

10th JUDICIAL CIRCUIT OF JEFFERSON COUNTY, ALABAMA

AFFIDAVIT OF _____ **IN SUPPORT OF**
MOTION FOR APPROVAL OF EXTRAORDINARY EXPENSES

Before me the undersigned, a notary public, in and for Jefferson County, State of Alabama, personally appeared the undersigned, _____, who being known by me and duly sworn deposes and states as follows:

I have reviewed my overhead office expenses for the year 20 _____. I calculated my overhead by determining my costs for practicing law less whatever I have paid myself as salary. Based on the total figure of my annual overhead, I have calculated that my overhead hourly expense is \$ _____. I have done this by multiplying 50, being the weeks of the year that I have worked, times a 40 hour work week, and then dividing that figure into my total overhead expenses. I swear that the above information is true and correct to the best of my knowledge.

Attorney Signature

Date

Notary Public

My Commission Expires: _____

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ADMINISTRATIVE ORDER

The Court of Criminal Appeals has held that the office overhead expenses of a lawyer appointed to defend and indigent in a criminal case should be allowed as an extraordinary expense upon filing of an appropriate motion. In light of the many criminal cases pending in the Tenth Judicial Circuit, I find that the filing of individual motions in each case, and signing of orders will involve an excessive administrative burden on the Court, the Court's personnel, as well as increasing the cost of indigent defense. I have examined this attorney's affidavit and find it to be accurate.

1. Based upon the affidavit, the appropriate hourly overhead expense rate for him/her is _____; therefore, effective the _____ day of _____, 20____, without the need for the filing of individual motions on each case, _____ is hereby authorized to charge _____ per hour, whether in or out of court, as the cost of his/her overhead in each case.
2. The statutory cap on compensation for indigent counsel does not apply to the amount set forth above.
3. Should appointed counsel seek a change in the amount of his/her overhead expense set by this order, counsel shall submit a motion and affidavit to the presiding judge for consideration.
4. A copy of this order shall be spread upon the minutes of this court by the Circuit Clerk.
5. All attorneys shall attach a copy of this administrative order with their attorney fees claims whenever they claim overhead expenses.
6. The administrative order dated 3/16/98 is rescinded as of 12/01/01.
7. This order applies to all appointments made on or after 12/01/01.

Tommy Nail, Presiding Circuit Court Judge
Criminal Division of Jefferson County, Alabama