



# IOWA HOUSE DEMOCRATS

## BILL SUMMARY

### Indigent Defense Costs for Private Attorneys

### HF 675

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Status of Bill: House Calendar  
Committee: Judiciary Committee (12-9)  
Research Analyst: Bill Freeland; bill.freeland@legis.iowa.gov

Lead Democrat: Rep. Konfrst  
Floor Manager: Rep. McKean

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#### **Bill Summary**

An application for state funds for a privately retained attorney for an indigent person must be filed in the county in which the case was filed. The privately retained attorney must also submit a copy of this application to the State Public Defender. The filing must include:

- A copy of the attorney's fee agreement, including the hourly rate, amount of the retainer, and number of hours completed by the attorney.
- A showing that the costs are reasonable and necessary for the representation of the indigent person.
- An itemized accounting of all compensation paid to the attorney.
- The amount of compensation earned by the attorney.
- Any additional information on expected additional costs of the attorney for representation of the indigent person.
- A signed financial affidavit completed by the indigent person.

If the private attorney is retained on a flat fee agreement and the number of hours worked cannot be determined, the attorney must provide the court a reasonable estimate of the time expended on the case. If an attorney does not comply with these requirements, the State Public Defender may deny all or a part of the requested costs.

If these new requirements are not satisfied the court cannot authorize payment of legal fees from state funds. The bill applies to payments to evaluators, investigators, certified shorthand reporters, and for any other costs incurred by a privately retained attorney in the legal representation.

A court must determine all of the following before authorizing payment of state funds for a privately retained attorney:

- The represented person is indigent.
- The costs are reasonable and necessary for the representation of the indigent person.
- The moneys paid for the private attorney by the indigent person are insufficient.

**In determining whether the moneys paid to a private attorney are insufficient, the court must determine the compensation for the private attorney at the rate of \$70 per hour for class "A" felonies, \$65 per hour for class "B" felonies, and \$60 per hour for all other cases.**

If the court determines that the costs incurred or to be incurred by the private attorney are reasonable and necessary, the order of the court must specify the maximum amount of costs the attorney may incur. If additional costs are sought there must be a further court order. The actual costs are subject to review by the State Public Defender for reasonableness.

The bill allows a party to a case involving a private attorney for an indigent person to participate in a hearing on the application by telephone.

The bill does not restrict the payment of costs on behalf of an indigent person represented on a pro bono basis, or legal work taken on at no charge.