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Marshall County Board of Supervisors

RE: Proposed Ordinance to Adopt Fee Limitations for Court-Appointed Personnel

Dear Honorable Members of the Marshall County Board of Supervisors:

- **Issue Presented:** The County may be assessed attorney fees for court appointed attorneys in civil proceedings under Iowa Code Chapters 125, 222, 232, 232D, 235B, 235E, 598, 633, and 915. While such attorney fee invoicing may be subject to court approval, attorneys tend to invoice the County at different hourly rates, creating a disparity in attorney compensation and uncertainty for financial planning on behalf of Marshall County. Currently, there is no legal provision to preclude different attorneys from invoicing at different hourly rates.
 - Example: Attorney A may invoice the County at \$100 per hour while Attorney B may invoice the County at \$125 per hour. The Court may, for either or both attorneys, approve such an invoice against the County.
- **Proposed Solution:** The adoption of a proposed ordinance would create a scheduled fee structure for Marshall County and the Iowa Judicial Branch to utilize for such court appointments. The proposed ordinance would provide for the County to provide compensation for court appointments made pursuant to Iowa Code Chapters 125, 222, 232, 232D, 235B, 235E, 598, 633, and 915 in accordance with the existing fee structure for court appointments under Iowa Code Section 815.7 (governing court appointed attorney fees for defense attorney appointments in criminal cases). Currently, such court appointments are compensated at the rate of \$78 per hour pursuant to Iowa Code Section 815.7(10). Because the ordinance is drafted to be consistent with the fee schedule of Iowa Code Section 815.7 (rather than an established dollar amount), the County's fee schedule would rise, fall, or remain level depending on how the Iowa General Assembly would adjust Iowa Code Section 815.7.

Sincerely,

Jordan Gaffney, Marshall County Attorney