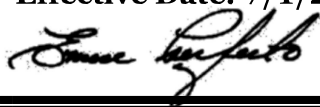




<u>POLICY NAME:</u>	Routine Expenses	Number: 404.050.001
<u>DIVISION:</u>	Administrative Services	Effective Date: 7/1/2024
<u>RESPONSIBLE SECTION:</u>	Accounts Payable	
<u>APPROVED:</u>	Oregon Public Defense Commission	Approval Date: 6/13/2024

PURPOSE: Establishes eligibility and criteria for which Routine Expenses will be paid.

AUTHORITY: ORS 151.216, 151.225(1)(c), 419A.211, 419B.201, 419B.518, 419C.206

APPLICABILITY: This policy applies to all requests for reimbursement of routine expenses submitted to OPDC and supersedes any previous memorandum or version of the policy.

EXPENSES REIMBURSABLE WITHOUT PREAUTHORIZATION

Reasonable and necessary case related out of pocket expenses will be reimbursed where it is not considered overhead and/or part of the hourly rate of a specific service type.

OPDC will consider out of pocket expenses not shown in policy with a written explanation and any other necessary documentation that show the expense to be reasonable, necessary, and properly payable from public defense funds.

Contract Counsel should submit billings every 90 days or whenever the out-of-pocket expenses total \$100.00 or more.

Out of pocket expenses include the following:

1.1 Cleaning Costs for Client Clothing

Dry-cleaning fees for client clothing following the conclusion of trial, when supported by a receipt.

1.2 Discovery

The custodian's actual cost of printing electronic discovery, but not more than a reputable private vendor would charge for making copies. In lieu of obtaining printed copies, OPDC will reimburse counsel for flash drives, CD's, or other storage devices up to \$10.00 without a receipt. In addition,

OPDC will pay for one copy for the client. Any additional copies must be preauthorized. OPDC will not pay premiums for expedited copies unless appointed counsel gives a reasonable explanation of why this situation could not have been avoided.

- A. For criminal cases, discovery is material obtained from the District Attorney, Department of Justice, or prosecuting authority.
- B. For a juvenile case, discovery is material obtained from the District Attorney, County Juvenile Department, Department of Justice, Department of Human Services, or any other party to a dependency case.
- C. For post-conviction relief cases, discovery is a copy of trial counsel's file, appellate counsel's file, the District Attorney's file, the court file, and the material obtained from the defendant in the post-conviction case (e.g., the Superintendent of the Department of Corrections).
- D. Discovery materials include audio and video media, photographs and other similar items obtained from the sources described above.

1.3 Fax

Fax transmittals will be reimbursed at the rate of a regular international telephone call. Vendor may request reimbursement at the same rate as for in-house black and white copies for faxes received.

1.4 Grand Jury Transcripts

Grand Jury transcripts will be reimbursed at the rate set by ORS 21.345.

1.5 Interpreter Services:

Counsel must request preauthorization for interpreters only when rates exceed the Schedule of Guideline Amounts amount.

Except as provided in ORS 45.275(7) (Appointment of interpreter for non-English-speaking party, witness, or victim), an interpreter is subject to the provisions of the Oregon Evidence Code relating to qualification as an expert and the administration of an oath or affirmation that the interpreter will make a true and impartial interpretation of the proceedings in an understandable manner using the interpreter's best skills and judgment in accordance with the standards and ethics of the interpreter profession.

Interpreters who are certified by the Office of the State Court Administrator, under ORS 45.291 for out-of-court attorney/client communication, must be used unless none are available. The State Court Administrator establishes categories of certificates based on the nature of the interpreter services to be provided, including categories for interpreters for persons with disabilities and non-English-speaking persons. If no certified interpreter is available, counsel must use a qualified interpreter, as defined in ORS 45.275(8)(c).

If no OJD Certified or Registered Interpreter is available and outside sources are needed, preauthorization is required.

- A. Mileage out of the state of Oregon over 100 miles must be preauthorized.

- B. OPDC will pay a one-hour minimum if the service provided requires less than one hour.
- C. Mileage will be reimbursed on actual miles traveled. Travel time will be paid pursuant to section 3.20 of the Pre-Authorized Expenses policy.
- D. If the interpretation service is provided by telephone or video and the interpreter is not at the same location as counsel when the service is provided, the interpreter should indicate that on the Interpreter Fee Statement worksheet and fill in the name of counsel for whom the service was provided. Indicating “telephone approval” on the signature line is NOT sufficient.
- E. OPDC will not pay for counsel to use an interpreter to deliver a message to or request information from the client unless counsel or counsel’s staff person participates in the communication.
- F. An interpreter may not bill OPDC more than once for the same period of time.
- G. Actual time of service must be recorded even if an appointment was less than one hour and the interpreter is claiming the fee for one hour of service.
- H. OPDC will pay for actual time worked for services that combine translation and transcription of written communications between the attorney and the client or the court and the client.
- I. Interpreters shall bill for time and expenses on the Interpreter Fee Statement form and the Interpreter’s Travel Worksheet and shall bill no more than every two weeks and not later than 180 days after service date.
- J. Counsel, or a person designated by counsel, must certify the interpreter’s time by signing the Interpreter Fee Statement form.
- K. Other interpreter services not related to attorney/client communication or court/client communication, such as translation and transcription of recorded interviews must be preauthorized.
- L. If the interpretation is in conjunction with an in-custody polygraph or in-custody evaluation, OPDC will pay a four-hour minimum regardless of time spent interpreting. Actual interpretation time must still be documented. Interpreters must notate on the interpreter worksheet the name of the facility where services took place and identify the type of service, e.g., polygraph, psychological evaluation or drug and alcohol evaluation.

1.6 Mileage

Routine mileage does not include travel between counsel’s office and the courthouse or other location where a hearing or judicial appearance is required unless the appearance or hearing is outside of counsel’s assigned jurisdiction or exceeds 50 miles round trip. Assigned jurisdiction is defined as the county where counsel’s office is, as reflected in counsel’s business registration with the Secretary of State.

Mileage out of the state of Oregon over 100 miles must be preauthorized. Allowable routine mileage is outlined in the sections below:

- A. The departure and destination city are required for mileage reimbursement.
- B. Qualifying case related attorney or attorney staff mileage that is out of county, or in a county that exceeds 50 miles round trip, is routine mileage. This mileage applies specifically to actual location of the travel and not the county assigned to the case.

The General Services Administration (GSA) rates for mileage can be reviewed at [Privately owned vehicle \(POV\) mileage reimbursement rates | GSA](#).

1.7 Parking

Parking costs may be reimbursed, without specific preauthorization, when incurred during case related travel that qualifies for mileage reimbursement or if other travel expenses have been preauthorized and it does not exceed the Schedule of Guideline Amounts. The actual cost of parking, when the travel qualifies for mileage payment, may be reimbursed.

1.8 Photocopies and Document Scanning

Actual costs supported by detailed documentation at rates outlined in the Schedule of Guideline Amounts. Reimbursement for services provided by a third party must be supported by a receipt.

1.9 Postage

The most economical method of shipping must be used. Standard postage and shipping materials will be reimbursed. Expenses for First-class mail, Express mail, or to insure will only be considered when supported by an explanation and is determined to be reasonable by OPDC. Receipt required if the cost to send an individual item exceeds \$25.00.

1.10 Process Service:

Counsel shall use the most economic method available for process service. Service may be effectuated by the Sheriff pursuant to ORS 21.300, an investigator, or a process server.

- A. ORS 21.300(1)(a) provides that no fee shall be charged to the state by the county sheriff for cases in which the party requesting service has court-appointed counsel.
- B. If the investigator for the case, who is paid from the PSA, perfects service, the investigator will be paid the hourly rate for time spent locating and serving or attempting to serve a witness if the number of hours does not exceed the total hours preauthorized.
- C. If a different investigator is used for the sole purpose of providing process service, the investigator will be paid the amount in the schedule for each location where service is made or attempted.

1.11 Records

The cost of an individual medical, school, birth, DMV, and other similar record including records obtained from the Oregon State Bar, 911 Recordings and Emergency Communication Recording Logs that do not exceed the Schedule of Guideline Amounts.

The cost for 911 recordings and Emergency Communication Recording Logs, including film, film developing, photos, audio and video tapes, compact discs, and exhibit materials that do not exceed the Schedule of Guideline Amounts.

1.12 Telephone calls

Collect calls and international telephone charges to Counsel or a Service Provider from a client in a jail, prison, hospital, or other similar government institution will be reimbursed.

1.13 Witness fees/mileage

Counsel or the witness shall submit the subpoena which indicates the number of days the witness' attendance was required as well as the total mileage amount unless the mileage was previously approved through Case Support Services. Lay witness fees and mileage expense for attendance will be reimbursed at the rate set by statute.

The following expenses are considered Routine:

1.14 Appellate Transcripts

Transcription is the process of converting a stenographic or electronically recorded word into a written document. The rate for transcription services of court proceedings is set by ORS 21.345.

When an Oregon circuit court or appellate court has made a determination that a person is eligible for appointed counsel at state expense and/or issued an order for appointment of counsel, in a case of the following case types, OPDC authorizes production of a transcript at state expense for use in an appeal or judicial review of a judgment or order in that case:

- Criminal;
- Juvenile delinquency;
- Juvenile dependency;
- Termination of parental rights;
- Civil commitment;
- Post-conviction relief;
- Habeas corpus;
- Psychiatric Security Review Board; and
- State Board of Parole and Post-Prison Supervision.

OPDC will pay for one original but no copies of a transcript.

1.15 Court Ordered Psychological Examinations

Costs associated with court-ordered psychiatric or psychological evaluations to determine if a defendant is fit to proceed unless the evaluation was requested by the prosecution [ORS 161.365(7)]. If the evaluation is conducted by a certified evaluator in private practice, OPDC shall pay a reasonable fee including travel time and mileage. If the evaluation is conducted by a certified evaluator employed by the Oregon Health Authority or a community mental health program established under ORS 430.610-670, OPDC shall pay all costs including transportation of the defendant.

1.16 Hourly Attorney Billings

Counsel appointed to a case on an hourly basis shall submit billings monthly provided that the amount is \$130.00 or more. The amount requirement does not apply to the final billing on the case.

Approved by: OPDC
Prepared by: Policy Division
Reviewed by: Executive Team

Publish: Internally & Externally