



DAVE YOST
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Crime Victim Section
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Instructions for Attorney Fee Applications

In order to receive an award for legal services rendered in the processing of a reparations application, the attorney must:

1. Prepare an Itemized Statement of Legal Services Rendered which shall include:
 - a. The date of each service rendered;
 - b. A short description of each service rendered;
 - c. The time required for each service rendered;
 - d. The cost of each service rendered;
 - e. The total time expended;
 - f. The total cost of all services rendered.
2. Complete and sign the Attorney's Statement Regarding Fees, which is enclosed with these instructions;
3. File with the Attorney General the original Itemized Statement, the original Attorney's Statement and a certificate of service showing that a copy of such statements was served upon the applicant;

Serve a copy of the Itemized Statement and the Attorney's Statement upon the applicant by a method of service authorized by Civil Rule 5.

Failure to fully comply with the foregoing instructions may constitute grounds for reduction or denial of attorney's fees.

Pursuant to R.C. 2743.71(B)(3), "An attorney who represents an applicant for an award of reparations cannot charge the applicant for the services rendered in relation to that representation but is required to apply to the Attorney General for payment for the representation;"



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IN RE: _____ CLAIM NO: _____
APPLICANT: _____

ATTORNEY’S STATEMENT REGARDING FEES

I, _____, attorney for the Applicant in the above claim, state under the sanctions of Civil Rule 11 and the penalties of perjury and falsification that: (1) I have not received or contracted for any payment of attorney fees or any fee from my client with respect to this reparations claim; (2) The Itemized Statement of Legal Services filed herewith is an accurate account of the legal services actually rendered; (3) I have read R.C. 2743.65(A) and R.C. 2743.71(B)(3).

R.C. 2743.71(B)(3):

“An attorney who represents an applicant for an award of reparations cannot charge the applicant for the services rendered in relation to that representation but is required to apply to the Attorney General for payment for the representation;” (Emphasis added.)

ATTORNEY’S SIGNATURE

DATE

ATTORNEY’S NAME

ATTORNEY’S REGISTRATION NUMBER

REQUIRED PAYMENT INFORMATION

The warrant in payment of attorney fees will be made payable to the payee, as you direct below, either to your or to your law firm. The payment will be reported to the IRS as income to the name payee.

IMPORTANT:

The PAYEE and SSN/Tax I.D. number listed below must be the same as listed on IRS Form #-9.

PAYEE (Attorney or Attorney’s firm)

Payee SSN/Tax I.D.

Payee Address

2743.65. Attorney and witness fees

(A) The attorney general shall determine, and the state shall pay, in accordance with this section attorney's fees, commensurate with services rendered, to the attorney representing a claimant under sections 2743.51 to 2743.72 of the Revised Code. The attorney shall submit on an application form an itemized fee bill at the rate of sixty dollars per hour upon receipt of the final decision on the claim. Attorney's fees paid pursuant to this section are subject to the following maximum amounts:

(1) A maximum of seven hundred twenty dollars for claims resolved without the filing of an appeal to the panel of commissioners;

(2) A maximum of one thousand twenty dollars for claims in which an appeal to the panel of commissioners is filed plus, at the request of an attorney whose main office is not in Franklin county, Delaware county, Licking county, Fairfield county, Pickaway county, Madison county, or Union county, an amount for the attorney's travel time to attend the oral hearing before the panel of commissioners at the rate of thirty dollars per hour;

(3) A maximum of one thousand three hundred twenty dollars for claims in which an appeal to a judge of the court of claims is filed plus, at the request of an attorney whose main office is not in Franklin county, Delaware county, Licking county, Fairfield county, Pickaway county, Madison county, or Union county, an amount for the attorney's travel time to attend the oral hearing before the judge at the rate of thirty dollars per hour;

(4) A maximum of seven hundred twenty dollars for a supplemental reparations application;

(5) A maximum of two hundred dollars if the claim is denied on the basis of a claimant's or victim's conviction of a felony offense prior to the filing of the claim. If the claimant or victim is convicted of a felony offense during the pendency of the claim, the two hundred dollars maximum does not apply. If the attorney had knowledge of the claimant's or victim's felony conviction prior to the filing of the application for the claim, the attorney general may determine that the filing of the claim was frivolous and may deny attorney's fees.

(B) The attorney general may determine that an attorney be reimbursed for fees incurred in the creation of a guardianship if the guardianship is required in order for an individual to receive an award of reparations, and those fees shall be reimbursed at a rate of sixty dollars per hour.

(C) (1) The attorney general shall forward an application form for attorney's fees to a claimant's attorney before or when the final decision on a claim is rendered. The application form for attorney's fees shall do all of the following:

(a) Inform the attorney of the requirements of this section;

(b) Require a verification statement comporting with the law prohibiting falsification;

(c) Require an itemized fee statement;

(d) Require a verification statement that the claimant was served a copy of the completed application form;

(e) Include notice that the claimant may oppose the application by notifying the attorney general in writing within ten days.

(2) The attorney general shall forward a copy of this section to the attorney with the application form for attorney's fees. The attorney shall file the application form with the attorney general. The attorney general's decision with respect to an award of attorney's fees is final ten days after the attorney general renders the decision and mails a copy of the decision to the attorney at the address provided by the attorney. The attorney may request reconsideration of the decision on grounds that it is insufficient or calculated incorrectly. The attorney general's decision on the request for reconsideration is final.

(D) The attorney general shall review all application forms for attorney's fees that are submitted by a claimant's attorney and shall issue an order approving the amount of fees to be paid to the attorney within sixty days after receipt of the application form.

(E) No attorney's fees shall be paid for the following:

(1) Estate work or representation of a claimant against a collateral source;

(2) Duplication of investigative work required to be performed by the attorney general;

(3) Performance of unnecessary criminal investigation of the offense;

(4) Presenting or appealing an issue that has been repeatedly ruled upon by the highest appellate authority, unless a unique set of facts or unique issue of law exists that distinguishes it;

(5) A fee request that is unreasonable, is not commensurate with services rendered, violates the Ohio code of professional responsibility, or is based upon services that are determined to be frivolous.

(F) (1) The attorney general may reduce or deny the payment of attorney's fees to an attorney who has filed a frivolous claim. Subject to division (A)(5) of this section, the denial of a claim on the basis of a felony conviction, felony conduct, or contributory misconduct does not constitute a frivolous claim.

(2) As used in this section, "frivolous claim" means a claim in which there is clearly no legal grounds under the existing laws of this state to support the filing of a claim on behalf of the claimant or victim.

(G) The attorney general may determine that a lesser number of hours should have been required in a given case. Additional reimbursement may be made where the attorney demonstrates to the attorney general that the nature of the particular claim required the expenditure of an amount in excess of that allowed.

(H) No attorney shall receive payment under this section for assisting a claimant with an application for an award of reparations under sections 2743.51 to 2743.72 of the Revised Code if that attorney's fees have been allowed as an expense in accordance with division (F)(4) of section 2743.51 of the Revised Code.

(I) A contract or other agreement between an attorney and any person that provides for the payment of attorney's fees or other payments in excess of the attorney's fees allowed under this section for representing a claimant under sections 2743.51 to 2743.72 of the Revised Code shall be void and unenforceable.

(J) Each witness who appears in a hearing on a claim for an award of reparations shall receive compensation in an amount equal to that received by witnesses under section 119.094 [119.09.4] of the Revised Code.