

CLAIM FOR PAYMENT OF EXPENSE FOR INDIGENT PARTY

(a) Conditions for Payment. The expenses for an indigent party which are necessarily incident to review by an appellate court will be paid from public funds only if:

(1) An order of indigency is included in the record on review; and

(2) An order properly authorizes the expense claimed; and

(3) The claim is made by filing an invoice in the form and manner provided by this rule and procedures established by the Office of Public Defense.

The invoice of a court reporter may be submitted as soon as the report of proceedings has been filed by the court reporter. The invoice of a superior court clerk may be submitted as soon as the expense has been incurred. Invoices of counsel, court reporters, and superior court clerks must be filed within 20 days after the filing of the decision terminating review or 30 days after the denial of reconsideration, whichever is later.

(b) [Reserved.]

(c) Invoice of Counsel. An invoice submitted by counsel representing an indigent party should be titled "Invoice of Counsel for Indigent Party." All invoices shall be submitted and certified in a form and manner consistent with policies adopted and published by the Office of Public Defense.

(1) The invoice must include a copy of the brief, a statement of the number of hours spent by counsel preparing the review, the amount of compensation claimed, and the reasonable expenses excluding normal overhead incurred by counsel for the review including travel expenses of counsel incurred for argument in the appellate court. Travel expenses may not exceed the amount allowable to state employees for travel by private vehicle. The invoice must include an affidavit of counsel stating that the items listed are correct charges for necessary services rendered and expenses incurred for proper consideration of the review.

(2) Providers who are under contract shall submit invoices in accordance with the terms of their contract.

(d) Invoice of Court Reporter or Authorized Transcriptionist.

(1) An invoice submitted by the court reporter or authorized transcriptionist should be titled "Invoice of Court Reporter or Authorized Transcriptionist--Indigent Case." The invoice must state the number of pages transcribed and the billing rate per page. The billing rate must be at the rate per page or line page equivalent set by the Supreme Court for the original and one copy of that portion of the report of proceedings ordered by the superior court. Additional copies which have been authorized and ordered from the reporter or authorized transcriptionist must be charged for as though reproduced by the most economical method available to the reporter or authorized transcriptionist.

(e) Invoice of Superior Court Clerk. An invoice submitted by the superior court clerk should be titled "Invoice of Superior Court Clerk--Indigent Case." The invoice must itemize the clerk's charges for the preparation of the record ordered by counsel for the indigent or the trial court and list the actual expenses of the clerk for transmittal of those portions of the record. The superior court clerk shall certify the clerk's invoice as follows:

I hereby certify that the items listed in this invoice are correct charges for the preparation of those portions of the record ordered by counsel or the trial court and for the actual expense of

transmittal of those portions of the record.

[Adopted effective July 1, 1976; Amended effective September 1, 1984; September 21, 1990; September 1, 1994; June 6, 1996; May 29, 2001; November 25, 2003; December 8, 2015; September 1, 2018.]