



STATE OF ALABAMA  
Department of Finance  
Office of the State Comptroller

100 North Union Street, Suite 220  
Montgomery, Alabama 36130-2620  
Telephone (334) 242-7050 Fax (334) 242-7466  
[www.comptroller.alabama.gov](http://www.comptroller.alabama.gov)

Robert Bentley  
Governor

David A. Perry  
Director of Finance

Thomas L. White, Jr.  
State Comptroller

Janice A. Hamm  
Deputy State Comptroller

**MEMORANDUM**

**TO:** All Probate Judges and Chief Clerks

**FROM:** Thomas L. White, Jr.  
State Comptroller 

**DATE:** July 20, 2011

**RE:** Act 2011-678 – Provisions relating to Appointed Counsel for  
Mental Commitments

On June 14, 2011, Governor Robert Bentley signed Act 2011-678 into law. This act represents a major change to the administration of the program that reimburses attorneys who provide indigent defense services. The act amends Code of Alabama, 1975; Title 12, Chapter 19 – Court Finances and Title 15, Chapter 12 – Criminal Procedure Defense of Indigents and creates the Office of Indigent Defense Services. A copy of the act is available for review through the website of the Office of the State Comptroller at [http://comptroller.alabama.gov/pages/indigent\\_defense.aspx](http://comptroller.alabama.gov/pages/indigent_defense.aspx). Code of Alabama, Section 22-52-14 establishes the payment of costs for attorneys appointed to mental commitment cases. This memorandum addresses those provisions, which relate to “Appointed Counsel” in mental commitment cases through the Probate Court and are effective immediately.

- Rate changes are effective for all appointments made on or after June 14, 2011. The new billing rate for appointed counsel is \$70 per hour for time reasonably expended in-court and out-of-court on mental commitments through the Probate Court.
  - Previous billing rates were \$60 per hour for in-court and \$40 per hour for out-of-court time.
- Attorneys must use the prescribed form C-62D for their fees. The form can be found at <http://eforms.alacourt.gov>.
- Overhead will no longer be reimbursed.
  - Previously reimbursed office overhead expenses included professional license fees; malpractice, casualty, health, general disability, and workers' compensation insurance; office salaries; ad valorem taxes; supplies; rent; depreciation of equipment and furniture; continuing legal education expenses, including travel and lodging; utilities; bank fees and interest on loans; other professional fees.

July 20, 2011

- Non-overhead reasonably incurred expenses will be reimbursed, provided they are within the program standards, including being substantiated by original invoice/receipt.
  - Examples of reimbursable non-overhead expenses include mileage, postage, and reasonable costs of photocopying.
- The Probate Judge will reimburse expert fees in such amounts as found to be reasonable.
- Statutory per case fee limits increased by \$500.00 for each case type.
  - Mental commitment cases fall under the "other cases" category and are capped at \$1,500.
- Fees and expenses on an appeal case are covered under Code of Alabama, Section 22-52-15, "the costs of the proceedings in the reviewing court shall be taxed in the same manner as in the probate court."
- Claims must be submitted to the Comptroller's Office for payment within a reasonable time, not to exceed 90 days of final disposition of the case.
  - Any bills received after 90 days **will not** be paid.
- The attached prescribed Probate Judge Fee Declaration form must be used to submit your claims.
  - It is pertinent to include all required information on the form.

The court should make these new legal requirements and policies available to all parties involved in submitting claims for payment. Additional policies and procedures are currently under review and will be sent to you once finalized. In order for this office to expedite the relay of information to you, please furnish us with a contact name and e-mail address. You may send this to Ms. Margaret McGowan at [margaret.mcgowan@comptroller.alabama.gov](mailto:margaret.mcgowan@comptroller.alabama.gov) or Ms. Pam Harris at [pam.harris@comptroller.alabama.gov](mailto:pam.harris@comptroller.alabama.gov). If you have any questions, please feel free to contact the Fiscal Management section at 334-242-2224.

TLWjr/PH/dt

CC: Mr. David Perry, Director, Alabama Department of Finance  
Mr. Clinton Carter, Deputy Finance Director  
Mr. Bill Newton, Assistant Finance Director  
Mr. Mose Stuart, Finance Legal Division  
Ms. Janice A. Hamm, Deputy State Comptroller  
Ms. Pam Harris, Accounting Manager  
File