

OPA Regulations Update Proposal

2 AAC 60.010 is amended to read:

2 AAC 60.010. Compensation for court-appointed attorneys

Attorneys appointed by the court under Alaska Administrative Rule (12)(b)(1)(B) are entitled to be compensated at the rate set by OPA. **Absent authorization pursuant to 2 AAC 60.060, total [TOTAL]** compensation for any case will not exceed the following schedule:

(a) Criminal Cases

- (1) Misdemeanors - \$1250**
- (2) Class C Felonies - \$3125**
- (3) Class B Felonies - \$3750**
- (4) Class A felonies - \$6875**
- (5) Unclassified Felonies - \$16250**
- (6) Probation or parole revocation**
 - a. Misdemeanors - \$500**
 - b. Felonies - \$1500**
- (7) Post conviction relief**
 - a. Misdemeanors - \$2000**
 - b. Felonies - \$5000**
- (8) Appeals**
 - a. Merit or combination merit and sentencing - \$6500**
 - b. Sentence - \$2500**
 - c. Petitions for review or petitions for hearing - \$2000**
 - d. Misdemeanor appeals - \$2000**

(b) Civil Cases

- (1) CINA parental representation, child representation, GAL representation \$4000**
- (2) Probate respondent representation \$2000**
- (3) Delinquency: Maximum payment determined based upon the criminal case list above by the highest level of delinquency allegation were the child charged with crimes**
- (4) Child custody \$5000**
- (5) Appeals \$6500**

[(1) MISDEMEANOR DISPOSED OF FOLLOWING PLEA OF GUILTY OR NOLO CONTENDERE, OR BY DISMISSAL - \$400;

(2) MISDEMEANOR DISPOSED OF FOLLOWING TRIAL - \$800;

(3) FELONY DISPOSED OF FOLLOWING A PLEA OF GUILTY OR NOLO CONTENDERE, OR BY DISMISSAL - \$2,000;

(4) FELONY DISPOSED OF FOLLOWING TRIAL - \$4,000;

(5) PROBATION OR PAROLE REVOCATION PROCEEDING OR A PROCEEDING UNDER CRIMINAL RULE 35(B):

(A) MISDEMEANOR - \$350;

(B) FELONY - \$1,000;

(6) APPEAL, INCLUDING COMBINED SENTENCE AND MERIT APPEALS:

(A) FROM THE DISTRICT COURT - \$500;

(B) FROM THE SUPERIOR COURT - \$1,500;

(7) SENTENCE APPEAL:

(A) FROM THE DISTRICT COURT - \$250;

(B) FROM THE SUPERIOR COURT - \$750;

(8) PETITION FOR REVIEW, INCLUDING ANY ADDITIONAL OR SUCCESSIVE PETITIONS IN THE SAME CASE:

(A) FROM THE DISTRICT COURT - \$350;

(B) FROM THE SUPERIOR COURT - \$1,000;

(9) PETITION FOR HEARING, INCLUDING SUCCESSIVE PETITIONS TO THE COURT OF APPEALS AND THE SUPREME COURT IN THE CIRCUMSTANCES PERMITTED BY STATUTE:

(A) IF DENIED - \$750;

(B) IF GRANTED - \$1,000.]

2 AAC 60.030. is amended to read:

2 AAC 60.030. Compensation for guardians ad litem and court visitors.

(a) A guardian ad litem appointed by the court is entitled to be compensated as follows:

- (1) An attorney appointed as guardian ad litem is entitled to receive **the compensatory amount set forth in 2 AAC 60.010.**
- (2) A person other than an attorney appointed as guardian ad litem is entitled to receive compensation in an amount **between \$25 and \$50 per hour as determined by the Public Advocate or as otherwise set forth in a valid contract.**

The maximum compensation for **a guardian ad litem** in any one case involving a **child** will not exceed **\$3000.00** unless excess compensation is approved by the public advocate under 2 AAC 60.060.

(b) A person appointed as a court visitor is entitled to receive compensation in an amount between \$25.00 and \$65.00 per hour as determined by the Public Advocate.

(c) The maximum compensation for a court visitor in any one case will not exceed \$2000.00 unless excess compensation is approved by the Public Advocate under 2 AAC 60.060.

Authority: AS 44.21.410

2 AAC 60.040 is amended to read:

2 AAC 60.040. Extraordinary expenses.

Extraordinary expenses for appointed attorneys, **guardians ad litem and court visitors** will be reimbursed only if prior authority has been obtained from the public advocate. In this section, “extraordinary expenses” **means** [ARE LIMITED TO] expenses for:

- (1) investigation;
- (2) **experts [EXPERT WITNESSES];**
- (3) **paralegal services;**
- (4) **interpreter services;**
- (5) **transcription services;**
- (6) **extraordinary copy charges;**
- (7) **record request charges;**
- (8) **psychological or psychiatric examinations;**
- (9) **immigration opinions;**
- (10) necessary travel and per diem by the defendant, appointed counsel, and witnesses, which may not exceed the rate authorized for state employees.

Authority: AS 44.21.410

2 AAC 60.050 is amended to read:

2 AAC 60.050. Claims for compensation.

The first claim for compensation must be submitted to the Office of Public Advocacy **in the format prescribed by the agency on the fifth of the month immediately following the month in which the case was assigned.** **[THE FIRST CLAIM FOR COMPENSATION MUST BE SUBMITTED TO THE OFFICE OF PUBLIC ADVOCACY, ON A FORM PROVIDED BY THAT OFFICE, WITHIN 30 DAYS AFTER THE APPOINTMENT, AND SUBSEQUENT CLAIMS MUST BE SUBMITTED EVERY 30 DAYS AFTER THAT. THE PUBLIC ADVOCATE SHALL APPROVE OR DISAPPROVE THE CLAIMS.]** **All** subsequent claims must be submitted **by the 5th of the month for services provided in the preceding month.** **Failure to timely submit billing in the manner required by the agency may result in bills being rejected or payment withheld. Properly submitted bills will be reviewed by the Office of Public Advocacy, and only charges necessary for the provision of services and consistent with the agency billing guidelines will be paid.**

Authority: AS 44.21.410

2 AAC 60.060 is amended to read:

2 AAC 60.060. Extraordinary compensation.

The public advocate may[, IN EXTRAORDINARY CASES,] authorize payment of compensation in excess of the amounts prescribed in this chapter. An application for [EXTRAORDINARY] compensation **in excess of the regulatory amount** must be submitted within 30 days after the appointment **or as soon as the necessity for exceeding the regulatory amount becomes apparent.**

Authority: AS 44.21.410