

815.7A Travel Time FAQ

You can be paid for travel time to a 1) contested hearing, 2) uncontested hearing (upon application), or 3) in other circumstances where travel is reasonable and necessary in representing your client when you are traveling outside your county of domicile. Your domicile is the county where your office is located. For example, if your office is located in Iowa City, you can be paid travel time to any county *except* Johnson County.

What is a contested hearing?

Criminal: Preliminary Hearing, Plea Hearing, Sentencing Hearing, any kind of motion hearing (motion to suppress, motion to dismiss, bond review, etc.)

Juvenile: Removal, Adjudication, Disposition, often Permanency, TPR, Motion for reasonable efforts.

Other: Often, a good way to tell if a hearing is contested is whether a record was made.

What is an uncontested hearing?

Criminal: Arraignment, Pretrial conference, client management conference, status conference, Trial Scheduling conference.

Juvenile: Review hearings, Permanency if agreed to

Can I be paid for travel to an uncontested hearing?

Yes, but you must first make an application to the court to appear virtually/telephonically and that application must be denied by the judge. To be paid for an uncontested hearing, attach to your claim a copy of both the application to appear virtually and the order denying your application. You can find a form at spd.iowa.gov/defense-resources/spd-forms.

Can a hearing change from uncontested to contested during the hearing?

Yes.

Example #1: your client has a pretrial conference and but ends up pleading guilty and/or being sentenced, that hearing is considered contested.

Example #2: JV review hearing and someone requests that the children be moved. If a hearing on the record ensues, this is considered a contested hearing.

Can I be paid travel time for anything other than a hearing?

Yes. You can be paid for travel time to visit a client in jail, traveling to a client meeting, or depositions, for example. Anything the attorney reasonably needs to travel for in order to represent the client can be paid under travel time.

How do I bill for travel time?

In the “Travel Time” section of a claim on OLS. Do not record this time in the “Attorney Hours” section.

Record and report actual time spent traveling both TO and FROM the event.

In your “attorney hours” for the day of travel, tell us what type of hearing took place.

Example:

TRAVEL TIME								
AT Number	Travel Type	From	To	Travel Date	Travel Time	Miles	Flags	Hours
AT1	Contested Proceeding	Office-Des Moines	Boone Co Courthouse	08/24/2023	9:30 AM - 10:20 AM	51		0.80
AT	Contested Proceeding	Boone Co. Courthouse	Office- Des Moines	08/24/2023	12:00 PM - 12:50 PM	51		0.80

How much do I get paid for travel time?

\$35.00 per hour.

Do I also get to claim mileage for the travel in addition to the travel time?

Yes. You need to claim mileage separately in the “Expenses” section to be paid mileage.

Does travel time count toward my 12 hours per day?

Travel time prior to 7/1/24 counts toward your daily hours. Travel time AFTER 7/1/24 does NOT count toward your daily hours.

Can I be paid to travel within the county where my office is located?

No.

If my client has a pretrial conference (or other uncontested hearing) at 9:00 am and I schedule a meeting with my client at the courthouse at 8:00 am, can I get paid travel time?

No. However, if client #1 has an arraignment and you have a meeting with client #2 at the courthouse, you can be paid for travel time to the meeting with client #2.

Another example would be if client #1 has a pretrial conference at 9:00 am and client #2 has a sentencing at 9:30 am, you can be paid for travel time to the sentencing for client #2.