



STATE OF ALABAMA
Department of Finance
Office of the Director

State Capitol, Suite N-105
Montgomery, Alabama 36130
Telephone (334) 242-7160 Fax (334) 353-3300
www.finance.alabama.gov



Kay Ivey
Governor

Christopher Roberts
OIDS Director

Bill Poole
Director of Finance

MEMORANDUM

DATE: December 13, 2021

TO: All Indigent Defense Attorneys

FROM: Chris E. Roberts *CR*
Office of Indigent Defense Services

RE: Updated Process for Securing Payment for Medical and Department of Human Resource Records

The Office of Indigent Defense Services has been notified of issues in securing records from DHR, hospitals and medical providers. OIDS has been informed that the production of these records may be done directly to the trial court or may be outsourced to document retention companies such as Ciox, Iron Mountain and others. The policies of these agencies and companies are to produce the records along with an invoice for the cost. The companies do not provide a pre-production estimate for counsel to use in requesting extraordinary expenses. As such, the OIDS process for approval and payment for such records is updated as detailed below. This interim fee process is optional. Counsel may continue to elect to submit the expense as part of the attorney fee declaration upon case conclusion.

- 1) Prior to filing the subpoena for such records, counsel should file a motion for extraordinary expenses. The motion may be submitted without a cost estimate therein with counsel explaining that one is not available. The court should enter an order approving the extraordinary expense for the medical records without specifying a maximum amount.
- 2) Upon receipt of the records and invoice, counsel may contact the OIDS Director to seek approval for an interim payment for the records. The request may be emailed to oids@oids.alabama.gov and should be titled "Request for Interim Payment for Medical/DHR Records."
- 3) Upon the Director's approval of the request, counsel may submit an interim fee declaration for the records. The request must include a copy of the invoice from the

record provider along with the court's order preapproving the expense. The interim fee declaration should be limited to the cost of records only and should not include any in-court or out-of-court time entries for counsel.

- 4) Following certification of the claim by the trial court, counsel should email OIDS and notify the office of the claim's approval. The claim will be promptly pulled and processed for payment by OIDS upon receipt of the notification of court approval.