

Billing Habeas Time and Expenses

In the past, rules may have been different or articulated in confusing or contradictory ways. We apologize for that. The requirements from the AOC have changed as the AOC has perceived and reassessed its own requirements.

For now and prospectively, until there is an explicit change communicated by the projects to the entire panel in writing, here are instructions for billing habeas time and expenses:

Hours Worksheet

Line 11 is for habeas corpus related work. Specifically, time for any **investigation, research, and/or drafting** connected to habeas or possible habeas claims should be included here, whether or not the ultimate decision is to file a habeas petition.

What Should Be Included in Line 11

Communications with the client and/or trial attorney (previously billed in Line 1) where the communication is focused on **investigation** of potential habeas-related facts and/or **development** of habeas issues. **NOTE:** Providing information to the client or trial attorney, such as explaining how a habeas petition works or the reasons for deciding not to file a petition, should remain in Line 1.)

Other communications (previously billed in Line 23) where, again, the communication is focused on **investigation** of potential habeas-related facts and/or **development** of habeas issues.

Investigations and/or working with investigator(s) (previously billed in Line 24) or any other work related to developing the facts or issues related to a habeas petition. No habeas related work should appear on Line 24.

Any motion related to habeas work (previously billed in Line 5) including to expand the appointment to include habeas work (primarily for CCAP cases), for fees for investigation, etc.

The **Explanation** field for Line 11 should include a general breakdown (large categories only, not in time sheet detail) of habeas related time and any habeas related expenses (a subset of the totals in the Expense Worksheet since the Expense Worksheet also includes the appeal). Because of the extra items now included in Line 11, please take care to provide good explanations especially where the total hours exceed the Guideline Total. We recommend providing the information in a format that is easy to read for the reviewers at the projects as well as for the AOC. Here is a simple example:

Hours

2.7 hrs Communications with client re: habeas (3 letters, 7 phone calls, <additional explanations>)
4.5 hrs Interviews - 5 witnesses <any additional explanations>
4.0 hrs Research, drafting petition

Expenses

\$23.00 Photocopying - 230 pages - petition
\$15.75 Postage/Delivery – petition
\$173.00 Travel – flight to separate oral argument on habeas petition

NOTE: As mentioned above, in addition to the itemization in the Explanation field of Line 11 of the Hours Worksheet, the expense items should continue to be included along with any appeal related expenses in the Expense Worksheet.

NOTE: The additional separate breakdown of habeas-related expense items in the Hours Worksheet's Explanation field of Line 11, is **not** necessary in the case of a "**stand-alone**" habeas petition not attached to an appeal.