

IN THE SUPREME COURT OF OHIO

In The Matter Of: ) Case Nos. 2008-1036 & 2008-1036  
)  
)  
H.F. & R.F. ) On Appeal From THE  
) Cuyahoga County Court Of Appeals,  
) Eighth Appellate District  
)  
) Court of Appeals  
) Case Nos. 9-299 & 90300

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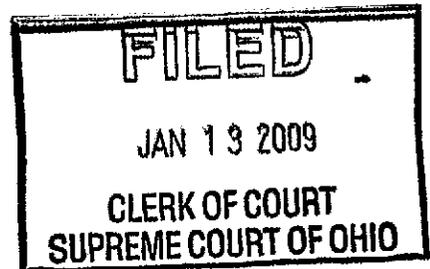
MOTION OF APPELLEE'S COUNSEL FOR EXTRAORDINARY FEES

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GUARDIAN AD LITEM FOR THE CHILD





STATE OF OHIO                    )  
  )SS  
COUNTY OF CUYAHOGA )

**AFFIDAVIT**

JONATHAN N. GARVER, being first duly sworn according to law, deposes and states:

1.       On May 20, 2008, Affiant was appointed by the Court of Appeals of Ohio, Eighth Appellate District, to represent Appellee Shedric Finklea in connection with the appeal of the Cuyahoga County Department of Children and Family Services to the Supreme Court of Ohio in the matter known as *In Re: H.F. & R.F.*, Case Nos. 2008-1036, 2008-1037, decided by the Supreme Court of Ohio on December 31, 2008. This affidavit is to be submitted to the Supreme Court of Ohio in support of Affiant's motion for extraordinary fees.

2.       The Cuyahoga County Fee Schedule for Appointed Counsel does not specify either a maximum fee or an hourly rate for representation in matters before the Supreme Court of Ohio. Hence, the applicability of the Cuyahoga County Fee Schedule to such matters is open to question. Nevertheless, for appeals involving juvenile matters, the Fee Schedule establishes a maximum fee of \$750.00 and an hourly rate of \$40 per hour.

3.       Affiant is informed and believes that both the maximum fee and the hourly rate established by Cuyahoga County are below the maximum fees and the hourly rates established by many other counties in Ohio for appointed counsel. Affiant is informed and believes that both the maximum fee and the hourly rate established by Cuyahoga County are well-below the fees charged by retained counsel in Ohio for handling such matters.

4.       Affiant was admitted to practice in the State of Ohio in 1974. Affiant has extensive experience in appellate litigation involving juvenile matters. Affiant's usual hourly rate is \$275 per hour.

5. Affiant's representation of Shedric Finklea in *In Re: H.F. & R.F.* required an extraordinary amount of time for several reasons: First, the issue certified by the Supreme Court of Ohio was not briefed extensively by Appellee in the Court of Appeals. Second, *In Re: H.F. & R.F.* was a case of first impression in the Supreme Court of Ohio and the intermediate appellate court decisions which addressed the issue contained very little discussion or analysis. Third, preparation of Appellee's Merit Brief required a careful and thorough review of the case law of all states in the United States, which involved reviewing well over 600 cases. Finally, because the few cases which had addressed the issue presented in *In Re: H.F. & R.F.* contained so little discussion or analysis, preparation of Appellee's Merit brief required considerable thought, analysis, and study.

6. The precise amount of time and effort devoted to the representation of Appellee Shedric Finklea in *In Re: H.F. & R.F.* is set forth Application for Attorney Fees for Appointed Attorneys, filed with the Court.

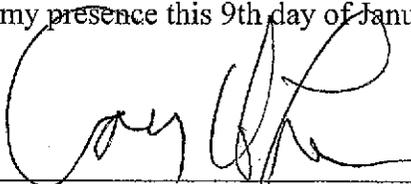
7. For the foregoing reasons, Affiant respectfully moves the Court to grant him fees commensurate with the time and effort devoted to his representation of Appellee Shedric Finklea and the reasonable value of such services.

FURTHER AFFIANT SAYETH NAUGHT.



JONATHAN N. GARVER

SWORN TO AND SUBSCRIBED in my presence this 9th day of January, 2009.



NOTARY PUBLIC.

City of Cov  
Allen County

Certificate of Service

Trues copies of the foregoing motion were mailed to the following persons this 9th day of

January, 2009:

Joseph Young  
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