



Office of the Ohio Public Defender

Timothy Young, State Public Defender

MEMORANDUM

DATE: May 18, 2021
TO: County Commissioners, County Auditors, County Public Defenders, Court Appointed Counsel, Judges
FROM: State Public Defender Tim Young
RE: Indigent Defense Reimbursement Updates

This memorandum is intended to provide further guidance on the options the Office of the Ohio Public Defender (OPD) offered to counties in an effort to provide support and assistance during the COVID-19 pandemic.

In an [April 13, 2020 memorandum](#), the OPD provided information regarding financial disclosure forms, interim billing, billing for arraignments, and extensions on the timelines for reimbursement submissions. The OPD issued subsequent memorandums on [August 25, 2020](#) and on [January 6, 2021](#) continuing all provisions of the April 13, 2020 memo. As Ohio has made significant progress in response to the COVID-19 pandemic, I write today to provide notice that the OPD intends to phase out the COVID-19 provisions at the end of this calendar year. Certainly, if there is a future change in our State's progress with COVID-19 which necessitates the continuation of these provisions beyond 2021, which we all hope would not be the case, the OPD would revisit this decision and notify you of the same. Below are further details about how OPD plans for each provision to be phased out.

Reimbursement Submission Extension

In our January 6, 2021 memo, the OPD provided that the Reimbursement Submission Extension would be made available through June 2021. The OPD will continue to offer the Reimbursement Submission Extension provision for an additional four months – for submissions now through October 2021. Thereafter the provision will end. Attached to this memo is a document containing two charts. The first chart details the deadline for standard reimbursement submissions (within 90 days of the end of the month in which a case was disposed – or the last court hearing for an interim bill). The second chart details the deadline for extension reimbursement submissions.

The process for extensions, as described below, allows a county to submit one regular submission and one extension submission each month. A county must request an extension for any given month on or before the last day of that respective month. Then, as detailed in the chart, a county may have an additional 60 days to submit reimbursement submissions to OPD for that particular month. For example, a regular reimbursement submission for the month of October 2021 (postmarked by October 31, 2021) could include bills/fee applications that have disposition dates as far back as July 2021 (which would fall within the 90-day rule). Bills/fee applications for an October 2021 submission that have a disposition date of June 2021 or earlier in the year would be untimely (fall outside the 90-day rule). If a county

needs an extension submission for the month of October 2021, the county should notify OPD by or before the end of October 2021. The county would then be permitted to send one regular submission in October 2021 and then one extension submission packet to the OPD, that includes all material that would have otherwise been timely for a October 2021 submission, by December 2021 (postmarked by December 31, 2020).

The process for extensions is as follows:

1. A county auditor, or their designee, should notify OPD's Reimbursement Program Administrator, Alice Hill, in writing via email (alice.hill@opd.ohio.gov), of an extension request for a reimbursement submission for a given month, on or before the last day of that respective month.
2. Because the OPD receives and processes approximately 13,000 -14,000 indigent defense bills each month, we ask that counties submit reimbursement submissions timely.
3. A county is permitted to have one timely reimbursement submission, and one "extension" submission each month through October 2021. Please see the attached chart for applicable deadlines.
4. With both the timely submission and the extension submission, counties should include an appointed counsel summary report (the same that is otherwise required with each reimbursement submission).

Financial Disclosure Forms

To assist in trying to reduce the person-to-person contact that comes with all possible indigent defendants completing and signing a financial disclosure form, the OPD advised in our April 13, 2020 memo that we would waive the applicant's signature requirement at this time. The OPD will continue to waive this requirement for any form completed on or before December 31, 2021. The OPD expects that forms completed on or before December 31, 2021 will be attached to reimbursement submissions that are submitted to the OPD in 2022. Any county wishing to utilize this waiver must comply with the following process.

Information required on the form may be obtained from the applicant via phone/video, and the person receiving the information would indicate on the form "Information received via telephone/video by _____." To be clear, at this time, a defendant's signature on the financial disclosure form is not required to initiate representation and will not be required for reimbursement, so long as the individual who obtains the information from the defendant completes the form as indicated above. Alternatively, the financial disclosure form includes a "judge certification" section. If a court elects, a judge may certify an applicant as indigent in lieu of an applicant's certification and signature.



Arrestment Billing

In our April 13, 2020 memo, the OPD advised that when courts were staffing arrestments with one (or several) appointed counsel to serve as counsel for all indigent persons being arrested in a given day, the OPD would accept, for purposes of reimbursement, one bill for each court proceeding – rather than the standard procedure of one bill for each defendant represented. The OPD provided this option in an effort to support social distancing and limit the number of individuals coming into close contact with one another. The OPD will allow Arrestment Billing plans to be submitted through December 2021. Plans that meet the reimbursement requirements are approved for a period of no longer than one year. Plans that have been submitted and approved on or before December 31, 2021 may be utilized until they expire (no longer than one year from date of approval).

Further information on a specialty docket plan and its billing process is provided on pages 11 and 12 in the [OPD Standards & Guidelines on Reimbursement](#). Should a court wish to use this billing process for arrestment proceedings (only) during the period of the COVID-19 pandemic, the court should submit a plan to OPD that comports with the requirements of the specialty docket plan process. Plan submissions, questions, and inquiries about this option should be submitted to Laura Austen, Deputy Director of Policy & Outreach via email at outreach@opd.ohio.gov, or by calling 614.466.5394.

Interim Billing

OPD reminded counties about interim billing, a provision OPD has always offered, in our April 2020 memo in the event it was helpful to local parties during the COVID-19 pandemic. In most cases, appointed counsel submit their bill for approval and payment following disposition. If courts and counties are willing to approve and pay interim bills so that local assigned counsel may be paid for the work performed, OPD will accept and processes interim bills. OPD will continue to accept interim billing according to the guidelines on periodic/interim billing provided on page 10 of the [OPD Standards & Guidelines on Reimbursement](#).

If you have any questions, or if there are ways in which the OPD can be of assistance during this time, please feel free to reach out by emailing Laura Austen, Deputy Director of Policy & Outreach via email at outreach@opd.ohio.gov or by calling 614.466.5394.

Thank you, stay safe, and be well.



Standard Reimbursement Submission Chart

DISPOSITION DATE OR LAST COURT ACTION	TIMELY SUBMISSION MONTH (Postmarked)
MARCH 2021	JUNE 2021
APRIL 2021	JULY 2021
MAY 2021	AUGUST 2021
JUNE 2021	SEPTEMBER 2021
JULY 2021	OCTOBER 2021

Extension Reimbursement Submission Chart

DISPOSITION DATE OR LAST COURT ACTION	TIMELY SUBMISSION MONTH (Postmarked)	LATEST DATE FOR EXTENSION SUBMISSION (Postmarked)
MARCH 2021	JUNE 2021	AUGUST 2021
APRIL 2021	JULY 2021	SEPTEMBER 2021
MAY 2021	AUGUST 2021	OCTOBER 2021
JUNE 2021	SEPTEMBER 2021	NOVEMBER 2021
JULY 2021	OCTOBER 2021	DECEMBER 2021

