



# POINTS OF INTEREST

## **JAC'S BIENNIAL NEWSLETTER FOR COURT-APPOINTED AND INDIGENT FOR COSTS ATTORNEYS AND DUE PROCESS VENDORS**

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*19<sup>th</sup> Judicial Circuit*

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*Public Defender*  
*20<sup>th</sup> Judicial Circuit*

**Brian Haas**  
*State Attorney*  
*10<sup>th</sup> Judicial Circuit*

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*State Attorney*  
*2<sup>nd</sup> Judicial Circuit*

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### **A Word from JAC's Executive Director**

**Happy New Year!** Greetings from the Justice Administrative Commission (JAC). I hope you find this latest edition of Points of Interest (JAC's Newsletter for Court-Appointed and Indigent for Costs Attorneys and Due Process Vendors) helpful and informative. Included is information about opening cases online through *MyJAC*, responding to audit deficiencies, and keeping detailed contemporaneous records.

JAC does not anticipate any funding issues related to payment of court-appointed attorney fees, due process vendors, or related expenses this fiscal year (ending June 30, 2022).



**Alton L. "Rip" Colvin, Jr.**

### **Requirement to Use *MyJAC* Case Opening Systems**

To streamline the court-appointed and indigent for costs payment processes, JAC has designed case opening systems in *MyJAC*. Please know that pursuant to JAC's FY 2021-22 Attorney Contracts, court-appointed and indigent for costs attorneys are now required to open their cases using these systems. To do so:

- Click on "Open a New Appointed Case" to open a court-appointed case; or
- Click on "Open a New IFC Case" to open an indigent for costs case.

Once complete, an attorney does not need to provide JAC with additional copies of the order of appointment or the motion to declare the defendant indigent for costs via email



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or the Eportal. Please be aware that in the near future, JAC may not accept indigent for costs cases submitted in any other fashion until the attorney complies with the contractual requirement to open the case through the *MyJAC* online case opening system.

Additional instructions and information are available at:

<https://www.justiceadmin.org/FAQ/Training%20Modules/New%20Case%20Opening%20Instructions.pdf>.

## Requirements for Attorneys to Maintain Contemporaneous Records

Pursuant to s. 27.40(7)(b), F.S., and Paragraph XII of the JAC Registry Contract, an attorney seeking compensation in excess of the flat fee must maintain detailed contemporaneous records supporting the time billed. JAC has encountered some level of confusion about what is statutorily and contractually required under these provisions.

As a necessary prerequisite to seeking compensation in excess of the flat fee, an attorney is statutorily and contractually obligated to: (1) maintain “appropriate documentation, including contemporaneous and detailed hourly accounting of time spent representing the client”; **and** (2) maintain “records and documents in a manner that enables the attorney to redact any information subject to a privilege in order to facilitate the commission’s review of the records and documents and not to impede such review.” See, Paragraphs X(18), and XII(1) and (4), JAC Registry Contract.

The requirement to maintain a contemporaneous and detailed hourly accounting of time spent (timesheet) is separate and distinct from the requirement to maintain detailed contemporaneous records that substantiate the accounting of time spent. Merely maintaining timesheets, even if done contemporaneously, **is not sufficient** to meet the requirement to maintain detailed contemporaneous records. The attorney must maintain supporting documentation that substantiates and verifies the time billed beyond simply maintaining contemporaneous timesheets.

Supporting documentation may include the following:

- Timesheets;
- Calendar entries;
- Notation logs;
- Jail logs related to client visitation or witness interviews;
- Research notes from legal materials reviewed;
- Factual notes from discovery or other materials reviewed;
- Printouts of case law, statutes, or other legal materials researched;



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- Reports, bills, or history printout from legal research listing materials reviewed;
- Letters, emails, or other correspondences received or sent;
- Notes from conversations, telephone conferences, conference calls, or meetings;
- Notes from hearings, depositions, or other events;
- Notes from client or witness interviews;
- Motions, responses, memoranda, or other documents you created;
- Questions or other notes prepared for hearings, depositions, mediations, or other proceedings;
- Electronic documents you created;
- Recordings, voicemails, or other audio/video reviewed; and
- Any other records that support the time billed.

***The records must be organized in such a fashion that supports the detailed hourly accounting of time spent working on a court-appointed case so that, upon request, JAC can inspect those records to verify the time spent. Please know that, standing alone, timesheets and calendar entries are not sufficient to substantiate an hourly statement.***

Upon inspection by JAC, an attorney may redact these materials to protect the client's interest. However, s. 27.40(7)(b)1., F.S., and the JAC Registry Contract require that enough of the materials be left unredacted so as to allow JAC to substantiate the corresponding entries in the timesheets. For example, providing pictures of banker's boxes, unsupported generalized calendar entries, unorganized case pleadings and documents, and completely redacted documents do not facilitate JAC's ability to substantiate an hourly statement. To facilitate JAC's review, the records must be indexed and annotated such that they clearly can be associated and reconciled with any time entries supported by those records.

## **Requirements for Due Process Vendors with Hourly Invoices to Maintain Contemporaneous Records**

Pursuant to Paragraph VIII of the JAC Due Process Contract, a due process vendor must maintain detailed contemporaneous records supporting the time billed. JAC has also encountered some confusion among due process vendors that bill hourly about what is contractually required to comply with this requirement.

In order to seek hourly compensation, a due process vendor is contractually obligated to: (1) "maintain appropriate documentation, including contemporaneous and detailed hourly accounting of time spent providing services" to the attorney; **and** (2) "maintain the records and documents in a manner that enables" the due process vendor and the attorney "to redact information subject to a privilege in order to facilitate and not impede JAC's review of the records and documents." See, Paragraphs VIII(1) and (3), JAC Due Process Vendor Contract (Type 1 and 2).



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The requirement to maintain a contemporaneous and detailed hourly accounting of time worked on the case (timesheets) is separate and distinct from the requirement to maintain detailed contemporaneous records supporting the accounting of time spent working on the case. Merely maintaining timesheets, even if done contemporaneously, **is not sufficient** to satisfy the requirement to maintain detailed contemporaneous records. The due process vendor must maintain supporting documentation that substantiates and verifies the time billed in the timesheets.

The supporting documentation may include the following:

- Timesheets;
- Calendar entries;
- Notation logs;
- Jail logs related to client visitation or witness interviews;
- Research or factual notes from discovery or other materials reviewed;
- Printouts of materials researched;
- Reports, bills, or history printout from online research listing materials reviewed;
- Letters, emails, or other correspondences received or sent;
- Notes from conversations, telephone conferences, conference calls, or meetings;
- Notes from hearings, depositions, or other events;
- Notes from interviews;
- Memoranda, reports, or other documents created by you;
- Notes prepared for hearings, depositions, mediations, or other proceedings;
- Electronic documents created by you;
- Recordings, voice mails, or other audio/video reviewed; and
- Any other records that support the time billed.

***The records must be organized in such a fashion that supports the detailed hourly accounting of time (timesheets) spent working on a case so that, upon request, JAC can inspect those records to verify the time spent. Please know that, standing alone, timesheets and calendar entries are not sufficient to substantiate an hourly statement.***

Upon inspection by JAC, a due process vendor may redact these materials to protect the client's interest. The due process vendor must consult with the retaining attorney to determine which records need redaction. However, the JAC Due Process Contract requires that enough of the materials be left unredacted so as to allow JAC to substantiate the corresponding entries in the timesheets. Supplying disorganized case files does not facilitate JAC's ability to substantiate an hourly statement. To facilitate JAC's review, the records must be indexed and annotated such that they clearly can be associated and reconciled with any time entries supported by those records.





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## Responding to Billing Audit Deficiencies through *MyJAC*

When JAC receives a billing packet lacking the applicable forms, necessary documentation, or requisite information, JAC may send the attorney or vendor a Billing Audit Deficiency. The Billing Audit Deficiency will indicate the reason JAC is unable to process the billing packet and will request that the attorney or vendor amend their billing packet to provide necessary documentation and information. A billing packet may be amended through JAC's Online Billing Submission system in *MyJAC* as follows:

### **Attorneys:**

- Login to *MyJAC* at [www.justiceadmin.org](http://www.justiceadmin.org);
- Click on Attorney Billing Packet Submission (on the left side of the screen);
- Choose "Amending/Adding Documents, or Responding to an Audit Deficiency";
- Use the dropdown list and click on the appropriate tracking number;
- Overwrite incorrect information and/or upload supporting documentation including the signed Notice of Audit Deficiency requesting billing reinstatement and any documents requested in the Audit Deficiency Notice; and
- Certify and submit.

### **Due Process Vendors:**

- Login to *MyJAC* at [www.justiceadmin.org](http://www.justiceadmin.org);
- Click on Vendor Billing Packet Submission (on the left side of the screen);
- Find your Billing Packet by Tracking Number;
- Use the dropdown list to select the tracking number;
- Overwrite incorrect information\* and/or upload supporting documentation including the signed Notice of Audit Deficiency requesting billing reinstatement and any documents requested in the Audit Deficiency Notice; and
- Certify and submit.

***\*A vendor may overwrite information previously entered into data fields only when the attorney has not yet approved the billing packet.*** Once the billing packet is approved by the attorney, information previously entered into data fields may not be amended via the system; however, supporting documentation may be uploaded until the billing packet is approved or rejected.

In either case, a confirmation email will be sent to the attorney and/or due process vendor. If the attorney or due process vendor fails to respond to a Billing Audit Deficiency or fails to provide necessary documentation within a reasonable period of time, then JAC may take appropriate action. If the Billing Audit Deficiency is not responded to within a year, then the billing will be deemed abandoned without further notice. JAC provides information to assist attorneys and due process vendors with submitting their billings on its website including policies and procedures, billing guides, and checklists.



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## About JAC

Created in 1965, the Justice Administrative Commission (JAC) provides administrative services on behalf of 49 judicial-related offices (JROs) including the 20 Offices of State Attorney, 20 Offices of Public Defender, 5 Offices of Criminal Conflict and Civil Regional Counsel, 3 Offices of Capital Collateral Regional Counsel, and the Statewide Guardian ad Litem Program. Services provided are primarily in the areas of accounting, budget, financial services, and human resources. While JAC administratively serves these JROs, JAC does not supervise, direct, or control the JROs it serves.

JAC also provides compliance and financial review of billings for services provided by private court-appointed and indigent for costs attorneys representing indigent persons and associated due process vendors.

The Commission is comprised of two State Attorneys, appointed by the President of the Florida Prosecuting Attorneys Association, and two Public Defenders, appointed by the President of the Florida Public Defender Association. The Commission appoints an Executive Director, who is charged with oversight of necessary staff to efficiently and effectively carry out JAC's duties.

**JAC's Vision:** To be the model of exemplary state government.

**JAC's Mission:** To support the entities we serve and Florida's judicial system with fiscal controls, best practices, and exemplary service.

### JAC's Core Competencies:

- Administrative Service
- Communication and Collaboration
- Prompt-Payment
- Fiscal Accountability
- Continuous Improvement and Innovation

**JAC's Core Values:** We take great pride in exemplary service, adaptability, honesty, integrity, and diversity, as well as respectful and ethical conduct.