

CHAPTER 39

OFFICE OF THE PUBLIC DEFENDER

Authority

N.J.S.A. 2A:158A-7(j), 16 and 19

Source and Effective Date

R.2000 d.363, effective August 7, 2000.
See: 32 N.J.R. 2385(a), 32 N.J.R. 3330(a).

Executive Order No. 66(1978) Expiration Date

Chapter 39, Office of the Public Defender, expires on August 7, 2005.

Chapter Historical Note

Chapter 39, Office of the Public Defender, was originally codified in Title 15 as Chapter 16, Office of the Public Defender. Chapter 16 was adopted as R.1995 d.533, effective October 2, 1995. See: 27 N.J.R. 2877(a), 27 N.J.R. 3794(a).

Chapter 16, Office of the Public Defender, was readopted as R.2000 d.363, effective August 7, 2000, and Chapter 16 was recodified as N.J.A.C. 17:39 by R.2000 d.363, effective September 5, 2000. See: Source and Effective Date.

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SUBCHAPTERS 1. THROUGH 2. (RESERVED)

SUBCHAPTER 3. FEES FOR SERVICE

17:39-3.1 Office of the Public Defender fees

(a) Pursuant to N.J.S.A. 2A:158A-7(j), 16 and 19, the Office of the Public Defender (OPD) will charge its clients for the cost of attorney services, investigation, expert witnesses and other actual costs of representation.

(b) In all cases, the Office of the Public Defender will charge its clients the rate of \$30.00 per hour for services provided by attorneys. This rate will apply to services provided by attorneys on the OPD staff or attorneys retained by the OPD to provide representation to its clients

pursuant to N.J.S.A. 2A:158A-7(d). The \$30.00 rate will apply to both in-court representation and legal work performed outside of court.

(c) In all cases, the OPD will charge its clients the rate of \$15.00 per hour for services provided by OPD investigators.

(d) In all cases, the OPD will charge its clients for the cost of all ancillary services and litigation expenses, including, but not limited to, the actual cost incurred by the agency for expert witnesses and transcripts.

(e) In cases where the OPD does not represent the defendant, but provides ancillary services and/or transcripts to the defendant pursuant to *Matter of Cannady*, 126 N.J. 486 (1991) or *State v. Arenas*, 126 N.J. 504 (1991), the actual cost will be billed to the defendant.

(f) In addition to its hourly rate, in every case in which the OPD is assigned by the court to represent a client, the OPD will assess the client a \$50.00 administrative fee at the time representation of the client commences. The fee will be charged regardless of whether the client later retains private counsel.

(g) The OPD will send the client a bill for all services rendered, including a bill for the administrative fee if it has not yet been paid.

(h) No client will be denied services based on inability to pay any OPD fee.

(i) Nothing in this section shall preclude a client from arranging with OPD to make partial or installment payments of any fee. Pursuant to N.J.S.A. 2A:158A-20, the Public Defender or the Public Defender's designee may compromise and settle any fee claim whenever the financial circumstances of the client involved are such that, in the judgment of the Public Defender or the designee, the best interests of the State will be served by such compromise and settlement.

(j) Notwithstanding the provisions of (b) above, for all legal services rendered in cases prior to October 2, 1995 the OPD will charge the hourly rate of \$22.50 per hour for in-court legal representation and \$15.00 per hour for out-of-court representation. All other fees and charges will be as set forth in this rule regardless of the date on which the services were rendered.

Administrative change.
See: 34 N.J.R. 1272(a).