



Commitment Appeal Panel Compensation & Reimbursement

This document outlines compensation rates and reimbursable expenses related to work on Commitment Appeal Panel (CAP) cases by court-appointed attorneys and CAP-appointed examiners. **This document will be updated periodically, so please check back for updates at the following link:**

<https://edocs.dhs.state.mn.us/lfsrserver/Public/DHS-7944-ENG>

Hourly rates for court-appointed attorneys

- \$75.00 per hour attorney fees
- \$50.00 per hour travel time

Attorney hourly fees should be billed in tenth-of-hour (six minute) increments. Attorneys do not need a separate Commitment Appeal Panel appointment if already appointed by the District Court. Invoices should be submitted periodically during the course of a matter and a final invoice soon after the CAP's dispositive order.

Hourly rates for CAP-appointed examiners

- \$100.00 per hour examiner fees
- \$50.00 per hour travel time

Examiner hourly fees should be billed in tenth-of-hour (six minute) increments. Invoices should be submitted periodically during the course of a matter and a final invoice soon after the CAP's dispositive order.

A maximum fee of \$5,000.00 per case shall be paid for services performed in a CAP case (both SDP/SPP and MI&D CAP cases), not including travel compensation and related expenses, unless prior authorization has been obtained from the CAP to exceed the maximum fee. To obtain prior authorization to exceed the maximum fee, complete the Judicial Branch request form located [at this web page](#) (under the "Program Policies" tab) and submit it to the Chief Judge of the Panel. **This pre-authorization fee cap applies to all cases in which a hearing scheduling order is issued after January 1, 2020 (including orders rescheduling a previously scheduled hearing or scheduling additional hearing days after an initial hearing).**

Reimbursement for reasonable expenses

- **Mileage (IRS Rate):** \$ 0.575 per mile (effective January 1, 2020)
- **Photocopying:** \$ 0.15 per page
- **Faxing:** Reimbursement will be limited to the actual cost of long distance phone calls for outgoing documents. The costs of a fax machine, its supplies and associated phone line are considered general office overhead expenses, which are **not** reimbursable.
- **Long-Distance Telephone Charges:** Actual cost

- **Postage:** Reimbursement will be made for the actual cost of case-related regular U.S. postage.
- **Computer-based research:** Actual cost of case-related legal and internet research (must state issue researched). If no actual costs were incurred, compensation will be limited to time spent conducting the research. Pro rata subscription costs will **not** be reimbursed.
- **Parking:** Actual cost
- **CAP Hearing Transcripts while matter is pending before the Appeal Panel:** Reimbursement is limited to one transcript for use between hearings or for preparing written closing arguments without preapproval. Attorney pays for transcript and submits receipt for reimbursement as a litigation cost. Transcripts for appeals of CAP decisions to the Court of Appeals are a county responsibility (see below).

For reimbursement of reasonable expenses not listed above, court-appointed attorneys and examiners should seek preapproval by emailing the DHS Legal Services Coordinator at dhs.msopsrbcoordinator@state.mn.us.

Expenses not covered

General office overhead such as expenses for personnel and administrative services (secretarial, law clerk, legal assistant and paralegal services), rent, general office equipment and supplies, and timekeeping and bill preparation are **not** covered expenses. Personal educational seminars are also not covered.

Special Review Board Proceedings and Appeals of CAP Orders

Committed individuals are entitled to continuous representation by counsel during commitment proceedings and during all times the individual is under commitment. See Comments to Minn. Commitment and Treatment Act Rule 9. The Minnesota Department of Human Services (DHS) is responsible for compensation of court-appointed counsel for their work representing committed individuals during CAP proceedings. Minn. Stat. § 253B.19, subd. 1. The County of Financial Responsibility has payment responsibility for counsel fees and costs associated with representing committed individuals at other stages of the commitment and reduction in custody process—including fees and costs incurred before the Special Review Board and in appeals of CAP orders. See *In re Hefler*, 378 N.W.2d 808, 811 (Minn. Ct. App. 1985); see also Minn. Stat. §§ 253B.23, subd. 1, 253D.03.

Accordingly, DHS is responsible for payment and the rates and reimbursement guidelines outlined in this document apply from the time any party files a petition for rehearing and reconsideration with the CAP until the CAP issues its final order.

Before a petition for rehearing and reconsideration is filed with the CAP and after the CAP issues its final order, counsel should seek compensation and reimbursement from the county. When a transcript is required for an appeal of a CAP order and the appellant is the committed person, this is a county expense and the court-appointed attorney is responsible for arranging county payment to the court reporter.

Frequently-asked questions

Q: Is the cost of subscription for research tools such as Westlaw or Lexis reimbursable?

A: No. Such costs are considered part of office overhead.

Q: May I charge for time associated with “travel to the copy center,” “photocopying,” or “binding?”

A: Generally, no. Time spent on these tasks is considered office overhead, not compensable legal work.

Q: May I charge for time associated with “closing a file” or “billing?”

A: Generally no. Time spent on these tasks is considered office overhead, not compensable legal work. However, you can charge for your time in connection with your final closeout correspondence with your client.

Q: Who should I contact with questions about compensation and/or reimbursement for my work on CAP cases?

A: Contact the DHS Legal Services Coordinator at dhs.msopsrbcoordinator@state.mn.us.

For accessible formats of this publication or assistance with additional equal access to human services, write to dhs.info@state.mn.us, call 800-657-3761, or use your preferred relay service.