each request should include the following information for an individual bill:

Client's full name
Dollar Amount of bill
Last date of legal service on the bill
Date bill mailed to public defender office
Public Defender Office where case was assigned

Invoices that have been pending 45 days or longer are a priority for research.

INSTRUCTIONS – BILL FOR SERVICES RENDERED FORM USED FOR HOURLY LEGAL SERVICES BILLS ONLY

ALL FIELDS ON THE FORM MUST BE COMPLETED PRIOR TO SUBMISSION

Case Information Section (top of form)

Be sure to give the following contact information on every bill:

- Payee name, billing address
- Vendor number (9-digit number)
- Your full name and phone number

The full case name as it appears in the official court record (Ex. State vs. John Doe).

If it is a post-conviction case, such as a Habeas Corpus or Appellate case, provide the case name that is appropriate (Ex. John Doe vs. Commissioner of Correction, etc.), and not that of the underlying charge.

List the Public Defender location where case was assigned and PD office type (JD, GA, etc.)

Provide the date you were appointed to the client's case by the public defender's office

Select the proper case assignment type – contract or non-contract

Indicate whether the case is in the pretrial or trial phase.

If on trial, give the date of jury selection (JD and GA cases)

Or provide the first date trial began trial, for other types of cases

Provide the most serious crime charged and docket number for the client's case

For post-conviction cases, fill in the docket number next to the proper case type and prefix

Billing Details (middle of form)

NOTE: Do not condense several entries onto one billing line, even if they are for the same calendar day. List each billing time entry on a separate line.

- Date on which legal services were performed (MM/DD/YYYY)
- Indicate whether the entry is for in-court or out-of-court work
- Purpose of legal services: Give a brief description of the individual entry
- Specify the time of day worked on the entry (e.g., 9:00 a.m. - 12:00 p.m.)
Do not list specific time entries in military time (e.g. 0900 – 1200 hrs)
Always include the time abbreviations for each entry (a.m. or p.m.)
- Using the Accounting of Time table, provide the multiplier for the entry (e.g. 5 hours and 6 minutes = 5.10 hrs)
Do not list the number of hours and the number of minutes (e.g. 5 hrs 6 min)
Always remember that the total time is meant to be a number with two decimal places

- Hourly Rate for the type of case being billed
Always use the rate for the most serious criminal charge for all entries on a bill (e.g. 1 felony and 2 misdemeanor charges = felony rate)
Rate will be the same for in-court and out-of-court time
- Subtotal for the entry
Total Time (multiplier) X Hourly Rate = Amount for entry
Example: 5.10 hrs X \$75/hr = \$382.50

Calculation Table (middle of page 2)

- Summarize the In-court hours and In-court amount subtotal
- Summarize the Out-of-court time and Out-of-court amount subtotal
- Grand total of bill will be calculated automatically by the table

Status Section (bottom of page 2)

- Specify the current status of the case at the time the bill is submitted
PENDING = Case is currently open and additional bills may be anticipated
DISPOSED = Case is disposed. List disposition information for the charge
- Specify the sequencing of each bill on the invoice (e.g., bill 1, bill 2, etc.)
- The contractor for whom the bill is being prepared must sign on the line above “Assigned counsel (criminal)” at the bottom of the form.

Signature Section (bottom of page 1 and 2)

- An original signature is required from the contractor whose legal services are being billed

**INSTRUCTIONS – INVOICE FOR GOODS OR SERVICES RENDERED (CO-17PD)
USED FOR HOURLY LEGAL SERVICES BILLS ONLY**

By Field Number on State of Connecticut (CO-17) Invoice for Goods or Services
ALL FIELDS ON THE FORM MUST BE COMPLETED PRIOR TO SUBMISSION

FIELD NUMBER AND NAME	FIELD PURPOSE
4) Invoice Amount	Add the subtotal each line together to equal the total amount for the invoice
9) Vendor FEIN/SSN ID	Fill in with 9-digit number used by vendor Do not leave this field blank
10) Payee Name and Address	Fill in with exact payee name and mailing address for the vendor
13) Vendor Comments	Fill in with the following template: "Client Full Name, Last Date of Service"
14) Description of Goods and Services	Fill in with the following template: Line 1: "Out-of-court" Line 2: "In-court" Line 3: "Case name (State vs. Jane Doe), Docket Number (CR11-123456)" Line 4: "Date range for services on bill (7/11/2011 – 7/12/2011"
15) Quantity	Fill in with decimal of total time on bill for each category of time "5.10".
16) Units	Fill in with "hours"
17) Unit Price	Fill in Dollar Amount of Hourly Rate "\$75"
18) Amount	Fill in with subtotal of the line Example: 5.10 hrs x \$75/hr = \$382.50
32) Department Name and Address	Fill in the following template: John Day 30 Trinity Street, 4 th floor Hartford, CT 06106
35) Commodities Received or Services Rendered – Signature	Signature of approval must be completed by John Day. The contractor must not sign the CO-17 invoice.

ASSIGNED COUNSEL (CRIMINAL) POLICIES

EMAIL ACCOUNTS

Please be advised that an email account is required within the Fiscal Year 2011/2012 assigned counsel agreement. If you do not have a computer, your local library will assist you in obtaining a free email account and use of a computer.

Assigned Counsel that are the subject GRIEVANCES or LITIGATION

In the event an assigned counsel is the subject of a grievance or litigation from any client – they **MUST** notify the Division of Public Defender Services legal counsel immediately:

Deborah DelPrete Sullivan
Legal Counsel
Office of the Chief Public Defender
30 Trinity Street 4th Floor
Hartford CT
860-509-6405

ATTORNEYS AS EXPERT WITNESSES

For those assigned counsel that need to hire an attorney as an expert witness – the rate is \$75/hour. Any amount above that rate must be approved by the Deputy Chief Public Defender.

REQUESTING AUTHORIZATION TO INCUR EXPENSES

Authorization to incur case related expenses must be in writing on a form prescribed by the Office of Chief Public Defender. Telephone authorizations will not be given except in genuine emergencies.

All authorization to incur expenses forms must be submitted directly to the Deputy Chief Public Defender, Attorney Brian Carlow.

Assigned counsel (criminal) Authorization to Incur Expenses - Procedure

1. Complete, sign and date the Authorization to Incur Expenses.
2. Provide a telephone and fax number where the attorney can be reached.
3. Complete an Addendum. Please include a summary of the case, description of the expert, what the expert will be doing to assist in the defense, and the necessity.

*In the case of a Supplemental Authorization, the Addendum only needs to include the reason additional dollars are needed.

4. The Assigned counsel (criminal) must send the completed Authorization to Incur Expenses and Addendum *to*:

Office of the Chief Public Defender
30 Trinity Street 4th floor
Hartford, CT 06106

Attention: Lynn D'Amora

Please note: Originals documents are needed.

*Once approved, the Authorization to Incur Expenses will be mailed to the Special Public Defender.

Assigned counsel (criminal) Expert Invoices/Bills - Procedure

1. CO-17 Invoice and Bill from the expert/vendor are to be sent from the expert/vendor to the Assigned counsel.
2. The assigned counsel must review and approve the CO-17 Invoice and Bill.
3. The Assigned counsel must send the CO-17 Invoice and Bill, any related receipts, and a completed and signed "INVOICE COVER SHEET" to:

Office of the Chief Public Defender
30 Trinity Street 4th floor
Hartford, CT 06106

Attention: Lynn D'Amora

Please note: Originals documents are needed.

Assigned counsel (criminal) Transcript Invoices - Procedure

1. Transcript Invoices from the Court Reporter are to be sent to the Assigned counsel.
2. The Assigned counsel must review and approve the Transcript Invoice.
3. The Assigned counsel must send the original Transcript Invoice and a completed and signed "INVOICE COVER SHEET" to:

Office of the Chief Public Defender
30 Trinity Street 4th floor
Hartford, CT 06106

Attention: Lynn D'Amora

IMPORTANT: It is necessary to note on the Invoice Cover Sheet whether the Transcript was – SHARED- or –NOT SHARED-. If the Transcript was –SHARED- then also please note with whom it was –SHARED-.

Please note: Originals documents are needed.

DIVISION OF PUBLIC DEFENDER SERVICES

AUTHORIZATION TO INCUR EXPENSES

DATE: NAME OF ACCUSED:

J.D.: DOCKET NO.:

CHARGES:

I. I HEREBY REQUEST AUTHORIZATION TO INCUR EXPENSES FOR THE FOLLOWING:

1. I BELIEVE THIS SERVICE IS NECESSARY FOR THE FOLLOWING REASON(S):

2. I have contacted (service provider):

a) His/her charge will be (hourly rate, if applicable):

b) The anticipated total cost for the service will be:

II. CHECK ONE AND COMPLETE

There may be future costs for services from this same source (e.g., testifying at trial, etc.) such as:

and the anticipated cost for this service will be:

There will probably not be any further costs from this same source as a result of this service.

III. CHECK ONE AND COMPLETE

The accused will pay toward the cost of this service.

The accused is unable to pay or obtain assistance in the payment of costs to be incurred or any portion thereof.

Signature ATTORNEY FOR ACCUSED (please print)

Phone:

Fax:

AUTHORIZATION IS GRANTED, IN ACCORDANCE WITH THE ABOVE REQUEST.

SPECIAL CONDITIONS, IF ANY:

DATE DEPUTY CHIEF PUBLIC DEFENDER

ADDENDUM TO AUTHORIZATION TO INCUR EXPENSES

SUMMARY OF THE CASE

DESCRIPTION OF EXPERT

WHAT EXPERTS WILL BE DOING TO ASSIST IN DEFENSE

NECESSITY

ASSIGNED COUNSEL (CRIMINAL)
INVOICE
COVER SHEET

DATE: _____

NAME OF THE ACCUSED: _____

DOCKET NUMBER(S): _____

PLEASE FILL IN COURT LOCATION

_____ JD	_____
_____ GA	_____
_____ JUVENILE	_____
_____ HABEAS	_____
_____ APPELLATE	_____
_____ PSYCHIATRIC	_____
_____ TSU	_____

NAME OF THE ATTORNEY (Please Print) _____

TELEPHONE # _____

_____ VENDOR INVOICE FOR GOODS AND SERVICES IS ATTACHED

_____ RECEIPTS ATTACHED

_____ TRANSCRIPT INVOICE IS ATTACHED

_____ TRANSCRIPT WAS SHARED

with whom? _____

_____ TRANSCRIPT WAS NOT SHARED

This is to certify that the attached invoice is for expenses incurred in a case on which I have been appointed as Assigned counsel. I have reviewed the invoice and have found that the expenses for the commodities received or the services rendered were necessary and appropriate.

Signature

Date

Send to: Assigned Counsel Unit
Office of Chief Public Defender
(860) 509-6498 FAX

Billing Request - Trial Preparation
****FLAT RATE APPOINTMENTS ONLY****
(ONE CLIENT Per FORM)

Date: _____

Contractor: _____ Return Fax or Email: _____

State vs. _____
(Client Name)

Court location: _____

Docket Number(s): _____

Date of Appointment to case: _____
(list earliest date, if more than one case)

Choose One

TRIAL PREPARATION

Anticipated date trial to begin: _____

VIOLATION OF PROBATION PREPARATION

Anticipated date violation of probation hearing: _____

Your request has been: ___ Approved: _____

John R. Day, Esq.
Director of Assigned Counsel

___ Denied: Trial not imminent.

Faxed to: ___ Assigned Counsel

NOTES: _____

Office Use Only