



# OFFICE OF THE STATE PUBLIC DEFENDER

TERRY E. BRANSTAD, GOVERNOR  
KIM REYNOLDS, LT. GOVERNOR  
SAMUEL P. LANGHOLZ, STATE PUBLIC DEFENDER

---

## **Summary of Proposed Rules Addressing Improper Attorney Billing Practices**

1. Prohibits attorneys from billing more than 16 hours a day in the aggregate, and permits billing 12-16 hours only in limited circumstances and with a written explanation.
2. Prohibits estimated and standardized billing by attorneys.
3. Requires that attorneys split mileage expense among all clients for whom the mileage was travelled and prohibits billing mileage in full for every client.
4. Requires additional detail on claims itemizations:
  - Description of origin and destination for all mileage
  - Itemization of whenever another attorney performs work
  - Daily itemization of copying, postage, fax expense, and telephone calls
5. Requires all itemizations to be reported in tenths of an hour and requires rounding up or down to the nearest tenth of an hour.
6. Limits use of a substitute attorney to only noncritical court hearings with which the appointed has a legitimate scheduling conflict.
7. Establishes new procedure for claims by an attorney whose contract is terminated for improper billing practices: returning all pending claims to attorney and only authorizing payment if attorney resubmits with independent, written documentation originating from a source other than the attorney that supports all time billed.

## **Other Notable Claims Rules Updates**

The proposed rules include a complete reorganization and stylistic revisions to improve clarity, simplicity, and precision. Of particular note, the proposal:

1. Increases current mileage rate (\$0.35) to be consistent with state employee rate (\$0.39).
2. Adopts new expanded, reasonable exceptions to 45-day “date of service” rule for the deaths or serious illness or injury of the attorney or immediate family members cared for by attorney.

3. Clarifies payable travel time, including the addition of travel to all appellate oral arguments and travel to family team meetings outside the county of the case with court approval.
4. Requires full itemization in all appellate cases, ending “voluntary flat rate” and eliminating the distinct procedures for contract and non-contract appellate claims.
5. Eliminates change-of-employment interim claims.
6. Eliminates requirement for attorney or other vendor to notify clerk of payment errors.
7. Clarifies rates and procedures for transcription of an audio or video recording by a certified shorthand reporter.
8. Updates the requirements for claims under chapter 600A to reflect recent statutory changes.