

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control No. _____ Department or Agency: Office of Indigent Defense Services

Rule No. 355-9-1-.05

Rule Title: Dispute Resolution Process Regarding Attorney Fee Declaration

X New _____ Amend _____ Repeal _____ Adopt by Reference _____

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? NO

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? YES

Is there another, less restrictive method of regulation available that could adequately protect the public? NO

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? NO

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? NO

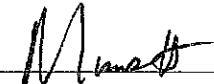
Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? YES

Does the proposed rule have an economic impact? NO

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of certifying officer 

Date 9/11/15

(DATE FILED)
(STAMP)

DEPARTMENT OF FINANCE
Office of Indigent Defense Services

NOTICE OF INTENDED ACTION

AGENCY NAME: Department of Finance – Office of Indigent Defense Services

RULE NO. & TITLE:

- (1) 355-9-1-.04 – Time Limit for Submission of Attorney Fee Declarations to OIDS
- (2) 355-9-1-.05 – Dispute Resolution Process Regarding Attorney Fee Declaration
- (3) 355-9-1-.06 – Billing Standards

INTENDED ACTION: New Rules for OIDS

SUBSTANCE OF PROPOSED ACTION: The new rules (1) explain the statutory time limits for submission of fee declarations, (2) set out the process for dispute resolution regarding fee declarations, (3) set out the standards and requirements for billing submitted on fee declarations.

TIME, PLACE, MANNER OF PRESENTING VIEWS:

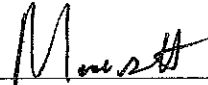
Views on this intended action may be presented by telephone to Mose Stuart at (334) 242-4516. Written views may be submitted to:

Mose Stuart
Department of Finance – Legal Division
Third Floor, State Capitol Building
Montgomery, Alabama 36130
By email: mose.stuart@finance.alabama.gov

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

Thursday, November 5, 2015

CONTACT PERSON AT AGENCY: Mose Stuart



Mose Stuart
Senior Associate Counsel

355-9-1-.05 Dispute Resolution Process Regarding Attorney Fee Declaration. Any dispute regarding the compensation due to be paid to an appointed attorney shall first be submitted in writing as a request for reconsideration by the attorney to the Director. Should the Director's decision with respect to the request for reconsideration be adverse to the appointed attorney, the appointed attorney may seek relief for the amount of compensation by filing a claim with the State Board of Adjustment in accordance with its statutes and rules, as found at Code of Ala. 1975, § 41-9-60 et seq. and at www.bdadj.alabama.gov, respectively.

Author: C. Roberts

Authority: Code of Ala. 1975, § 41-4-322(h).

History: Filed September 16, 2015