

IN THE SUPREME COURT OF OHIO

ORIGINAL

In The Matter Of:)	Case Nos. 2010-0180
)	
)	
C.B.)	On Appeal From The
)	Cuyahoga County Court Of Appeals,
)	Eighth Appellate District
)	
)	Court of Appeals
)	Case No. 92775

MOTION OF APPELLANT THOMAS KOZEL'S COUNSEL FOR EXTRAORDINARY FEES

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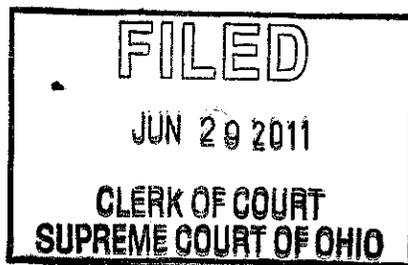
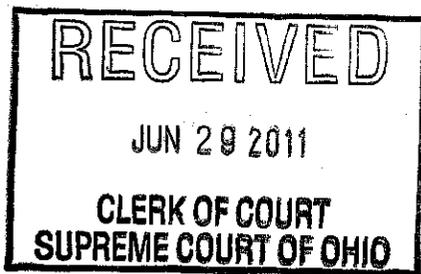
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H.F. & R.F.) On Appeal From The
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MOTION OF APPELLANT'S COUNSEL FOR EXTRAORDINARY FEES

Now comes Jonathan N. Garver, court-appointed counsel for Appellant Thomas Kozel, and respectfully moves the Court for an order approving extraordinary fees for services rendered in representing Appellant Thomas Kozel before the Supreme Court of Ohio in the within cause.

Grounds for this motion are set forth in the attached affidavit.



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Attorney for Appellee

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 Appellant Thomas Kozel in connection with his appeal to the Supreme Court of Ohio in the matter known as *In Re: C.B.*, Case No. 2010-0180, decided by the Supreme Court of Ohio on June 22, 2011. 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 an open 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.

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.

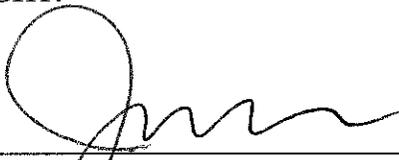
5. Affiant's representation of Thomas Kozel in *In Re: C.B.* required an extraordinary amount of time for several reasons: First, Affiant did not represent Kozel in the trial court or the Court of Appeals, so he could not draw upon any pre-existing knowledge of the procedural

history, facts, or legal authorities related to this appeal. Second, the procedural history of this case was exceedingly complicated, as reflected by some 750 entries in the docket! Third, the propositions of law certified by the Supreme Court of Ohio involved novel issues which required extensive research. Fourth, the lengthy brief filed by Appellee, *pro se*, was at times difficult to comprehend and required careful analysis to determine which arguments merited a response and which arguments did not merit a response; Finally, the decision rendered by the Court of Appeals contained very little discussion or analysis of the issues presented by Kozel's appeal to the Supreme Court.

6. The time Affiant devoted to the representation of Appellant Thomas Kozel is set forth in the Motion for Appointed Counsel Fees, filed with the Court.

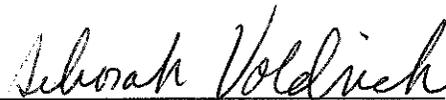
7. For the foregoing reasons, Affiant respectfully moves the Court to grant him fees commensurate with the time and effort devoted to his representation of Appellant Thomas Kozel and the reasonable value of such services.

FURTHER AFFIANT SAYETH NAUGHT.



JONATHAN N. GARVER

SWORN TO AND SUBSCRIBED in my presence this 27th day of June, 2011.



NOTARY PUBLIC
DEBORAH L. VOLDRICH, Notary Public
In and for the State of Ohio
My Commission Expires JAN 17, 2016

Certificate of Service

Trues copies of the foregoing motion were mailed to the following persons this 27th day

of June, 2010:

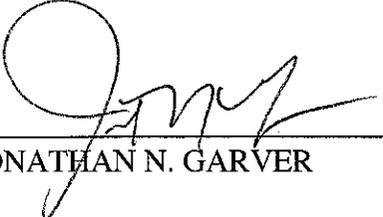
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