

MEMORANDUM OF UNDERSTANDING
Between
The Juvenile Court of Davidson County, Tennessee
And
The Metropolitan Government Department of Law
Regarding The Payment of Attorney and Guardian ad Litem Fees

WHEREAS, Tennessee Code Annotated Sections 37-1-126 (a) and 37-1-149 (a)(1) provide for the payment of attorney fees by the State of Tennessee through the Administrative Office of the Courts; and,

WHEREAS, Tennessee Code Annotated Sections 37-1-150 (a)(2) and (a)(3) provide for the payment of attorney fees by the county government in certain cases involving indigent representation that would not otherwise be covered by the Administrative Office of the Courts; and,

WHEREAS, Supreme Court Rule 13 (Amended July 1, 2018) provides the rates and caps for the attorney fees to be paid by the State of Tennessee through the Administrative Office of the Courts; and,

WHEREAS, the Metropolitan Government of Nashville and Davidson County, through the Metropolitan Department of Law, will cover indigent representation in Juvenile Court at the same rates as the Administrative Office of the Courts; and,

WHEREAS, the Administrative Office of the Courts currently pays attorney fees for counsel appointed by the Davidson County Juvenile Court in the following types of cases pursuant to Tennessee Code Annotated Sections 37-1-126 and 37-1-149:

Attorneys for all adults (not limited to parents):

- 1) Child abuse prosecutions pursuant to T.C.A. § 37-1-412 and T.C.A. § 39-15-401;
- 2) Contributing to the delinquency or unruly behavior of a child pursuant to T.C.A. § 37-1-156;
- 3) Contributing to the dependency and neglect of a child pursuant to T.C.A. § 37-1-157;
- 4) Violation of compulsory school attendance pursuant to T.C.A. § 49-6-3007 or T.C.A. § 49-6-3009; and,
- 5) Any criminal contempt.

Attorneys for parents:

- 1) Abuse, dependency, or neglect pursuant to T.C.A. § 37-1-102; and,
- 2) Termination of parental rights pursuant to T.C.A. § 36-1-113.

Attorneys for children:

- 1) Delinquency proceedings; and,
- 2) Proceedings involving unruly conduct that places the child in jeopardy of being removed from the home pursuant to T.C.A. § 37-1-132(b).

Guardians ad Litem for children:

- 1) Proceedings alleging a child to be dependent and neglected or abused.

NOW, THEREFORE, the Juvenile Court of Davidson County and the Metropolitan Government Department of Law agree as follows:

1. The Metropolitan Government Department of Law will pay attorney fees for counsel who have been ordered by the Juvenile Court of Davidson County to serve as attorneys or Guardians ad Litem in cases in which reimbursement is not covered by the Administrative Office of the Courts, including:

Guardians ad Litem for children:

- 1) No allegation of abuse, dependency, or neglect pursuant to T.C.A. § 37-1-102; and,
- 2) No possibility of incarceration.

Attorneys for parents:

- 1) No allegation of abuse, dependency, or neglect pursuant to T.C.A. § 37-1-102; and,
- 2) No possibility of incarceration.

Attorneys for children:

- 1) No possibility of incarceration.

Other Juvenile Court ordered appointments:

The Metropolitan Government Department of Law will pay attorney fees for counsel who have been appointed and ordered by the Juvenile Court of Davidson County to serve as attorneys or Guardians ad Litem in any other cases in which reimbursement is not covered by the Administrative Office of the Courts, based on the compensation rates included herein.

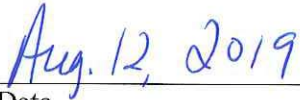
3. The attorney fee hourly rate shall be \$50.00 for out-of-court and in-court time.
4. The maximum compensation for all cases to be covered by the Metropolitan Government Department of Law is \$1250.00.

5. If a case is certified as complex or extended by an Order of the Court, then the maximum compensation rates to be covered by the Metropolitan Government Department of Law are \$2,500.00.
 - A) Prior to submitting a motion for fees in such a case to the Department of Law or to the Court for approval, attorneys must first file a motion with the Court to have the case certified as complex or extended. The motion must include a supporting affidavit that contains a detailed accounting of the billing associated with the case.
 - B) Attorneys must obtain an Order of the Court certifying the case as complex or extended, prior to submitting a motion or order for fees in such a case to the Department of Law or to the Court for approval.
6. Compensation is allowed for all reasonable and necessary out-of-court and in-court time that is documented and related to the attorney's work on the matter, in accordance with Supreme Court Rule 13.
7. This Memorandum of Understanding is subject to modification by the parties, who will reconvene to discuss this agreement as needed, such as upon amendment to the relevant statutes or rules or upon adoption of modified hourly rates.
8. This agreement shall take effect upon signature of the parties and filing in the Office of the Metropolitan Clerk.

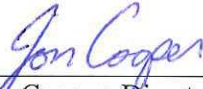
BY:



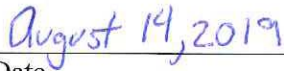
 Judge Sheila Calloway
 Juvenile Court of Davidson County



 Date




 Jon Cooper, Director of Law
 Metropolitan Government of Nashville and Davidson County
 Department of Law



 Date

Filed in the Office of the Metropolitan Clerk:





 Date