



## STATE OF NEVADA DEPARTMENT OF INDIGENT DEFENSE SERVICES

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### DIDS Guidelines for Attorney Billing

In order to improve the processing of attorney billing, the Department (DIDS) is adopting new billing guidelines for attorney billing in appointed cases.<sup>1</sup> It is DIDS' hope that these guidelines will provide clear expectations for attorneys, their staff, and county administrators; ensure that attorneys are paid appropriately for their work on cases; eliminate inconsistencies in services or costs approved; avoid unnecessary duplication of work; and improve billing turnaround times.

These guidelines are subject to amendment as necessary and appropriate. DIDS expects that exceptions to these guidelines will be necessary. Exceptions will be approved when sufficient, documented justification is provided.

Billing for attorney time is to be in 0.1-hour increments and must be entered into LegalServer. Billing not in 0.1-hour increments will be rounded down to the nearest 0.1-hour increment. Supporting documentation must be included with all requests for payment.

If any part of the attorney's time or expenses are to be split between two or more indigent-defense cases, the documentation must include the name and LegalServer CaseID of the other client(s) with which time and expense are split, and the bills for each case must be submitted simultaneously. If any of the cases with which billing is split is a federal case, the CJA documentation must also be included. Splitting time or expenses with privately retained clients is not permitted and may not be claimed as an indigent defense expense.

Claims for travel time and/or costs must be accompanied by documentation of the travel that includes the date(s), route(s) taken, and mileage traveled. If sufficient documentation is not provided to justify the amount of time or mileage claimed, the amount authorized for payment may be reduced or denied entirely. Hotel receipts must be broken out by day and include a zero balance. Receipts are not required to obtain per diem.

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<sup>1</sup> Thank you to those who offered feedback on our proposed guidelines either in writing or in one of the several townhalls held in January.

Presumptively reimbursable costs are included in the list below:

**1. Claims for Time Spent:**

A. Reviewing filed documents;

B. Reviewing Discovery:

1. 1 minute per page of written materials;
  - a. 1 additional minute per page of written materials for making annotations;
  - b. 1 additional minute per page of written materials for sorting, organizing, or otherwise making the materials more accessible for use in representation or to the client for review;
  - c. Reasonable additional reviews and time are permitted for medical or other expert-generated materials;
2. 1 minute for each minute of video or audio recording;
3. Communicating with prior counsel regarding discovery;

C. Producing Discovery:

1. 1 minute per page of written materials for organization/bates stamping, if different than B.1.b.;
2. 1 minute per page of written materials being redacted;

D. Communicating with a client or the client's family;

E. Appearing in court on behalf of a client, including:

1. Preparing for appearing in court on behalf of a client;
2. Debriefing a client and/or the client's family after an appearance in court;
3. Packing up files/materials;
4. Waiting for a client's matter to be called, if the time is not spent working on another client's matter;

F. Conducting reasonable legal research, excluding procedural rule research (e.g., the N.R.Cr.P. or local rules);

G. Drafting and preparing a document for filing with a court, including editing a template or sample;

H. Travelling as necessary to represent a client.

**2. Claims for Expenses:**

A. Copies at \$0.15/page for black & white, \$0.25/page for color, or other reasonable amount, supported by receipt;

B. Reasonable postage;

C. Collect calls from an appointed client from a correctional facility.

**3. Claims for Travel Costs:**

- A. Mileage traveled outside your normal city of work and in excess of 50 miles at the current Government established rate per mile;
- B. Hotel stays at the current Government established rate for the locale;
- C. Per diem for overnight travel or for travel in excess of 12 hours in one calendar day at the current Government established rate.

Note that mileage and travel time are reimbursable so long as the travel was solely for the purposes of indigent defense and in no way associated with private clients.

The following are examples of expenses that are not compensable:

- Time spent waiting for an automated task to complete (*e.g.*, discovery to complete downloading, copies to complete printing, etc.);
- Overhead expenses;
  - Legal research platform costs;
  - Office supplies;
  - Computer equipment, subscriptions, or programs;
  - Facsimiles, cell phone calls;
- Preparation and review of bills and/or requests for approval of expenses;
- Clerical time for photocopying, opening files, calendaring dates, and other items that are similarly administrative or a cost of doing business;
- Parking fees for, or mileage to and from, local workplaces, local courthouse, etc., within 50 miles of a principal office.
- Courier or other delivery expenses where mailing or electronic delivery is a reasonable alternative.

All reimbursements must be accompanied by detailed documentation, including receipts, as applicable. The appearance of more than one attorney in non-capital cases must be done in compliance with the applicable county plan and approved by DIDS in advance. Request forms are on the DIDS website: [dids.nv.gov](http://dids.nv.gov).

For any doubts or questions regarding acceptable billing practices, please make a specific inquiry to DIDS prior to submitting the request for payment.

Any billing approved, denied, or modified by the Department may be reviewed by application to the appropriate trial court pursuant to NRS 7.145(3).