

Hourly Billing Checklist

General

- Attorney Contract** – Attorney **must** submit a current fiscal year contract. The contract runs through June 30 of each year. The contract **must** be approved before a bill can be processed.
- Substitute Form W-9** – Prior to executing a contract, a properly completed Substitute Form W-9 **must** be submitted to the Department of Financial Services.
- Order of Appointment** – **Must** contain Regional Counsel Conflict language. Exceptions are Post Conviction cases (such as Rule 3.800 and 3.850, Florida Rules of Criminal Procedure) and Guardianship cases (F.S., Chapter 744).
- Open Case** – Upon appointment, Counsel **must** open the case in JAC’s system. Counsel may use the Case Opening system on *My Access* (JAC’s secure website) in order to provide JAC with the required case opening documents.
- Electronic Submission** – Prior to submitting the billing, the supporting documents will need to be scanned as electronic files. All files **must** be in PDF or TIFF format only. To submit a billing online, the case **must** have been previously opened.
- Attorney Voucher** – During the online billing process, Attorney will fill out the Voucher/Invoice cover online. The Attorney will need to indicate whether there was only a private court-appointed Attorney or if there were multiple court-appointed Attorneys to provide representation to this client.
- Fee Waiver** – In a multi-attorney case, the attorney who submits the invoice is responsible for obtaining fee waiver(s) from other attorney(s) appointed to the case. If an attorney does not intend to seek compensation, the attorney may submit a fee waiver form in lieu of a billing. The fee waiver form is posted on JAC’s website.
- Detailed/Contemporaneous Hourly Statement** – (Note: For a criminal hourly case, statement must be in excess of 75 hours or more than 20 depositions conducted in order to bill hourly.) A contemporaneous billing with the precise date that the service was rendered (must be billed in hours and tenths of an hour). The statement must be in chronological order. Counsel must maintain records with sufficient detail to enable JAC to determine the activities performed by Counsel and assess the reasonableness thereof. Generic descriptions are insufficient (i.e. “trial preparation – 8.0 hours”). Documented case activity must be descriptive and include identifying details. Counsel must specifically identify on the billing the following information:
 - names of persons deposed/interviewed.
 - names of pleadings.
 - types of motions.
 - discovery documents reviewed.
 - number of pages reviewed.
 - approximate length of audio, video reviewed.
 - type of hearing and hearing’s purpose if appropriate.
 - identify legal issue researched.

For other activities, Counsel shall provide enough detail for a meaningful audit. Pursuant to your contract with JAC, attorney shall not bill all the time to a single case on an hourly basis and then seek flat fee compensation on the other cases. **If Attorney has been appointed to more than one case for the same defendant within a 30 day period or more than one case for the same defendant reaches final disposition within a 30 day period, Attorney shall bill simultaneously for all cases. One hourly statement covering all of the cases should be provided.**

- Progress Docket** – Please provide a complete progress docket for each case being billed. The provided dockets need to cover all of the dates covering the entire case.
- Attorney Withdrawal – Motion and Order (If withdrawing before the end of the case)** – The Motion will show why the Attorney is withdrawing/discharged from the case. The order will either grant or deny the motion to withdraw/be discharged.

Travel

- Department of Financial Services Travel Voucher. DFS requires this voucher be used for process of payment (If used as the Invoice/Voucher Cover, then the DFS Travel Voucher **must** have the case number and invoice number).
- Traveler's Tax ID number at the top of the Voucher where it says Social Security Number. This number **must** be the same as the Tax ID used in the Due Process contract.
- Order authorizing travel expenses and travel time.
 - Rate for travel time or circuit (established) rates.
 - Out-of-state travel destination authorization, if needed.
- Date of service with a description of the reason for travel.
- Origin and destination (**must** include departure, arrival and return times).
- Vendor signature (as traveler) and Attorney signature (as supervisor).
- Total invoice amount.
- Florida Department of Transportation city to city mileage map where available. When not available, MapQuest or other webservice may be used.
- Receipts showing zero balance for lodging, airfare, rental cars, and other billable travel expenses.
- For meals, travel **must** exceed 24 hours and the amount reimbursed may be up to \$36 per day (\$6 for breakfast, \$11 for lunch and \$19 for dinner). The amount allowable will depend upon the departure and return times. See JAC's website for additional information.

Billing of Reimbursement of Costs, Supporting Documentation

- For any request for reimbursement of costs, the costs need to be supported by appropriate documentation. Appropriate documentation includes: invoices showing a zero balance remaining, receipts, cancelled checks, scanned envelopes supporting postage when billed in excess of the cost of a single stamp, etc. In addition, court orders with prior authorization to incur the costs should be provided if not already previously provided to JAC.

Other Additional Required Documents

If the Billing is Dependency/ Termination of Parental Rights

These items will be needed, in addition to the general section above, if you are billing a Dependency or TPR case on an hourly basis:

- Dispositional Document Indicating the Billable Point in the Dependency/TPR case** – A document supporting the billable point in the dependency case is required. Dispositional documents indicating billable points in a dependency case may include the following:
 - An order on disposition (earliest dependency case can be billed).
 - An order on judicial review.
 - An order terminating supervision.
 - An order terminating jurisdiction.
 - An order dismissing the case as to the parent represented.
 - A dismissal filed with the court by the Department of Children and Families indicating the case has been voluntarily dismissed as to the parent being represented.
 - An advisory order (which is used to indicate when the dependency case merged into the termination of parental rights case for billing purposes).
 - The final judgment terminating the parental rights of the parent being represented.
- TPR Certification** – If billing a termination of parental rights case, TPR Certification signified as to whether the Petition for the TPR was granted, certify that the attorney has contact the parents, that grounds for appeals has been discussed or no appeal will be filed and a notice of appeal and motion for appointment of appellate counsel containing the signature of the parent have been filed.

If the Billing is for a Criminal Case

These items will be needed, in addition to the general section above, if you are billing a Criminal or Capital case on an hourly basis:

- Charging Document** – The charging document will normally be the information filed by the State Attorney’s Office except for certain misdemeanor cases, violation of probation cases, and post conviction (Rule 3.800/3.850) cases. In misdemeanor cases for which information has not been filed, an arrest affidavit may be used in place of the information. If the case is a violation of probation (VOP) case then a copy of the VOP affidavit is required. If the case is a post conviction (Rule 3.800 and, 3.850) case, then a copy of the motion is required.
- Copy of Rule 3.800 or 3.850 motion** – This is if you are billing for a post conviction case.
- Disposition/ Final Judgment** – The first billable stage is the order on the final judgment on the case (adjudicated guilty, adjudication withheld, nolle pros, order denying post conviction motion, etc.). This document needs to be signed and dated by a judge.

If the Billing is an Appeal

These items will be needed, in addition to the general section above, if you are billing an appellate case on an hourly basis:

- Appeal Order of Appointment** – Order is specifically for the appellate case.
- Appellate Disposition Documentation** – Appointed counsel must supply a copy of the court’s opinion or mandate except where billing is authorized prior to final disposition. Also, Counsel shall provide the first, contents, and signature pages of the appellate brief.

If the Billing is for Guardianship/Mental Health

These items will be needed, in addition to the general section above, if you are billing a Guardianship case on an hourly basis:

- (Guardianship) Order of Appointment** – Indicating that the case is a Guardianship case or an emergency guardianship case. Please note that the emergency guardianship and the guardianship portions of the case will have separate orders of appointment.
- Final judgment** – Order granting /denying/dismissing the Guardianship case.

If the Billing is for a Capital Collateral Case

These items will be needed, in addition to the general section above, if you are billing a Capital Collateral case on an hourly basis:

- Florida Supreme Court Opinion Affirming Death Penalty.**