



# Board of Commissioners of Cook County

118 North Clark Street  
Chicago, IL

## Legislation Text

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### PROPOSED ORDINANCE AMENDMENT

#### INVOICE MODIFICATIONS FOR SPECIAL STATE'S ATTORNEYS IN CIVIL MATTERS

**BE IT ORDAINED**, by the Cook County Board of Commissioners, Chapter 2 - Administration, Article IV. - Officers and Employees, Division 9. State's Attorney, Subdivision II. Cook County Guidelines for Special State's Attorneys, Sec. 2-334 is hereby amended as follows:

##### **Sec. 2-334. Fees, expenses, rates and fee petitions.**

(a) *Fees and expenses.* Attorneys shall be paid reasonable fees and costs based on the type and nature of the case. Such fees and costs shall conform to the fees and costs authorized under this Section. The Attorney must pay for all expenses in advance and indicate on the firm's invoices such expenses to be reimbursed, unless otherwise expressly directed by the court or agreed to in writing by the Litigation Subcommittee. ~~Reimbursement of expenses shall be requested as part of Attorney's fee petitions.~~

Expenses shall be reimbursed as follows:

- (1) *Photocopying.* Reasonable photocopying at actual cost, not to exceed \$0.10 per page.
  - (2) *Messenger service.* The use of messengers when there is a genuine need for expedited delivery at actual charges of a third-party vendor or, when an in-house firm messenger is used, at actual cost (not at the paralegal or legal assistant billing rate).
  - (3) *Computerized research.* Actual costs of reasonably necessary computerized research services.
  - (4) *Experts.* The reasonable fees of qualified consulting and testifying experts retained to provide opinions necessary to the defense or prosecution of the litigation, except that all expert fees must be pre-approved by the Chief of the Civil Actions Bureau if they are anticipated to exceed \$500.
  - (5) *Travel.* Air travel expenses must not exceed the highest fare coach rate for the flight. Mileage expenses shall be at the Internal Revenue Service deductible rates. Hotels, car rental companies and airlines offering moderate prices and discounted corporate rates shall be used. Attorneys shall reduce the hourly rate charged by 50 percent while an Attorney or paraprofessional is traveling, unless legal work in being performed and is documented.
- (b) *General business costs.* Law firm overhead expenses including, but not limited to, rent, electricity, supplies, secretarial and support services, computer system expenses, overtime expenses, local telephone service and other similar expenses, shall be considered part of the Attorneys' hourly rate.
- (c) *Miscellaneous costs.* Attorneys shall not seek reimbursement of fees for:

- (1) Preparing invoices or a fee petition;
- (2) Conducting a conflicts check;

- (3) Entertainment expenses;
- (4) Food and beverages while working and/or hosting meetings;
- (54) Excessive staffing;
- (65) Work resulting from Attorney error;
- (6) Purely clerical work;
- (76) Preparing an estimated case budget.

Under most circumstances, only one Attorney should bill for attending court appearances, depositions, client conferences, and Litigation Subcommittee meetings. The Attorney shall seek prior approval from the Chief of the Civil Actions Bureau, or the Chief's delegate if the Attorney seeks to have more than one attorney in attendance.

(d) *Fee petitions and invoices.* Unless otherwise expressly directed by the court, Attorneys shall submit fee petitions ~~either monthly or quarterly~~. If the accumulated charges for a quarter are less than \$500.00, the charges shall be included in the next quarterly fee petition. Attorneys shall submit all fee petitions to the Chair in a time appropriate for referral to and review by the Subcommittee prior to filing the fee petition with the court. The time spent performing the chargeable services shall be recorded on a daily basis to the nearest 1/10<sup>th</sup> of an hour and shall be broken down in detail, describing the work performed by each individual during that time period. The fee petition shall contain the amount charged for each Attorney and paraprofessional, including the time, the hourly rate and summary total for each. The fee petition shall itemize expenses according to categories including the following: photocopying, messenger service, computerized research, experts and travel. Invoices in civil matters must comply with the Billing Guidelines for Outside Counsel issued by the Civil Actions Bureau of the Cook County State's Attorney's Office, as published and as may be amended from time to time. Such invoices shall be reviewed and preliminarily approved by the Cook County State's Attorney's Office and/or the County office at issue. Prior to each meeting of the Litigation Subcommittee, the State's Attorney's Office shall provide the Subcommittee with a report of preliminarily approved outside counsel billings, for the Subcommittee's approval prior to the issuance of any payment. Special State's Attorneys appointed by a court must also file a fee petition with the appointing court and submit an order granting the fee petition to the Cook County State's Attorney's Office prior to the issuance of any payment. The Cook County State's Attorney's Office will provide the Finance Committee with a quarterly report of payments to outside counsel in civil matters which will include information by case type (conflicts, capacity, or expertise), law firm, and matter, with expense data for the quarter as well as for the life of the case.

(e) *Rate structure.* Unless otherwise expressly directed by the court or the Subcommittee, Attorneys shall bill for their services on an hourly basis. Hourly rates for each individual civil matter shall be negotiated with the Chief of the Civil Actions Bureau, with attorney fees not to exceed \$290 per hour, and paralegal/legal assistant rates not to exceed \$90 per hour, without approval of the Subcommittee. Law clerks shall not bill for their time without prior permission of the Chief of the Civil Actions Bureau. Attorneys may propose alternative fee structures such as blended, flat or contingent rate upon approval of the Subcommittee. In criminal matters, the hourly rates for attorneys shall not exceed \$205, and the hourly rates for paralegals shall not exceed \$90, without approval of the Subcommittee.

(f) To the fullest extent consistent with this Section, Attorneys in civil matters shall adhere to the Billing Guidelines for Outside Counsel issued by the Civil Actions Bureau of the Cook County State's Attorney's Office, as published and as may be amended from time to time.

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**Effective date:** This ordinance shall be in effect March 1, 2022.