

# ORPC BILLING POLICIES

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## I. Introduction

The Office of Respondent Parents' Counsel (ORPC) was established on January 1, 2016 by Senate Bill 14-203 (Section 13-92-101 through 104, C.R.S.) as an independent office in the Judicial Department. House Bill 15-1149 established the Respondent Parents' Counsel Governing Commission and provided that all existing and new state-paid respondent parent counsel appointments be transferred to the Office of Respondent Parents' Counsel on July 1, 2016. The ORPC Contract and Chief Justice Directive 16-02 (CJD 16-02), titled "Court Appointments through the Office of Respondent Parents' Counsel," governs the appointment, payment, and training of Respondent Parents' Counsel.

The ORPC is responsible for ensuring the provision and availability of high-quality legal representation for parents in dependency and neglect proceedings who lack the financial means to afford legal representation, establishing fair and realistic state rates by which to compensate respondent parent counsel, making recommendations for minimum practice standards for attorneys serving as respondent parent counsel, working cooperatively with the judicial districts to establish pilot programs designed to enhance the quality of respondent parent counsel, and annually reviewing and evaluating the Office's performance.

The ORPC contracts with experienced attorneys to provide representation for parents. Attorneys shall strive to provide the highest quality legal services.

Per the ORPC Contract and the RPPS User Agreement, the ORPC Billing policies are required reading for contractors and any staff who is engaged in submitting bills to the ORPC. The ORPC will routinely audit and review billing for compliance with these policies. Noncompliance could result in invoices being returned for corrections. In addition, failure to correct billing in compliance with these policies could potentially result in loss of a contract with the ORPC.

The State Court Administrator's Office (SCAO) shall be responsible for payment for services and expenses for work completed prior to July 1, 2016. Questions or disputes arising from flat-fee or hourly invoices submitted prior to July 1, 2016 shall be directed to SCAO.

For the purpose of these policies, terms are used as follows:

- "RPPS" refers to the Respondent Parent Payment System, which is the ORPC's billing system.
- A "contractor" refers to an ORPC attorney who is listed on a judicial district(s) ORPC Appointment List and is eligible for appointment as parents' counsel in dependency cases.
- An "RPC" or "attorney" refers to both current RPC contractors who appear on ORPC Appointment Lists and practicing RPC attorneys who are subject to the RPPS User Agreement but who do not appear on an ORPC Appointment List.

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## II. Compensation Structures and Rates

- A. Hourly or Flat-Fee Billing:** Compensation may be established for an hourly fee or flat-fee contract basis, or a combination of both. On or after July 1, 2017 all new appointments are hourly appointments unless other compensation agreements are entered into by the ORPC at the ORPC's discretion.
- B. Billing for Specialty Courts:** If a dependency case is formally admitted into a family treatment court, family integrated treatment court, or drug court, the compensation structure for the RPC is hourly regardless of whether the jurisdiction was previously flat-fee prior to July 1, 2017. If an RPC has multiple appearances during a specialty court, billing shall be apportioned among those cases.
- C. Billing for Appeals:** All appeals are compensated on an hourly basis, unless other compensation agreements are entered into by the ORPC at the ORPC's discretion.
- D. Presumptive Case Maximum Fees for Hourly and Flat-Fee Appointments:** The ORPC may pay a maximum fee of \$3,310 per appointment—regardless of whether it is hourly or previously flat-fee. For hourly cases, the presumptive case maximum includes expenses, court costs, support staff fees, and attorney fees. Flat-fee presumptive case maximums do not include these items. The ORPC may pay a maximum fee of \$4,000 per appointment for a case on appeal. **Requests for excess fees must be made through RPPS, and must be made prior to beginning work that would exceed the case maximum. The ORPC in its discretion may deny requests for excess fees where the request for excess fees was made after the billing was submitted.**
- E. Maximum Payment Rates for Flat-Fee Contracts (June 30, 2017 or earlier appointments):** The following maximum payment rates are established for all flat-fee contract appointments. As of July 1, 2017, when a termination motion is filed, the attorney must request the case to convert to hourly payment. No flat-fee payments will be allowed upon filing a motion for termination. For more detailed information on flat-fee rates, see Section III (A).

New Contract Appointment	\$1,125
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Additional Fee – Upon Filing of Motion for Termination	\$1,262
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- F. Maximum Payment Rates for Hourly Contracts:** The following maximum hourly rates are established for any in-court and out-of-court hourly invoicing. No payment shall be authorized for hourly rates that exceed the maximum hourly rates below:

Respondent Parent Trial Counsel	\$75 per hour
Appellate Counsel	\$75 per hour
Investigator	\$41 per hour
Staff Social Worker	\$30 per hour
Paralegal, Legal Assistant	\$30 per hour

### III. Flat-Fee Payments and Guidelines

A. **Maximum Payment Rates for Flat-Fee Contracts (June 30, 2017 or earlier appointments):** The following maximum payment rates are established for all flat-fee contract appointments. As of July 1, 2017, all new appointments are hourly.

Initial Flat Fee Payment	\$1,125
Additional Fee – Upon Filing of Motion for Termination	\$1,262

The Initial Flat Fee Payment will include all activity performed on a single case for a period of twenty-four months from the date of appointment, through all trial court phases, except as otherwise described in Section IV: Hourly Payments and Guidelines. No additional compensation will be paid for voluntary relinquishment of parental rights.

The resolution of a dependency and neglect case with an allocation of parental responsibilities order is not deemed a separate proceeding and shall be covered by the flat-fee contract payment.

### IV. Hourly Payments and Guidelines

A. **Maximum Rates, Hourly Billing:** The following maximum hourly rates are established for any in-court and out-of-court hourly invoicing. No payment shall be authorized for hourly rates that exceed the maximum hourly rates below:

Respondent Parent Trial Counsel	\$75 per hour
Appellate Counsel	\$75 per hour
Investigator	\$41 per hour
Staff Social Worker	\$30 per hour
Paralegal, Legal Assistant	\$30 per hour

Time must be billed in **fractions** of an hour using the decimal system. Three minutes is equal to 0.05 hours. One-tenth of an hour is equal to six minutes. For example, twelve minutes is charged as 0.2 hours (see chart below). All incomplete claims will be returned to the attorney with instructions regarding the additional information needed to process the payment.

**Time must be billed accurately and shall not be averaged between cases. ORPC reserves the right to return payments that are not in compliance with this policy.**

The attorney shall maintain records of hourly time and submit hourly invoices for time spent on allowable expenses. All invoices submitted must be in compliance with billing policies established by the ORPC, and shall not exceed the maximum case rate outlined in Section II: Compensation Structures and Rates.

<b>Fraction of an Hour</b>	<b>Equates to Minutes</b>	<b>Fraction of an Hour</b>	<b>Equates to Minutes</b>
0.05	3	0.55	33
0.10	6	0.60	36
0.15	9	0.65	39
0.20	12	0.70	42
0.25	15	0.75	45
0.30	18	0.80	48
0.35	21	0.85	51
0.40	24	0.90	54
0.45	27	0.95	57
0.50	30	1.00	60

**B. Apportionment:** Attorneys must not bill two cases for services delivered simultaneously. For example, if an attorney is driving to court and answers a phone call, the time spent on the call must be billed to the case pertaining to the call and subtracted from the time spent driving to the court appearance in the other case. Or, if an attorney is driving to court to appear for multiple cases scheduled on the same date, travel time must be apportioned evenly between the cases. If an attorney is traveling to court for multiple cases where the time spent would be also be billed to another state agency, such as Alternate Defense Counsel or the Office of Child’s Representative, the time should be apportioned among agencies.

**C. Excess Fees:** For time exceeding the maximum case fee outlined in Section II: Compensation Structures and Rates, an attorney may submit an excess fee request through RPPS pursuant to Section IX: Payment Guidelines. Excess fees must be warranted and necessary, and all excess fee requests will be reviewed by the ORPC Executive Director or Designee. **Requests for excess fees shall not be approved for more than \$1500 at a time and must be made prior to commencing work that would exceed the case maximum.**

- D. **Expenses (Hourly Cases Only):** For more specific guidelines on allowable expenses, please refer to Section X: Guidelines for Fees and Expenses.
- E. **Wait Time (Hourly Cases Only):** Attorneys may **not** bill for wait time for cases. Attorneys shall bill for the individual activities conducted while waiting for cases to be called. Attorneys are advised to bring sufficient work to court in the event that the attorney has to wait for a case to be called.
- F. **Mileage (Hourly Cases Only):** Attorneys may request reimbursement for case-related mileage expenses. Mileage will be reimbursed at the rate defined by section 24-9-104, C.R.S., and the attorney must include the date and actual number of miles for each leg of the trip.
- G. **Double Billing:** Attorneys may not double bill the ORPC for simultaneous appearances. For example, if an attorney appears in court with an associate, staff social workers, or paralegal, the attorney may only bill for the attorney's hourly time and not the associate's or the paralegal's hourly time.

## V. **Guidelines for Flat-Fee Cases Converting to Hourly Billing (APPOINTMENTS MADE ON OR BEFORE JUNE 30, 2017)**

All appointments made on or after July 1, 2017 will be paid at the hourly rate. A flat-fee case may be converted into an hourly case in the manners described below. Services rendered prior to ORPC approval will not be paid retroactively. Requests to convert to hourly must be made through RPPS and approved by the ORPC.

### A. **Submission of Hourly Invoice in Addition to Flat-Fee Invoice:**

The flat-fee attorney must submit hourly invoices *in addition* to the flat-fee invoice in the following circumstances:

1. Any representation provided on an appointment after twenty-four months.
2. Any extraordinary circumstances for which the attorney has received pre-approval from the ORPC.

### B. **Submission of Hourly Invoice in Lieu of Flat-Fee Invoice:**

The attorney must submit hourly invoices *in lieu* of the flat-fee invoice in the following circumstances. If a flat-fee payment has already been processed, a reverse credit or other repayment will be applied when applicable. The attorney will then need to enter hourly time from the start of the appointment before any new payments can be approved.

1. Any appointment that ends within 60 days of initial appointment by the court.
2. Any new appointment beginning after the establishment of a treatment plan or permanency plan.
3. Any appointment for which an RPC attorney is appointed as a conflict lawyer.
4. Any appointment in which the court has assigned an attorney to take over representation from a previously appointed attorney who is withdrawing or is being terminated as the appointee by the ORPC. Substitution of counsel requests that would convert a case to hourly must be approved by the ORPC.

5. Any appointment officially accepted into a family treatment court after receipt of the initial flat-fee payment.
6. Any other extraordinary circumstance at the discretion of the ORPC.

**C. Flat Fee Cases – Appointment June 30 or earlier: Converting a flat fee case to hourly after payment of an initial flat fee but before payment of a termination fee.**

1. For these cases, there is a pre-disposition and post-disposition option. Cases may convert to hourly in any manner described in Section V(A) & V(B), and when the following occurs:
  - a. Pre-disposition: Contractor has worked 15 billable hours on a case after receiving the initial flat fee and the case is pre-disposition. If the 15 hours of work occur post July 1, 2017, the contractor can request to go hourly. Contractor will have to account for the 15 billable hours in the request to go hourly and submit it via RPPS. These hours will not be billable, but will account for payment of the initial flat fee.
  - b. Post-disposition: If Contractor has received the flat fee (but not a termination fee) and the case is post disposition, the Contractor can request to go hourly if Contractor can account for 15 billable hours of work during *any* fiscal year. Contractor can request to go hourly, but Contractor has to account for the 15 hours in the request and submit it via RPPS. These hours will not be billable, but will account for payment of the flat fee.
  - c. As of July 1, 2017, when a termination motion is filed, the attorney must request the case to convert to hourly payment. No flat-fee payments will be allowed upon filing a motion for termination.

**D. Flat Fee Cases - Appointment June 30 or earlier: Converting a flat fee case to hourly after payment of a termination flat fee.**

1. Cases may convert to hourly after receipt of the termination fee when:
  - a. The Contractor has received the termination fee on or before June 30, 2017, and the Contractor can account for 17 billable hours during any fiscal year. Contractor can request to go hourly, but Contractor has to account for the 17 hours in the request to go hourly and submit it via RPPS. These hours will not be billable, but will account for payment of the termination flat fee.

## **VI. Associates and Staff**

- A. Attorneys:** ORPC contracts are awarded to a Senior/Managing Attorney in a firm, and the ORPC designates where associates may practice. A Senior Attorney may engage licensed attorneys as associates to work on ORPC cases with preapproval from ORPC. Associates must have liability insurance and can either be covered under the Senior Attorney’s existing insurance plan or under his or her own liability insurance. Associates must apply to work on ORPC cases and be pre-approved. Approved associates will be listed in the Senior Attorney’s contract. Only those attorneys listed in the Contract may appear on ORPC cases. When billing on ORPC cases, an associate’s time must be billed

by the individual associate and not by the Senior Attorney that the associate works under. In no instance shall two attorneys (e.g. Senior Attorney and an associate attorney) bill the ORPC for duplicate work on a single case. Senior Attorneys and associates are prohibited from billing for appearances where both attorneys appear together on the same case at the same time.

- B. Paralegal or Legal Assistant (Hourly Cases Only):** When practical, a paralegal or legal assistant should be used for tasks that require legal knowledge but can be done more cost-effectively by an assistant, such as drafting court motions, some legal research, and large case file organization. Paralegals and legal assistants are paid at \$30 per hour. The ORPC does not pay for time spent copying documents or case files, for filling out ORPC request forms, or for time spent completing data entry in RPPS. Flat-fee contractors will not be entitled to reimbursement for paralegal or legal assistant staff time. The ORPC will not allow for double billing for consultation time between the Senior Attorney and paralegals, legal assistants, and staff social workers. Attorneys may bill for either attorney time or staff time, but not both simultaneously.
- C. Social Worker (Hourly Cases Only, Flat-Fee Cases by Request):** If a Senior Attorney employs a social worker as part of his or her staff, they may bill the social worker through RPPS in hourly jurisdictions as they would bill for paralegal or legal assistant time. Social workers are paid at \$30 an hour. Requests for social worker assistance on flat-fee cases should be made through the expert request process in RPPS. In Social Worker Pilot Jurisdictions (4<sup>th</sup>, 17<sup>th</sup>, 21<sup>st</sup> Judicial districts), social workers will bill their own time through RPPS. The ORPC will not allow for double billing for consultation time between the Senior Attorney and paralegals, legal assistants, and staff social workers. Attorneys may bill for either attorney time or staff time, but not both simultaneously. However, in Social Worker Pilot jurisdictions, attorneys may bill for consultation with the dedicated pilot social worker.
- D. Staff Changes:** Contractor shall immediately notify the ORPC, in writing, of any changes in Contractor's staffing that require a change in the RPPS login authority and credentials for Contractor or Contractor's staff.

## VII. Appointment Record

**A. Building an Appointment Record in a Trial Case:** In order to begin billing on a case, an attorney must first create the appointment record in RPPS. All of the information required to build a trial case appointment is defined below. After filling out all of the required information, the attorney must then upload a copy of the Daily RPC Appointment Report in order to complete the appointment record and begin entering invoices on the case. The Daily RPC Appointment Report is generated by the Court when a Court Clerk enters an appointment in RPPS. If you do not receive an appointment report, first contact the court clerk. If that does not result in receipt of the report, contact [payments@coloradorpc.org](mailto:payments@coloradorpc.org). **The ORPC will pay for up to .2 hours attorney time to complete the appointment record and up to .2 hours attorney time to complete the case closure screen. The ORPC believes that the information in these screens is of vital importance to our agency and should not be delegated to billing staff without direction as to exactly what data should be entered into RPPS. However, time spent entering billing is not billable time.**

1. Case Number, County, and Judicial Officer: Attorneys must select a “JV” case class for a trial level case, as well as the county in which the case was filed. Do not use leading zeros in the case number, for example 10JV0100, should be entered as 10JV100. The judicial officer selected when building the appointment record can be the judge or magistrate on the case at the point that the petition was filed. This field can be updated throughout the life of the case.
2. Date of Appointment: The attorney must enter the actual date that the attorney was appointed by the court. The date listed on the Daily RPC Appointment Report may not accurately reflect the actual appointment date.
3. Statutory Reason for Filing: Attorneys must pick one or more of nine statutory reasons that the case was initiated. The reason(s) selected should match the reason(s) outlined in the petition in dependency or neglect filed by the Department. The selections are as follows:
  - a. Abandonment/Mistreatment by Parent or Legal Guardian.
  - b. Abandonment/Mistreatment by someone other than Parent or Legal Guardian.
  - c. Lack of Proper Parental Care through acts/omissions of Parent.
  - d. Injurious Environment.
  - e. Parent’s failure to provide care necessary for health or well-being.
  - f. Child is homeless, lacks proper care, or is not domiciled with Parent.
  - g. Child has run away or is beyond control of Parents.
  - h. Child tested positive at birth for Schedule I or II substance.
  - i. Pattern of habitual abuse and parent was a prior respondent parent.
4. Factual Basis for Filing: Attorneys must pick one or more factual bases for filing the petition in dependency or neglect. The selections are as follows:
  - a. Dirty Home: Petitions alleging unclean living conditions.
  - b. Domestic Violence: Petitions alleging domestic violence in the home.
  - c. Long-Term Confinement: Allegations involving a parent, or parents, who are or were incarcerated.

- d. Mental Health: Petitions alleging that the children's removal is due to a parent's mental health issues.
  - e. Neglect: Petitions alleging general child neglect.
  - f. Physical Abuse: Petitions alleging that the child or children have been physically abused, either by a parent, legal guardian, or another person.
  - g. Sexual Abuse: Petitions alleging that the child or children have been sexually abused, either by a parent, legal guardian, or another person.
  - h. Substance Abuse: Petitions alleging that a parent, legal guardian, or another adult has a substance abuse problem affecting the child or children.
5. Other Case Types: Attorneys must answer yes or no indicating whether the following case types apply. These answers can be updated and changed throughout the life of the case. The case types are defined as follows:
- a. ICWA: Cases involving the Federal Indian Child Welfare Act.
  - b. EPP: Cases classified as "expedited permanent placement" pursuant to Title 19, section 19-1-102(1.6), C.R.S.
  - c. P-Home: Cases involved in the P-Home pilot program.
  - d. Concurrent Criminal: Cases where a concurrent criminal case has also been filed.
  - e. DANSR: Cases involved in the DANSR pilot program.
  - f. Family Drug Court: Cases that have been formally accepted into a dedicated treatment court program.
  - g. Concurrent: Cases where a concurrent dependency case has been filed in the same judicial district with the same respondent parent.
6. Children: Attorneys must enter first name, last name, placement before and after shelter, and custody before and after shelter for all children named in the petition in dependency or neglect. Placement before shelter refers to a child's placement prior to the temporary custody hearing: Foster Care, Group Home, Home, or Relative/Kinship/Guardian placement. Custody before shelter refers to who has custody of the child prior to the shelter hearing: the Department, a Parent, or Relative/Kinship/Guardian. Placement after shelter refers to a child's first placement after the temporary custody hearing: Foster Care, Group Home, Home, or Relative/Kinship/Guardian placement. Custody after shelter refers to who the court has placed custody of the child with: the Department, a Parent, or Relative/Kinship/Guardian.
7. Demographic information: Attorneys must enter the respondent parent's first name, last name, date of birth, party status, and race. Party Status refers to whether the respondent parent is the mother, father, or a guardian. A legal guardian is not a special respondent. Attorneys can collect this information from the case information entered into State Court Data Access.
8. In Pilot Social Worker Jurisdictions (4<sup>th</sup>, 17<sup>th</sup>, and 21<sup>st</sup> judicial districts) on July 1, 2017 or later, the attorney will also have to complete the EPP information sheet which is triggered when a case is selected as EPP.

Attorneys may not bill the ORPC for JV class cases filed in truancy, paternity, relinquishment, or a separate contempt that is not being addressed in the D&N case. **Attorneys may not bill the ORPC for appointments to represent special respondents in dependency and neglect cases.**

**B. Building an Appointment Record in a Court of Appeals Case:** In order to begin billing on an appellate appointment to the Court of Appeals in a “CA” case class, an attorney will be required to build a new appointment record for an appellate case. The attorney can import much of the required information by linking the appellate case to the trial court “JV” case number, but will also be required to enter in additional information, defined below. After filling out the required information, the attorney must then upload a copy of the ORPC appointment email, which is sent by the ORPC Appellate Director. If the case predates July 1, 2016, the attorney should upload an appointment order from the court.

1. Type of Appeal: Attorneys must choose the type of appeal being filed.
  - a. Adjudicatory Appeal: An appeal taken from court’s order adjudicating the children dependent or neglected and subsequent entry of disposition.
  - b. Termination Appeal: An appeal taken from a court’s order terminating parental rights.

**C. Building an Appointment Record in a Supreme Court Case:** In order to begin billing on an appellate appointment to the Supreme Court in an “SC” case class, an attorney will be required to build an appointment record for a new Supreme Court appellate case. The attorney can import much of the required information by linking the appellate case to the trial court “JV” case number and the Court of Appeals “CA” case number. The attorney will also be required to enter the type of appeal, defined below. If the case predates July 1, 2016, the attorney should upload an appointment order from the court.

1. Type of Appeal: Attorneys must choose the type of appeal being filed.
  - a. Rule 21: An appeal taken at an intermediate phase of the case pursuant to C.A.R. 21.
  - b. Petition for Writ of Certiorari: A petition filed under C.A.R. 59, requesting the Colorado Supreme Court for review of a Colorado Court of Appeals opinion.

## **VIII. Case and Billing Eligibility Requirements for Payment by the ORPC**

**A. Appointment Eligibility:** In order to be eligible for payment by the ORPC, an attorney must be on the ORPC appointment list. The attorney must be specifically contracted for the county in which the appointment originates or must otherwise have preapproval for the appointment by the ORPC.

**B. Payment Processing:** In order for payment to be processed on a case, the attorney must have been appointed to the case by the court and must upload a copy of the Daily RPC Appointment Report into RPPS. For more information on building the appointment record, please refer to Section VII: Appointment Record. An example of the Daily RPC Appointment record is included below.

Daily RPC Appointment Report					
Case Number	County Name	Case Type	Case Division	Respondent(s)	Date of Appointment
<b>Attorney Name: Test Attorney</b>					
D0212016JV7777	El Paso County	Expedited Placement	Q	John Doe	8/1/2016
D0692016JV8888	Denver County-Juvenile	Dependency and Neglect	2F	Jane Doe	8/1/2016

**C. Other Forms:** If the RPC attorney meets any of the criteria outlined below, he or she must submit the forms to the ORPC in order to be eligible for payment.

1. W-9: Attorneys must submit a completed *State of Colorado Substitute Form W-9* to the ORPC if either of the following conditions apply:
  - a. The attorney has not previously been paid by the State of Colorado or
  - b. The information provided on a previously-submitted W-9 has changed. This information may include but is not limited to name, address, social security number or employer identification number, and business type. The Substitute Form W-9 is available at: <https://www.colorado.gov/pacific/osc/financial-resources> in the Forms section.
  
2. EFT Direct Deposit Authorization Form: If attorneys wish to be paid via EFT (direct deposit), attorneys must submit a completed *EFT Direct Deposit Authorization Form* to the ORPC if either of the following conditions apply:
  - a. The attorney has not previously been paid via EFT by the State of Colorado or
  - b. The information provided on a previously-submitted *EFT Direct Deposit Authorization Form* has changed. This information may include but is not limited to payee name, mailing address, phone number, email, bank, bank account number, and bank account type. *The EFT Direct Deposit Authorization Form* is available at <https://www.colorado.gov/pacific/osc/financial-resources> in the Forms section.
  
3. Retiree Working for a PERA Employer Form (or other PERA forms): Attorneys must submit a completed *Retiree Working for a PERA Employer* form if the following conditions apply:
  - a. **The contractor previously worked for a Colorado PERA employer and**
  - b. **The contractor has started receiving a retirement pension from PERA.**

Contractors who meet the criteria above will be subject to the Working Retiree Contribution and must review PERA’s policy, complete all required forms, and submit the forms to PERA and the ORPC. Please go to <https://www.copera.org/>, review the information for retirees, and comply with all applicable requirements. Failure to notify the ORPC will result in PERA assessing penalties to the ORPC and may result in the termination of the contract for services.

You will also need to inform the ORPC if you start receiving PERA benefits as a retiree. Failure to notify the ORPC will result in PERA assessing penalties to the ORPC and may result in the termination of the contract for services.

## IX. Payment Guidelines

- A. Claims for Payment:** Any claim for payment must be submitted to the ORPC using RPPS, and shall be in compliance with this Billing Policy, CJD 16-02, and the ORPC Contract or User Agreement.
- B. Excess Fees:** If there are extraordinary circumstances involved in the case and the attorney has performed additional services which have created fee charges over the allowed maximum, the attorney must request excess fees in advance of incurring the costs. The request must cite the specific special and extraordinary circumstances that justify fees in excess of the maximum allowed. A conclusory explanation, such as stating “this is a difficult case” or “the case is ongoing” will not suffice—excess fees must be warranted and necessary. The excess fee request will be reviewed by the ORPC Director or Designee once the request has been submitted through RPPS. Requests for excess fees shall not be approved for more than \$1500 at a time and must be submitted prior to commencing work that would exceed the case maximum.
- C. Deadline for Submitting Bills:** All bills must be submitted to the ORPC within **thirty days** of the date of service. All services and expenses billed in one fiscal year must be submitted for payment within ten days of the end of the fiscal year. The fiscal year ends on June 30 and requests for payment of services and expenses must be made by July 10 of the same calendar year. Non-compliance with these timelines will result in non-payment of invoices submitted on any dates after the deadline.
- D. Authorization for Payment:** The ORPC will carefully review all payment requests. If there are questions concerning the bill, it shall be returned to the attorney through RPPS. The Attorney will then need to make adjustments to the bill or answer questions about it, and then re-submit the invoice in RPPS for processing. Failure to follow these procedures will result in a delay of payment or nonpayment.
- E. Expenses:** Requests for reimbursement of expenses must include receipts when a single line item entry is \$30 or more, and said receipt must be uploaded under the “documents” tab in the payment request in RPPS.
- F. Timeline for Payment by ORPC:** The ORPC strives to approve payments as quickly as possible. The ORPC will process payments within 30 days from the date of submission of the bill, barring exceptional circumstances or when billing is improperly submitted. If you do not receive a payment in that time frame, please contact [Payments@coloradorpc.org](mailto:Payments@coloradorpc.org).

## X. Guidelines for Fees and Expenses

- A. Discovery (Hourly and Flat-Fee Cases):** Attorneys may request reimbursement for discovery costs under \$30 without preapproval or a receipt. Discovery costs over \$30 must be preapproved by the ORPC and submitted through RPPS along with supporting receipt. Discovery costs over \$30 can also be billed directly to the ORPC by the organization that provides discovery. However, the organization must contact the ORPC to set up direct billing. Unless arrangements are made with the

ORPC or it is otherwise approved, the ORPC does not pay for RPCs to provide discovery to other RPC attorneys (e.g. copying case files in change of venue cases, substitution of counsel cases or providing copies to appellate counsel). If approval is granted, RPCs may request reimbursement for copy charges at the rate of \$0.10 per page. The request must specify the number of copies made and the request must be submitted through RPPS. The ORPC will not pay for copies of discovery made for respondent parents or copies of files for respondent parents. It is the ORPC's policy that respondent parents who desire copies shall pay for them.

**B. Interpreters (Hourly and Flat-Fee Cases):** Interpreter requests must be preapproved by the ORPC, and all requests for interpreters must be made through RPPS. If the interpreter desired is not yet entered into RPPS, the requesting attorney must email the Attorney Payment Specialist at [Payments@coloradorpc.org](mailto:Payments@coloradorpc.org) and request that the interpreter profile be created by providing the interpreter's name, address, email, phone number and language. Any additional issues with interpreters encountered in RPPS should be addressed via email with the Attorney Payment Specialist prior to submitting the interpreter request.

Interpreter Rates: the allowable billing rate for a language interpreter cannot exceed \$25 per hour for a non-certified interpreter or \$35 per hour for a certified interpreter. Interpreter mileage is reimbursable at the statutory state rate and travel time is reimbursed at one-half the hourly rate.

Interpreters must submit invoices directly to the ORPC for payment. Attorneys will not be reimbursed for direct payment to an interpreter.

Telelanguage, a telephone interpreter system, is also available for RPCs with approval. Telelanguage provides phone interpretation, and it should not be used when in-person interpretation can be done because Telelanguage is more expensive at 97 cents per minute. It's best for quick calls to your clients, or when the language you need to have interpreted is rare. To request an interpreter from Telelanguage in RPPS:

1. Ensure your appointment record is updated.
2. Ensure the case is in the Open status.
3. Go to your appointment screen and enter the request as follows:
  - a. Enter your case number in the search box
  - b. Click on the blue billing button
  - c. Click on the Request Expert/Interpreter button
  - d. Type of Request is Interpreter – Telelanguage
  - e. Select the language from the drop down list
  - f. Select Telelanguage from the drop down box for requested individual
  - g. Enter in the requested rate of .97 (for .97 cents per minute)
  - h. Enter the estimated requested hours – keep in mind this is noted in hours, not minutes
  - i. The requested amount will populate for you
  - j. Enter in a reason for the request
  - k. Click submit
  - l. An email will be sent once approved by the ORPC.

To use Telelanguage:

1. Dial 800-514-9237,
2. Provide your access code: 18991,
3. Provide the language needed,
4. Provide the attorney name, case number and parent name. Telelanguage will also ask if the caller is an ORPC contractor.

After this you will be connected with your interpreter.

**C. Transcripts (Hourly and Flat-Fee Cases):** All transcript requests must be made using the ORPC Transcript Request Form available on the ORPC website, which can be submitted directly to the court reporter. All reasonable transcript requests will be approved and paid for by the ORPC. All expedited transcript requests must be preapproved by the ORPC, prior to submission of the request to the court reporter. Expedited transcript requests shall be directed to the Executive Director or Designee.

Court reporters and transcriptionists must submit their bills directly to the ORPC for payment. Attorneys will not be reimbursed for payment to court reporters or transcribers, subject to the discretion of the ORPC.

**D. Overnight Travel (Hourly and Flat-Fee Cases):** Overnight travel requests must be preapproved by the ORPC, and all requests for overnight travel must be made through the RPPS expense screen.

**E. Subpoenas (Hourly and Flat-Fee Cases):** Subpoena fees are reimbursable up to \$35 each plus mileage. Attorneys must submit invoices for reimbursement for subpoena fees directly to the ORPC through RPPS. The ORPC will not pay for expedited subpoenas without pre-approval from the Executive Director or designee. If the subpoena costs exceed \$35, please contact the ORPC so they can negotiate state rates with the process server.

**F. Postage and Copies (Hourly Cases Only):** Attorneys may request reimbursement for actual postage for regular first class mail charges. Attorneys may request reimbursement for copy charges at the rate of \$0.10 per page. The request must specify the number of copies made. The ORPC will not pay for copies of discovery made for respondent parents or other RPC attorneys.

**G. Mileage (Hourly Cases Only):** Attorneys may request reimbursement for case-related mileage expenses. Mileage will be reimbursed at the rate defined by section 24-9-104, C.R.S., and the attorney must include the date and actual number of miles for each leg of the trip.

## XI. Experts

Pursuant to section 19-3-607, C.R.S. each Respondent Parent is entitled to one expert witness appointed at state expense, to be paid for by the ORPC. Approval of any other request for an expert is at the discretion of the ORPC Executive Director or Designee.

The ORPC will pay expert witness fees and expenses that are reasonable and appropriate for the nature of the expertise and the stage of proceeding. As a general principle, the ORPC relies upon [Chief Justice Directive 12-03](#) as a guide for what constitutes a reasonable rate, for standards for expert travel time, and for expert travel expenses. Expert mileage is reimbursable at the statutory state rate and travel time is reimbursed at one-half the hourly rate.

- A. [Requesting Experts:](#)** Requests for experts must be made via RPPS, which provides a list of approved experts organized by county and by area of expertise. If the expert desired is not yet entered into RPPS, the requesting attorney must email the Attorney Payment Specialist at [payments@coloradorpc.org](mailto:payments@coloradorpc.org) and request that the expert profile be created. When making this request, you must include the expert's first and last name, billing address, email, phone number, and expert category. Any additional issues with experts encountered in RPPS should be addressed via email with the Attorney Payment Specialist prior to submitting the expert request.

As part of the expert request, the RPC must select the stage of the proceeding and enter the expert's hourly rate, the number of hours the evaluation will take, and the total amount the expert will cost, including mileage, travel time and testimony time. This may require consultation between the RPC and the expert prior to submitting a request for fees. The request must be specific and detailed about the need for the expert and explain how the expert will impact the case. A request for additional funds for experts must be made prior to the services being performed if charges will be over the initial approved request.

- B. [Billing for Experts:](#)** The expert must submit an invoice with an itemized detail of charges to the Attorney Payment Specialist at [Payments@coloradorpc.org](mailto:Payments@coloradorpc.org) **within 30 days of completion of the work**. New vendors must also submit a completed W-9 and, if EFT payment is desired, an EFT authorization form with their itemized bill before their invoice will be processed.

**When an RPC subpoenas an expert, the subpoena should include a specific date and time. A subpoena for an expert should *not* include every day of a pending trial or hearing. The ORPC will pay for reasonable wait time, but will not pay an expert for days of wait time.**

- C. [Finding an Expert:](#)** If an RPC cannot find the preferred expert, he or she can call the ORPC for assistance and expert consultation. Please send an email to the ORPC Social Work Program Coordinator to discuss expert needs at [AKelso@coloradorpc.org](mailto:AKelso@coloradorpc.org).

## **XII. Westlaw and Colorado State Court Data Access**

The ORPC provides Westlaw to current contractors, and requires that contractors abide by all terms and conditions of Westlaw Schedule C. Passwords are not to be shared among associates. If the contractor previously had Westlaw through another agency or otherwise had an existing account, the accounts may be linked by calling Westlaw technical assistance at 1 (800) 937-8529. RPCs who represent parents, either per an RPPS User Agreement or under an ORPC Contract, also have access to Colorado State Court Data Access (CSCDA). Per statute, only ORPC contractors may have a password to Colorado State Court Data Access.

**Use of both of these programs is limited to searches related to cases paid for by the ORPC, and shall not be used for other court appointed cases or private cases. When making a search, you must enter the case number of the case you are researching.**

## **XIII. Prohibited Billing**

- A. Apportionment (Hourly Cases):** Attorneys are prohibited from double billing the ORPC for time spent on services rendered simultaneously. For example, if an attorney is driving to court and answers a phone call, the time spent on the call must be billed to the case pertaining to the call and subtracted from the time spent driving to the court appearance in the other case.
- B. Administrative Activities:** The ORPC does not pay for administrative activities. Therefore, charges for time spent on administrative activities, such as setting up files, typing, copying discovery or other items, faxing documents, making deliveries, preparing payment requests, and mailing letters are not reimbursable costs. **The ORPC will pay for up to 0.2 hours attorney time to complete the appointment record and up to 0.2 attorney time to complete the case closure screen. The ORPC believes that the information in these screens is of vital importance to our agency and should not be delegated to billing staff without direction as to exactly what data should be entered into RPPS. However, time spent billing is not billable time.**
- C. Double Billing:** Attorneys may not double bill the ORPC for simultaneous appearances. For example, if an attorney appears in court with an associate or paralegal, the attorney may only bill for the attorney's hourly time and not the associate's or the paralegal's hourly time.
- D. Concurrent Billing:** Concurrent appointments are those where Contractor is performing activities on behalf of the same client under multiple appointments from the same court at the same time (e.g. meetings, hearings, travel). Contractor is responsible for identifying any concurrent appointments in the RPPS upon entering the subsequent appointment. Contractor may bill for only one case if both cases are heard simultaneously.

**E. Non-allowable Expenses:** Attorneys should not bill the ORPC for any of the following:

1. Phone calls when no contact is made (i.e., no answer, individual not available, or a message is left to call back, etc.);
2. Fax charges;
3. Parking fees;
4. Delivery, courier, and express mail charges;
5. Items purchased for clients, including meals, books, clothing, and other personal items;
6. Administrative activities (i.e., preparing ORPC billing, preparing expert requests);
7. Copies of discovery for respondent parents;
8. Time or cost for printing discovery;
9. Payment for investigators, paralegals, or researchers attendance in court without pre-authorization;
10. Payments made to court reporters;
11. Payments made to transcribers;
12. Payments made to interpreters.

## **XIV. Appeals**

**A. Appellate Policy:** The ORPC appellate policy is fully outlined in CJD 16-02. After a trial attorney has submitted the Appellate Transmittal Form to the ORPC, the Appellate Director will send an email appointing appellate counsel. The appointment email must be uploaded into RPPS in the appointment record by the appellate attorney in order to begin billing on the case. For more information on building the appointment, please refer to Section VII: Appointment Record.

All appellate appointments are contracted on an hourly basis. Hourly appellate billing can only be entered in "CA" (Court of Appeals) or "SC" (Supreme Court) case class types.

The appellate case maximum is \$4000, including expenses. For any amounts billed over the case cap, the contractor must make an excess fee request in accordance with Section II: Compensation Structures and Rates.

**Trial attorneys may bill for time spent on filling out and submitting the Appellate Transmittal Form.** Appellate attorneys may bill for time spent consulting with the trial attorney about possible appellate issues or other issues in the case.

**B. Petitions for Writ of Certiorari:** If a client requests review of a Court of Appeals opinion to the Colorado Supreme Court, the appellate attorney's appointment continues through the filing of the Petition for Writ of Certiorari. After the Cert. Petition has been drafted and filed, the appellate attorney can create a new appellate case with the Supreme Court case number by linking it to the appellate case and trial case in RPPS. For more information on building the appointment, please refer to Section VII: Appointment Record.

**C. Interlocutory Appeals:** If the trial court issues an order during the course of proceedings that requires immediate review by the appellate court, and the client indicates that he or she would like to appeal, then the trial attorney must immediately contact the ORPC to arrange for an appellate consultation. The request can be submitted via email. The appellate director will then send a response approving appointment of appellate counsel for the purpose of filing an interlocutory appeal, which can be uploaded into the appointment record by the appointed appellate attorney. The appointment must be built using the new appellate court case number. For more information on building the appointment, please refer to Section VII: Appointment Record.



**ORPC Hourly Attorney Billing Worksheet**

**APPENDIX B**

Case Number:		Clients Name:		Month:	
<b>Payment Type in bold,</b> Payment Description	Date	Hours	<b>Payment Type in bold,</b> Payment Description	Date	Hours
<b>Attorney-In-Court</b>	-----	-----	<b>Attorney-Out-Of-Court</b>	-----	-----
Adjudicatory – Admission			Comm. w/ Caseworker		
Adjudicatory - Court Trial			Comm. w/ City/Cnty Atty		
Adjudicatory - Jury Trial			Comm. w/ Court Staff		
Allocation of Parental Resp			Comm. w/ GAL for child		
Appearance Review			Comm. w/ RPC other party		
Change of Plcmnt Hearing			Comm. w/ Spc Respondent		
Contempt			Comm. w/ Trtmt Provider		
Discovery Hearing			Comm. w/ App. Atty.		
Disposition -- Contested			Comm. w/ GAL for parent		
Disposition -- non contested			Comm. w/ Ct. Reporter		
FTC - Spouse appearance			Comm. w/ Expert		
FTC - Client staffing			Comm. w/ Intervenor		
FTC - General Staffing			Comm. w/ Family		
FTC - Review Hearing			Comm. w/ Witness		
Motions Hearing			Comm. w/ PD/ADC		
Observe Related Case			Comm. w/ Probation		
P Home Hearing			Comm. w/ Visit Sup.		
Permanency Planning			Comm. w/ _____		
Post. Term. Review			Comm. w/ _____		
Pre-Trial Conference			Comm. w/ _____		
Protective Order hearing			Draft Brief		
Speciality/Treatment Court			Draft Petition for Review		
Status Conference			Draft Pleadings/ Motions		
Temp. Custody Hearing			Draft Discovery Req.		
Term. of Parental Rights			Draft Reports		
Visitation Hearing			Draft Witness List		
<b>Copies</b>	-----	-----	Email/Ltr. to/fr Clt		
Copies # of pg. _____		-----	Email/Ltr. to/fr Clt		
<b>Discovery,</b>	-----	-----	Email/Ltr. to/fr Clt		
<b>    need receipt over \$30</b>	-----	-----	Email/Ltr. to/fr Clt		
Discovery			Email/Ltr. to/fr Cnty Atty		
<b>Expenses,</b>	-----	-----	Email/Ltr. to/fr GAL		
<b>    need receipt over \$30</b>	-----	-----	Email/Ltr. to/fr Intervenor		
Postage \$ _____		-----	Email/Ltr. to/fr Sp. Resp.		
Subpoenas \$ _____		-----	Email/Ltr. to/fr Witness		
<b>Attorney Travel Time</b>	-----	-----	Email/Ltr. to/fr Expert		
Travel Time			Email/Ltr to/fr Tr. provid.		
<b>Travel Mileage in State</b>	-----	-----	FTC - Client Staffing		
Mileage # of mi. _____		-----	FTC - General Staffing		
<b>Travel Mileage out of State</b>	-----	-----	Hearing Preparation		
Mileage # of mi. _____		-----	Investigation		
Comments:					

<b>Payment Type in bold,</b> Payment Description	Date	Hours
<b>Attorney-Out-Of-Court</b>	-----	-----
Mediation/Facilitation		
Meeting with Client		
Meeting with Client		
Meeting with Client		
Meeting w/ RPC other prty		
Meeting with GAL for client		
Meeting with GAL for child		
Meeting with Expert		
Meeting with Family		
Meeting with Witness		
Meeting with SRS/Intrvr		
Meeting with Trt. Provider		
Observe Visitation		
Review Court File		
Review Family Svcs. Plan		
Review Pleadings/Motions		
Review Discovery		
Review Transcripts		
Review Reports/Evals.		
Review Staff SW notes		
Review Transcripts		
Review Witness list		
Research - Legal		
Research - Social Science		
Text message with client		
Telephone Call with Client		
Telephone Call with Client		
Telephone Call with Client		
Telephone Call with Client		
TDM/Family meeting		
Treatment Team Meetings		
Open case in RPPS		
Close case in RPPS		
Prepare Appellate Transmittal form		

# ORPC Appeals Hourly Attorney Billing Worksheet

## APPENDIX C

Case Number:		Clients Name:		Month:	
<b>Payment Type in bold,</b> Payment Description	Date	Hours	<b>Payment Type in bold,</b> Payment Description	Date	Hours
<b>Appellate Attorney Time</b>	-----	-----	<b>Appellate Attorney Time</b>	-----	-----
Appear at Oral Argument			Legal Research - Opening Brief		
Comm. w/ Trial Atty for client			Legal Research - Reply Brief		
Comm. w/ City/Cnty Atty			Prepare for Oral Argument		
Comm. w/ Ct of Appeals Staff			Review Answer Brief - Department		
Comm. w/ Court Reporter			Review Answer Brief - GAL		
Comm. w/ Family			Review Court File		
Comm. w/ GAL - Trial			Review Court File for ICWA compl.		
Comm. w/ GAL - Appeal			Review Court of Appeals Orders		
Comm. w/ Intervenor			Review Court of Appeals Pleadings		
Comm. w/ RPC			Review Reports/Evaluations		
Comm. w/ Spc Respondent			Review Transcripts		
Comm. w/ Trial Court Staff			Review Pleadings/ Motions/Orders		
Draft Designation of Transcpt.			Review Transcripts		
Draft Entry of Appearance			Telephone Call with Client		
Draft Motion - Ct of Appeals			Text Message with Client		
Draft Motion - Trial Court			Transcripts, ct reporter direct bills ORPC		
Draft Motion - Ext. of Time			Telephone Call with Client		
Draft Motion -Reconsideration			Travel Time		
Draft Motion - Appeal out of Time			Wait Time - Oral Argument		
Draft Notice of Appeal			<b>Copies</b>	-----	-----
Draft Opening Brief			Copies # of pg. _____		-----
Draft Reply Brief - Department			<b>Expenses,</b>	-----	-----
Draft Reply Brief - GAL			<b>need receipt over \$30</b>	-----	-----
Draft Response to Order			Postage \$_____		-----
Draft Table of Authorities			<b>Travel Mileage in State</b>	-----	-----
Draft Table of Contents			Mileage # of mi. _____		-----
Email/Letter to/fr Client			Transcripts, ct reporter direct bills	-----	-----
Email/Letter to/fr Client					
Interpreter					
Comments:					