



Washington State Office of Civil Legal Aid

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EXTRAORDINARY COMPENSATION POLICY

The Office of Civil Legal Aid has a limited amount of funds available to compensate attorneys for work on cases that require an extraordinary amount of time. It is understood that the needs of a case change from month to month, such that some months an attorney will log many hours while other months will see reduced lawyer activity. The extraordinary compensation policy is designed to address those situations where the amount of work an attorney has invested in a case is in extraordinary excess of the typical, fluctuating demands of the attorney's caseload.

Attorneys may request compensation for additional time needed to effectively represent their clients in these circumstances. Attorneys will be compensated at the rate of \$125 per hour following approval by the Children's Representation Program Manager. This compensation rate applies to all attorneys regardless of whether they have a case-by-case contract or a percentage FTE contract. To obtain authorization for extraordinary compensation, an attorney must make a request in writing to the Children's Representation Program Manager or Program Counsel. The following factors will be taken into consideration when evaluating a request for extraordinary compensation:

- The number of hours the attorney has already invested in the case in question for the year (this must be included in every request for extraordinary compensation).
- Whether extraordinary compensation has been approved for the case already.
- Whether the extra time spent on the case is offset by reduced hours in other cases in attorney's caseload.
- Placements which require additional or extensive travel to see the client, e.g. commonly represented siblings who are living in separate homes or clients who are placed out of county/state.
Note: This factor is not a consideration if the attorney has not actually traveled as part of their extraordinary compensation request.
- Communication barriers which require an extraordinary amount of time to accommodate e.g., nonverbal or preverbal children; children with a severe disability that makes communication challenging, etc.
Note: This factor is not a consideration if the attorney has not actually spent an extra amount of time meeting with client.
- Court appearances which demand far more of an attorney's time than is normal for such proceedings or for which extraordinary preparation is required.
Note: Appearance at FTDM's and other meetings are not in and of themselves basis for a request for extraordinary compensation.

- Collateral cases related to the dependency that require an attorney's extended attention and assistance and cannot be billed as a separate case.
- Any other circumstances described by the attorney that justify extraordinary expenditure of time representing the client.

There is no entitlement to extraordinary compensation. Within limits of OCLA's current appropriation and other obligations, requests for extraordinary compensation will be considered on a case-by-case basis. If you have any further questions, please contact your Program Manager for guidance.