

**Elko County
Public Defender Billing Instructions**

I. INVOICING AND PAYMENT

A. Definitions

Qualified Attorney: An attorney approved by the Department to provide indigent defense services within certain categories of cases as set forth in the Regulations.

Case-Related Expenses: Expenses, other than attorneys' fees, reasonably necessary to provide an appropriate defense. Such expenses may include, without limitation, fees for investigators, expert witnesses, forensic services, photocopying, and transcription.

Department: Refers to the Department of Indigent Defense Services.

B. Set Up as a Vendor

Qualified Attorneys, Experts, and Investigators **must be set up as a vendor** in the Elko County system. This is a one-time process. Prior to payment of your first invoice, a W-9 must be submitted to Comptroller Susan Paprocki at spaprocki@elkocountynv.net

Please ensure this step is completed as soon as possible after your initial contract is approved.

C. Attorneys' Fees

Qualified Attorneys providing services to Eligible Clients within Elko County in exchange for an hourly rate shall submit monthly invoices to the Department of Indigent Defense Services by email at didscontact@dids.nv.gov.

Such invoices shall be submitted on the "Request for Attorney's Fees" form, with appropriate backup, no later than ten (10) days after the end of the month in which the services were rendered. The backup shall contain time entries rounded to the nearest one-tenth (1/10th) of an hour, describing with specificity the work performed and identifying the attorney who performed it.

Invoices also need to include the name of the court, court case number, and client's name. If the client is a juvenile, please only use last name and first initial. **Please note:** in juvenile matters, only include the first initial and last name on the Request for Attorneys Fees form, as well as any backup material. Including a full name on a juvenile matter will cause the Request to be sent back to the attorney to remove the full name.

Pursuant to NRS 7.125, attorneys will be compensated at the following hourly rates for court appearances and other time reasonably spent on the matter to which the appointment is made:

- (1) \$125.00/hour in cases in which the death penalty is sought,
- (2) \$100.00/hour in all other cases, or

(3) The rate specified in an agreement between an attorney and county.

The Department shall approve for payment all reasonable attorney's fees reflected on the Requests for Attorneys' Fees and backup. In reviewing for reasonableness, the Department may consider factors such as: (i) average case times as determined by workload analysis; (ii) time and skill required; (iii) complexity of the case; and (iv) experience and ability of the Qualified Attorney(s). The Department may request additional information or explanation where necessary. In the event the Department denies or modifies a Request for Attorneys' Fees, it shall provide an explanation to the Qualified Attorney, with a copy to the Elko County Manager, as to why the denied portion was not reasonable. Such denials shall be subject judicial review pursuant to NRS 7.135.

The Department shall notify the Elko County Comptroller's Office of all approved Requests for Attorneys' Fees, attaching a copy of the invoice and backup. The Elko County Comptroller's Office is responsible for issuing payments for approved invoices.

D. Case-Related Expenses

Insofar as Case-Related Expenses are incurred in providing services to Eligible Clients, the following procedures shall apply:

1. Pre-Authorization: Case-Related Expenses expected to exceed two thousand five hundred dollars (\$2,500) shall be submitted to the Department for pre-authorization before they are incurred. The Qualified Attorney shall submit the request for pre-authorization to the Department by email at didscontact@dids.nv.gov. The request shall include an explanation of why the expense is reasonably necessary to provide Representational Services.
2. Reasonableness Review: All Case-Related Expenses, whether or not they are subject to pre-authorization, are subject to the Department's review for reasonableness. Invoices for Case-Related Expenses shall be submitted to the Department for such review no later than thirty (30) days following the termination of the representation. Any requests for expenses not timely submitted shall be waived. The Department shall approve all reasonable and necessary Case-Related Expenses, and shall notify the Elko County Comptroller's Office of all approved expenses and provide a copy of the invoice.
3. Payment: The Elko County Comptroller's Office is responsible for issuing payments for approved invoices.